



09 December 2022

**On the 74th Anniversary of the Universal Declaration of Human Rights;
We Defend Our Economic and Social Rights in the face of Economic Crisis and Poverty,
Our Right to Peace against War,
Human Rights Values and Democracy against Repression
Knowing that All Human Beings Are Equal in Dignity and Rights!**

On the 74th anniversary of its adoption, the Universal Declaration of Human Rights (UDHR) still continues to illuminate the path of humanity like the pole star.

The drafting of the UDHR commenced on 29 April 1946 with the establishment of the Commission on Human Rights within the United Nations. The UDHR, with a preamble and 30 articles, was drafted by the commission, and adopted and proclaimed by the UN General Assembly assembled in Paris on 10 December 1948. The UDHR went into effect in Turkey after having been published in the *Official Gazette* of 27 May 1949. The UDHR has been translated into more than 500 languages. It also remains the most translated human rights document in the world. The formal inception of Human Rights Day dates back to 4 December 1950, after the General Assembly passed resolution 423 (V) inviting all States and interested organizations to adopt 10 December of each year as Human Rights Day.

The UN was founded with a goal to establish an international system based on ideals of peace, human rights and democracy in order not to ever go through the massive human destruction created by World War II. Today we, regrettably, lag far behind in reaching these ideals. Such an international system based on the rights and freedoms enshrined in the UDHR has yet to be established. The UN, in contradiction to its very grounds for existence, cannot be effective enough in preventing and putting an end to wars and civil wars that account for the major causes of rights violations, in intervening into refugee crises, in protecting natural and cultural heritage worldwide, in fighting poverty and injustice, and in eliminating all kinds of discrimination, particularly against women. Herein the military and economic partnerships set up by powerful countries have indeed become setbacks against individuals' exercise of rights and freedoms. Specifically, the fact that the states have gradually been moving away from their pledges for democracy and rule of law has led to the emaciation of human rights both as a reference system and a control mechanism.

Despite all these setbacks peoples all over the world have been raising their voices demanding freedom, justice, equality and human rights. The response of the states and governments to these demands has been the systematization and generalization of all kinds of violence and imposing them as the sole truth of life on societies. Promoting and protecting human rights along with revitalizing their founding role in the face of this massive crisis that the world has been going through are our primary duties.

This state of multiple crises is faced in Turkey with all its might and intensity. The country has been governed by a state of emergency (SoE) regime directly since 2016 and indirectly since 19 July 2018 by this very same regime although it was claimed to have been lifted but rendered permanent and ordinary through the introduction of numerous legal amendments. This state of affairs/process has led to the abandonment of the principle of constitutionalism, which limited the power of the government, thus, resulting in the dominance of arbitrariness and uncertainty over the public space by making both law and institutions “apparatuses” of an oppressive regime. The power to create uncertainty, to which the political power specifically resorts as a method of government, has provided it to further centralize its power and to exacerbate its repression and control over the society.

Policies of the political power that render all the issues of the country ranging from the economy to public health as security problems, that polarize the society, that are predicated upon violence both at home and abroad, and that make conflict and war the only methods -particularly for the resolution of the Kurdish issue along with international problems- constitute the major causes of the violations of the right to life in 2022. People from very different social groups lost their lives because of either direct violence by the law enforcement or of structural violence and/or by third parties that arise through the failure of the state to undertake its responsibility to “prevent and protect.”

Torture has remained the most dominant human rights problem in 2022 in Turkey as well in spite of the fact that it is a crime against humanity and is absolutely prohibited by the Constitution and universal law, which Turkey is a part of. Acts of torture and ill-treatment at official custodial places as well as extra-custodial places, in the streets and outdoors or in spaces like homes and offices along with the “extreme and disproportionate intervention” of the law enforcement amounting to the level of “torture” in assemblies and demonstrations have come to bear a novel dimension and intensity. One can argue that the whole country has virtually become a space of torture today because of the political power’s mode of government based on repression and control.

It is also quite alarming that enforced disappearances/abductions, which account for one of the most disgraceful human rights violations in recent history and qualify as a crime against humanity, have also been witnessed in 2022 and the number of such cases has gone up again since 2016 when the state of emergency was declared.

Prisons, which are an unmediated sign of a state’s respect for human rights, have become extremely overcrowded today because of the political power’s abuse of law as an instrument of repression and intimidation in Turkey. Prisons are places where gross and serious violations are committed ranging from the right to life to torture, to right of access to healthcare. Single or small group isolation practices in prisons, notably in İmralı Prison, have become a chronic problem that remain unsolved. Prisoners’ rights, which had already been restricted, have further been restricted on the grounds of the pandemic and the authorities have created a new “normal.”

Promotion and the effective exercise of the right to freedom of expression is one of the bloodlines of a democratic society. Free circulation of different ideas and opinions in the public space; free discussion that forms the basis of political pluralism, existence of free media and a vibrant civil society; formation of public opinion based on social demands; voicing criticism against political decision-makers and the supervision of authorities using public power can only be possible under circumstances where freedom of expression is protected and actively exercised. Yet, the political power’s restrictions on freedom of expression and opinion, specifically its pressure and control over the press that has alarmingly increased with the declaration of the SoE, have held out in 2022 as well. The unlawful arrest of our dear colleague Prof. Dr. Şebnem Korur Fincancı, President of the Central Council of the Turkish Medical Association (TMA) and member of the Board of Directors of the HRFT, for a statement she made, constitutes the most concrete example of the pressure on rights defenders. According to the universal principles defining human rights advocacy, rights defenders take sides only in favor of human rights principles and values and are obliged to investigate allegations of rights violations with equal rigor and diligence, regardless of who they come from. Prof. Dr. Şebnem Korur Fincancı has also acted

in accordance with the universal principle as a rights defender, regardless of who the allegations of chemical weapons use come from and has exercised her freedom of expression by stating that these allegations should be examined by independent committees with scientific methods carefully to reveal the truth.

2022 has been a year during which restrictions on and violations of freedom of assembly have been the rule, while the enjoyment of freedoms has been the exception just like the previous year. Individuals and groups from almost all social segments have not been able to exercise their right to peaceful assembly and protest due to bans imposed by civilian authorities and/or actual interventions by the law enforcement. Saturday Mothers are still not allowed to stage their peaceful vigils at İstanbul's Galatasaray Square. Women, LGBTI+, Saturday Mothers, peace and human rights defenders, students, environmentalists, workers, HDP members who wanted to exercise their Constitutional right to freedom of peaceful assembly, faced cruel and infamous violence by the law enforcement.

Freedom of association is one of the fundamental rights essential for democracies to function. Citizens in Turkey cannot enjoy their freedom of association either because they are not allowed to act collectively and express their ideas while they cannot get involved in the civic and public space in an organized manner to shape their collective futures. Numerous members and executives of human rights organizations, associations, foundations, labor and professional organizations, and political parties have been arrested, detained, and attempts at harassing them through lawsuits, i.e. through judicial harassment, have also been in play in 2022. Especially after the arrest of Prof. Dr. Şebnem Korur Fincancı, the Ankara Chief Public Prosecutor's Office's drafting of a document¹ against the TMA with the allegation of "operating outside the scope of its purpose" is an effort that threatens the freedom of association in an alarming way. The aim is to suppress the struggle for human rights, peace and democracy by silencing the voices of individuals and organizations that have expanded their capacity to see the truth and risk telling about the evil that has been banalized, and to close down the public and civil space altogether.

The Kurdish issue remains one of the most fundamental challenges before Turkey's democratization. The armed conflict that broke out again immediately after the general elections of 7 June 2015 is still going on not only because the government primarily failed to take sincere and coherent steps for the peaceful and democratic resolution of the Kurdish issue, but also with the impact of developments in the Middle East and is bringing about gross human rights violations, notably violations of the right to life. We, as human rights defenders, have always argued for the democratic and peaceful resolution of the Kurdish issue. We are persistent in our belief. We, therefore, want the conflict to end right now. Following the establishment of a non-conflict environment, this state of non-conflict should be strengthened and monitored as well as genuine and effective programs should be developed by all parties to establish social peace.

What the decision to withdraw from the İstanbul Convention meant for women and LGBTI+'s was that hundreds of women were killed by men in 2022 and LGBTI+'s lost their lives as a result of hate attacks, peaceful assemblies for women's and LGBTI+ rights were banned by local authorities or violently intervened and prevented by law enforcement forces, hundreds of women and LGBTI+ were detained under torture and other acts of ill-treatment, anti-LGBTI+ hate rallies supported by the authorities and deepening discrimination in all respects.

Asylum-seekers/refugees/migrants that have now become a part, a primary component of the society in Turkey are still being intensively subjected to all kinds of discrimination and abuse, hate speech and economic exploitation. In 2022 asylum-seekers and refugees, who have been subjected to racist hate crimes and violence by the law enforcement and civilians, lost their lives. Human traffickers, too, have led them to death. Asylum-seekers and refugees faced the physical, psychological, social and economic

¹ TR. "Davaname." It is a document with which the public prosecutor brings a case that concerns the public and that is heard at civil courts because it does not bear the characteristics of a criminal case.

impacts of the pandemic in the most severe manner while becoming lives ignored and even sacrificed by our society.

Turkey is going through one of its most devastating economic crises in the last four decades. The economic crisis and profound impoverishment caused by years of neoliberal economic policies based on borrowing, war and conflict expenditures lead to gross violations of human rights that makes it completely impossible for citizens to sustain both their biological and social lives. Cost of living, unemployment, poverty, precarity and disorganization hit women, children, refugees and asylum seekers the most. Under these conditions, the hard-won rights of workers and laborers should be preserved, inflation figures should not be manipulated, the right to severance pay should be respected and work-related murders should be prevented. Workers' and laborers' rights-seeking protests should not be banned, the right to unionization, strike and collective action should be guaranteed.

Lastly, İHD and HRFT, whose raison d'être is to create a country and a world where there are no more human rights violations and where justice, peace and democracy prevail, will keep on documenting and reporting human rights violations to make them visible, therefore, preventing them; and will continue to promote respect for human rights as well as the fight against impunity.

We see, we speak up, we struggle...

Human beings are human beings with their human rights...

HUMAN RIGHTS FOUNDATION OF TURKEY

Phone: +90 312 310 6636

Fax: +90 312 310 6463

tihv@tihv.org.tr

www.tihv.org.tr

HUMAN RIGHTS ASSOCIATION

Phone: +90 312 230 3567-69

Fax: +90 312 230 1707

posta@ihd.org.tr

www.ihd.org.tr

2022 Data on Human Rights Violations in Turkey

I. RIGHT TO LIFE

We, as human rights defenders, have been stuck with ever-unchanging assessments about violations of the right to life for years. The political power has completely given up taking the idea of human rights as a reference while its policies that render all the issues of the country ranging from the economy to public health as security problems, that polarize the society, that are predicated upon violence both at home and abroad, and that make conflict and war the sole methods -particularly for the resolution of the Kurdish issue as well as international problems- constitute the major causes of the violations of the right to life in 2022.

Nevertheless, violations of the right to life are not merely limited to violations committed by the state's security forces. They also cover violations committed as products of structural violence and/or by third parties that arise by the failure of the state to undertake its responsibility to "prevent and protect."

According to data collected by the Human Rights Association (İHD) and the Human Rights Foundation of Turkey (HRFT), within the first 11 months of 2022:

- 15 persons, including 1 child, were killed while 23 others, including 1 child and 12 refugees, were wounded as of 8 December 2022 in summary executions on the grounds that they did not abide by stop warnings, or random fire by the law enforcement.
- 1 person died under suspicious circumstances in custody.
- At least 96 persons, including at least 21 security officers (16 soldiers, 4 police officers and 1 village guard), 70 militants and 5 civilians, were killed because of the armed conflict in the country. At least 55 people, including 33 security officers (23 soldiers, 8 police officers, 2 village guards), 22 civilians were wounded during the same period.
- Turkey continued its military operations within the borders of Syria, Northern Iraq Kurdistan Regional Government (KRG) in 2022. According to our data, a total of 274 persons were killed including 85 security officers (78 soldiers, 1 police officer, 6 village guards) 1 civilian and 188 militants while a total of 44 people including 20 soldiers and 24 civilians were wounded.

There are serious complaints about violations of the right to life suffered by civilians, especially during cross-border operations and attacks by aircraft and armed unmanned aerial vehicles. Likewise, there are some complaints and allegations of violations regarding the use of chemical weapons during cross-border operations. All these complaints and allegations of violations need to be investigated independently and effectively in accordance with the principles of universal law, of which Turkey is a part.

- At least 3 persons were killed, while 2 persons including 1 child were wounded due to armored vehicle crashes by security forces and/or official vehicles.
- At least 1 child was killed while 7 others, including 3 children, were wounded due to mine and unclaimed bomb explosions, etc.

- At least 61 persons died in prisons due to various causes like disease, suicide, violence, negligence, etc.
- 15 persons were killed, while 41 others were wounded due to racist attacks and hate crimes against refugees/migrants, Kurds, LGBTI+, Alevi and non-Muslims.
- 6 persons, including 2 children, were killed in a bomb attack.
- 1 journalist was killed and at least 3 journalists were wounded in attacks.
- At least 10 persons were killed while 6 others were wounded in accidents, explosions and/or under suspicious circumstances while serving their compulsory military service or on active military duty.
- According to data provided by the Health and Safety Labor Watch/Turkey, at least 1,521 workers lost their lives because of work-related accidents/murders within the first 10 months of 2022 in Turkey.
On 14 October 2022, in Amasra, Bartın, 42 workers lost their lives due to an explosion in the coal mine of the Turkish Hard Coal Corporation's Amasra Directorate, which occurred as a result of negligence and imprudence, once again clearly demonstrating that the existing inadequacies, negligence and mentality in terms of worker health and occupational safety lead to serious violations of rights.
- At least 308 women were killed by men within the first 11 months of 2022 according to data collected by *Bianet*.
- According to official data, the number of people who lost their lives due to the COVID-19 pandemic amounted to 101,327 while the number of cases went as high as 16,976,729 as of 30 October 2022.
- 22 healthcare workers lost their lives due to the COVID-19 pandemic within the first 11 months of 2022.

II. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture has remained the most dominant human rights problem in 2022 in Turkey as well in spite of the fact that it is a crime against humanity and is absolutely prohibited by the Constitution and universal law which Turkey is a part of. One can assert that the whole country has virtually become a space of torture today as a result of the political power's mode of government based on repression and control.

There has been a serious increase in the number of acts of torture and other ill-treatment cases in official custodial centers because of the violation of procedural guarantees due to such reasons as avoidance of law, rule and norm control, arbitrariness, conscious negligence, long-term custody periods, rendering of monitoring and prevention mechanisms dysfunctional or the sheer absence of independent monitoring and prevention, etc. that have become prevalent at various levels of the state power in direct proportion with the rising political authoritarianism. Numerous alarming acts of torture committed at official custodial centers were reported by the press and mentioned in court records, national and international human rights organizations' reports. Within the first 11 months of 2022:

- A total of 1,130 people applied to the HRFT alleging that they were subjected to torture and other forms of ill-treatment. 700 of the applicants stated that they were subjected to torture and other forms of ill-treatment in the same year.
- According to data collected by the Documentation Center at İHD, at least 980 people were subjected to torture and other forms of ill-treatment at official custodial centers.

Acts of torture and ill-treatment during the intervention of the law enforcement into peaceful assemblies and demonstrations, in the streets and outdoors or at places like homes and offices, i.e. in unofficial detention and extra-custodial places, have been maintained in all their intensity in 2022 as

well. The unlawful, uncontrolled, unpunished violence by the law enforcement, which goes way beyond the power to use force prescribed in universal law and domestic laws while being ignored and even encouraged by the political power, became mundane and a part of everyday life. Within the first 11 months of 2022:

- At least 5,148 persons, including at least 143 children, were taken into custody being subjected to torture and other forms of ill-treatment, while at least 42 persons were wounded due to interventions of the law enforcement into peaceful protests and events staged within the scope of freedom of assembly, according to data collected by HRFT's Documentation Center.
- At least 5,323 persons were subjected to torture and other forms of ill-treatment due to interventions of the law enforcement into peaceful protests and events staged within the scope of freedom of assembly, according to data collected by İHD's Documentation Center.
- At least 225 persons in the streets and outdoors, 28 others during house raids were subjected to torture and other forms of ill-treatment in 2022 according to data by HRFT's Documentation Center.

It is also quite alarming that cases of enforced disappearance/abduction, which accounts for one of the most disgraceful human rights violations in recent history and qualifies as a crime against humanity, have gone up again since 2016 when the SoE was declared. The act of enforced disappearance under custody is not one that is momentary, it covers a specific period of detention usually accompanied by torture, and generally results in death. Therefore, it leads to multiple and consecutive violations.

- According to HRFT's Documentation Center, at least 3 persons were abducted including 1 abduction attempt within the first 11 months of 2022 according to data by HRFT's Documentation Center.
- The faith and whereabouts of Yusuf Bilge Tunç, who disappeared in Ankara on 6 August 2019, are still not known in spite of all the applications lodged to learn his whereabouts.

Further, it was reported that numerous people -notably university students, journalists and political activists- were taken under custody off-the-record and were forced to become informants through coercion and threats while some of those who refused to become one were later detained on charges of "membership in an illegal organization" or were abducted and subjected to torture and other forms of ill-treatment for some time before being released.

Prisons have always been spaces where torture and other forms of ill-treatment were intensively committed. Specifically, the period covering the fall of the peace process in the Kurdish issue and the restart of armed conflict in July 2015 in Turkey, followed by the quenching of the military coup attempt and the declaration of the state of emergency witnessed extraordinary escalation in acts of torture and other forms of ill-treatment against prisoners. Prisons remained the same in 2021 as well. Within the first 11 months of 2022:

- 310 prisoners lodged complaints alleging that they were subjected to torture and ill-treatment, according to data by İHD's Documentation Center.

Procedural guarantees of due process, which play a significant role in preventing torture but have been mainly disregarded in practice for years, have been terminated to a large extent due to legislative amendments introduced by decree laws during the SoE. These procedural guarantees include informing detainees about the grounds of custody, 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 brought about this issue.

The problems that form the basis of critiques 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 2022. No steps were taken to make TİHEK operate in line with the Paris Principles and Optional Protocol to the Convention against Torture (OPCAT) provisions. There are errors with regards to principles and methodology in the visit reports issued by the institution as well. The fact that TİHEK has taken no material steps about prisons and other detention places, which posed great risks in terms of the pandemic, other than publishing some abstracts from statements made by UN organs on the institution’s website during the COVID-19 pandemic proves to be an important signifier of TİHEK’s dysfunction.

Impunity still proves to be the most significant obstacle before the struggle 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 are not translated into prosecution, drafting indictments based on charges that require lesser sentences instead of torture in cases where lawsuits were brought against suspects, failure to sentence defendants or sentencing them for offenses other than torture and deferring their sentences.

Legislation is still unclear about the prosecution of the offense of torture. Criminal charges filed about the offense of torture are either concluded with non-prosecution decisions on various grounds or investigations are initiated into perpetrators under offenses like “simple injury,” “transgressing the limit to use force,” or “misconduct in office” that require lesser sentences and are subjected to statute of limitations.

Yet, counter lawsuits are immediately brought against people subjected to torture on such grounds as “insulting, resisting a public officer, injuring them, damaging public property” in cases where complaints are lodged, investigations or criminal proceedings are initiated into law enforcement officers who commit acts of torture. While cases brought against perpetrators of torture end up in impunity, cases brought against those subjected to torture can be finalized with aggravated sentences in a short time. Indeed, prosecutors’ offices brought lawsuits against 28,646 persons under Article 265 of the Turkish Penal Code (TPC), which proscribes “resisting a public officer” in 2021.² On the other hand, lawsuits were brought against 130 persons under Article 94 of the TPC which prescribes torture and ill-treatment offenses.³ The huge gap between the number of cases brought against persons in torture and resistance charges clearly demonstrates the dimensions of impunity and the ways in which impunity is maintained as a systematic policy.

The reality of torture in Turkey has also been expressed in reports drawn up by international mechanisms and organs. But the political power, which does not want to limit itself with any law, rule or norm, particularly the Constitution itself, does not take any kind of criticism and warnings by international prevention and monitoring mechanisms into account either.

III. PRISONS

Both the number of prisoners has dramatically increased and prisons have become extremely overcrowded today as a result of the political power’s abuse of law as an instrument of repression and intimidation in Turkey.

According to data provided by the Ministry of Justice, there were 55,870 inmates in Turkish prisons in 2005. As of 1 December 2022, there were a total of 336,315 inmates.⁴ This figure includes convicted

² See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf. p. 59.

³ See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf. p. 52.

⁴ See: <https://cte.adalet.gov.tr/Resimler/Dokuman/2122022170353istatistik-1.pdf>

prisoners who were on COVID-19 leave as prescribed by Law No. 7242. As one can see, the number of prisoners has multiplied about six-fold over the course of 17 years.

According to the data of the Ministry of Justice, the total capacity of the 396 penitentiary institutions in the inventory was 286,797 persons as of 5 December 2022. Therefore, there are currently 49,518 overcapacity prisoners.

Besides, a much more intensive population movement is seen in prisons when one takes into account admission and release records, i.e. turnover, in prisons. According to the latest data provided by the Turkish Statistical Institute (TurkStat), which did not release any updated information, 258,401 persons were admitted to penitentiary institutions as convicted prisoners in 2020 while 361,870 convicted prisoners were released during the same timeframe.

Further, there were 437,636 persons placed under supervised release in Turkey as of 31 August 2022.⁵ When we add this figure to the number of prisoners, the number of citizens deprived of their liberty amounts to about 773,951 persons. This, in turn, means that one in every hundred citizens were placed under direct surveillance when one leaves aside other indirect surveillance/control apparatuses.

Moreover, judicial control measures including house arrests that have recently been arbitrarily resorted to became ordinary and routine practices. These measures are in fact regulated as alternatives to detention in order to impose a lighter measure on a suspect/defendant in the presence of conditions that require detention. They have, however, become complementary to and a continuation of detention since the 1 June 2005 when the Code of Criminal Procedure No. 5271 (CCP) went into effect and particularly through the various recent amendments introduced to the CCP.

In brief, all these findings and data clearly show that incarceration has been rendered an essential method of government by the political power.

Practices like beating prisoners for various reasons (strip search, medical examination in handcuffs, forced reporting at standing roll-calls) at the time of and after admission to prisons, all kinds of arbitrary treatment and disciplinary actions, solitary confinement, banishment, and involuntary transfers have recently reached unprecedented levels.

According to the limited information and complaints received from prisons, it is understood that the violations experienced by prisoners in access to health, food and water, hygienic materials under pandemic conditions qualified as torture and other ill-treatment.

Other problems that have been pending for a long time include restriction of access to healthcare services, denial of the right to visit the prison infirmary, ill-treatment practices including handcuffed transfers to the Forensic Medicine Institute, courthouses and hospitals, failure to provide timely and effective solutions to prisoners' medical problems. Involuntary transfer of a majority of prisoners, who hardly have the opportunity to continue their treatments, to other prisons has severely endangered the right to access healthcare services especially in recent years. Such practices have further deteriorated during the COVID-19 pandemic. Along with such problems as failure to have adequate access to health care and failure to obtain independent and qualified medical evaluation reports that these individuals face, the expression "public safety" in the amendment that read "[prisoners] who are evaluated to pose no severe and concrete threat against public safety" in Law on the Enforcement of Sentences and Security Measures of 28 June 2014 tied the release of sick prisoners to sheer arbitrariness although they might have been given medical reports pointing to a "positive life-threatening condition."

- According to data collected by İHD's Documentation Center, there were 1,517 sick prisoners 651 of whom were in critical condition as of 29 April 2022.

⁵ See: <https://rayp.adalet.gov.tr/resimler/581/dosya/agustos-2022-istatistikleri02-09-202212-04-pm.pdf>

There are no effective investigations into deaths in prisons, in which prisoners' families, lawyers and rights defenders are also a part. Even if the prisoner actually committed suicide, there are no effective investigations into what led them to do so, what was their bio-psycho-social well-being beforehand, or whether they were subjected to torture and other ill-treatment.

- According to data collected by İHD's Documentation Center, at least 61 prisoners died of various causes like sickness, suicide, violence, negligence, etc. within the first 11 months of 2022.

Although prisoners have served the time required for the enforcement of their finalized sentences, the fact that many prisoners, mainly those sentenced on political grounds, were not released by the decisions of prison administrations and observation boards within the scope of the "Regulation on Observation and Classification Centers and Evaluation of Convicts" published in the *Official Gazette* of 29 December 2020, is one of the important problems experienced in prisons in 2022. Unfortunately, it remains unknown exactly how many prisoners were not released by the decisions of the administrative and observation boards.

Despite warnings and calls by international human rights authorities like the European Committee for the Prevention of Torture (CPT) and the UN High Commissioner for Human Rights, Michelle Bachelet, referring to universal standards and norms; only journalists, academics, human rights defenders, lawyers, elected politicians along with those who expressed their critical or dissident views, who have been incarcerated without sufficient legal grounds, and particularly elderly and critically sick prisoners who are especially vulnerable to COVID-19 were not allowed to make use of the latest amendment introduced to Law No. 7242 on the Enforcement of Sentences and Security Measures.

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, has become a chronic problem. 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. This problem has become even more challenging with measures taken in prisons in response to the COVID-19 pandemic. Thus, one should underline once again CPT's 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 favorable."*

A special form of isolation has been in place in İmralı Prison. Blanket family and lawyer visitation bans that have been imposed since 2011 are still maintained despite three family visitations in 2019 and one in 2020 (on 3 March 2020) and five lawyer conferences in 2019. It is seen that Turkey has not been abiding by CPT's recommendations in its reports drafted following its visits to prisons in Turkey in 2017 and 2019.

IV. FREEDOM OF OPINION AND EXPRESSION

Protection and active exercise of freedom of expression is one of the lifelines of a democratic society. Free circulation of different opinions and ideas in the public space, existence of an environment of free discussion that is the essence of political pluralism, of free media and a vibrant civil society, capacity to form public opinion on societal demands, voicing criticism towards political decision-makers and citizens' supervision of authorities using public power -all these can only happen under circumstances where freedom of expression is protected and actively exercised.

However, the political power's restrictions on the freedom of opinion and expression following the declaration of the state of emergency, particularly its alarmingly increasing oppression and control over the media, has held out in 2022 as well.

Although the exercise of freedom of expression in Turkey has been problematic regarding almost all forms of expression including political, artistic, commercial, academic, religious, and moral ones, restrictions and violations have primarily targeted political criticism. In short, active exercise of freedom of expression in the press, on social media and more generally in the public space has been prevented by means of intensive and systematic violations while critical statements and symbols were prosecuted and criminalized in unacceptable ways for any democratic social order in 2022. Such state of affairs has particularly been setting up significant barriers before rights advocacy activities.

- At least 64 journalists/media workers were imprisoned in Turkey as of 1 December 2022.⁶

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- Access was denied to 507 news reports, 274 contents, 33 social media posts, and 1,773 websites.
- 90 persons, including 1 child, were taken into custody on the grounds of their social media posts, 6 were imprisoned, 7 were released under judicial control.

During the same period:

- 6 channels received 30-day administrative fines, 2 received broadcast suspension penalties for 18 times, and 1 channel received a 3-day broadcast suspension penalty.
- Law enforcement raided the offices of 1 journal and 2 news agencies.
- 8 books, and 4 issues of a newspaper were shelved, while restriction orders were rendered for 7 children's books.
- 13 artists stood trial.

Certain regulations, which are vague in content and can be interpreted in many ways, constitute the major obstacle before the active use of freedom of expression in a manner that makes political criticism and citizens' supervision possible. There are provisions, notably in the ATC, and in at least 15 articles in the TPC along with articles in some special laws that limit and punish freedom of expression. Article 301 (denigrating the Turkish nation and the state), Article 299 (insulting the president), Article 216 (inciting the public to hate and enmity) and Article 220 § 6 (committing a crime in the name of an illegal organization as a non-member) of the TPC and Articles 6 (disclosing the identities of or targeting state officials involved in anti-terrorism efforts) and 7 § 2 (making propaganda for a terrorist organization) of the ATC top this list of provisions.

The number of investigations and lawsuits initiated into persons for insulting the president, particularly after August 2014 when President Recep Tayyip Erdoğan took office, skyrocketed and reached unprecedented levels in the history of the republic. According to data provided by the Ministry of Justice, public prosecutors' offices initiated a total number of 2,804 investigations while bringing court cases against 690 persons on charges of insulting the president within the five-year term between 2010 and 2014. On the other hand, it is seen that a total number of 128,190 investigations were initiated while 27,607 lawsuits were brought against persons under the same charge between the five-year term between 2015 and 2019 when President Recep Tayyip Erdoğan was in office. According to data provided by the Ministry of Justice, public prosecutors' offices initiated investigations into 33,973 persons with charges of "insulting the president" while delivering decisions to bring criminal proceedings against 9,327 persons in 2021.⁷

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

⁶ See: <https://www.mlsaturkey.com/tr/cezaevindeki-gazeteciler-ve-medya-calisanlari/>

⁷ See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf p.60

- At least 31 persons stood trial for allegedly insulting the president. 11 persons, including 2 children and 1 journalist, were taken into custody on the same grounds, while 6 were imprisoned.

There has also been an alarming increase in the number of investigations and lawsuits brought on the grounds of violating the Anti-Terrorism Law No. 3713 (ATC) over the years. According to data by the Ministry of Justice, chief public prosecutors' offices initiated investigations into 25,448 persons for violating the ATC, criminal cases were brought against 6,641 of them in 2021.⁸

Similarly, investigations were initiated into 23,919 persons for violating Article 216 of the TPC (inciting the public to hatred and enmity) while criminal cases were brought against 1,953 of them.⁹

According to data released by the Ministry of Justice, Chief Public Prosecutors' Offices initiated investigations into 5,739 persons within the scope of Law No. 5816 of Criminal Offenses Committed against Atatürk while bringing lawsuits against 1,014 of them.¹⁰

We are not able to present 2022 data on the number of investigations and lawsuits initiated this year as per these articles that restrict freedom of expression because the Ministry of Justice has not shared such data yet.

Alevis' demands for equal citizenship have not been met in 2022 either. The requirements of ECtHR judgments to repeal compulsory religion courses in schools and to recognize *cemevis* as places of worship were not fulfilled. Yet, the Court of Cassation has started to deliver judgments in favor of Alevis since 2018. Also Council of Europe Committee of Ministers sternly warned Turkey for the implementation of ECtHR's judgments on Alevi rights at its meeting on 2 December 2021.

Alevis, Christians and Jews were targeted by racist and hate crimes, hate speech and threats in 2022 as well.

According to data collected by HRFT's Documentation Center:

- 3 persons were wounded in racist and discriminatory attacks against the Alevis within the first 11 months of 2022.

The fact that the right to conscientious objection has not been accorded yet maintains its place as a significant violation of human rights.

V. FREEDOM OF ASSEMBLY

The freedom of assembly and protest is directly associated with both freedom of expression and freedom of association. The essential value of freedom of assembly in democratic societies derives from the fact that it affects citizens' processes of forming a common belief and will by participating in the public space through peaceful assemblies while guaranteeing other freedoms in question as well. 2022, too, was a year during which restrictions and violations regarding freedom of assembly have been the rule, while the enjoyment of freedoms has been the exception just like the previous year. Individuals and groups from almost all social segments, notably political party members, workers, villagers, students, lawyers, women, LGBTIQ+, environmentalists and human rights defenders, were not allowed to exercise their right to assembly and protest due to bans imposed by civilian authorities and/or actual interventions by the law enforcement.

Civilian authorities have recently been delivering ban decisions on individual or collective protests and events based on their power granted to them by Article 11 § C of Law No. 5442 on Provincial Administration and Article 17 of Law No. 2911 on Meetings and Demonstrations, while such bans

⁸ See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf p.63

⁹ See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf p.57

¹⁰ See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf p. 63

constitute one of the biggest obstacles before the right to peaceful assembly and protest. These bans can be imposed not only on single protests and events but also on all protests and events within a certain period. Nevertheless civilian authorities in many parts of the country have recently been rendering bans on protests and events, which in fact are limited to at most 30 days by law, non-stop and indefinite in practice by delivering successive ban decisions. Such concerning practices actually qualify as unnamed and perpetual state of emergency practices although the SoE was lifted on 19 July 2018.

According to data provided by HRFT's Documentation Center, within the first 11 months of 2022:

- Governors' and district governors' offices imposed bans 172 times on all protests and events in 19 cities and 3 districts, the shortest being for 1 day and the longest for 30 days.

Another important obstacle before the de facto exercise of the right to freedom of peaceful assembly and protest proves to be the arbitrary, excessive and disproportionate use of force by the law enforcement. Such use of force resorted to by the law enforcement during their interventions into peaceful assemblies and protests has amounted to an act of anomalous and uncontrolled violence that goes way beyond their authority to use force which is described in universal law and domestic law. One can even argue that such brutality by the law enforcement against persons exercising their right to peaceful assembly and protest often amounts to torture and other forms of ill-treatment. Women, LGBTI+, Saturday Mothers/People, peace and rights defenders, students, environmentalists, workers, HDP members who wanted to hold protests on a number of occasions during the year exercising their right to peaceful assembly and protest, which constitute the foundations of a democratic society and guaranteed by the Constitution itself, were subjected to the cruel and infamous violence by the law enforcement.

According to data by HRFT's Documentation Center, within the first 11 months of 2022:

- Law enforcement intervened into at least 482 peaceful assemblies and demonstrations, impeded 54 events. At least 5,148 persons, including 143 children, were taken into custody having been subjected to practices amounting to torture and other forms of ill-treatment as a result of these interventions while at least 42 people were injured. 24 of those who were taken into custody were detained, while 111 were released under judicial control, 2 were placed in house arrest.

According to data by İHD's Documentation Center, at least 5,323 persons were subjected to torture and other forms of ill-treatment as a result of the law enforcement's intervention into peaceful assemblies and protests.

Though included in the above data, the following is a list of interventions and restraints by the law enforcement into peaceful assemblies and demonstrations by various social groups in 2022:

- 30 peaceful assemblies for women's and LGBTI+ rights were intervened into. At least 1,032 persons, including 35 children, were taken into custody while at least 6 persons were wounded.
- Peaceful assemblies and demonstrations by workers and laborers were intervened into 132 times. 3 assemblies and demonstrations were barred. At least 663 persons were taken into custody, while 9 were wounded.
- Peaceful assemblies and demonstrations on the right to environment and city were intervened into 15 times, at least 663 persons were taken into custody while 9 were wounded.
- 3 peaceful assemblies and demonstrations to be held on the occasion of 1 September World Peace Day were intervened. At least 108 persons were taken into custody, while at least 1 was wounded.
- At least 220 persons were taken into custody, 7 were released under judicial control in interventions into the peaceful activities conducted within the scope of 1 May Labor Day. At least 2 people were wounded.

- Law enforcement intervened into 62 peaceful assemblies on prisons, while barring 17 assemblies and protests. 268 persons were taken into custody, 16 were released under judicial control, at least 10 persons were wounded.
- Law enforcement intervened into 8 peaceful assemblies on the economic crisis, barred 3 assemblies and protests, and took at least 66 persons into custody.
- Law enforcement intervened three times into those who wanted to participate in the “Gemlik March” that was scheduled to be staged in order to end isolation on Abdullah Öcalan, the PKK leader. At least 104 persons were taken into custody, 23 were released under judicial control, 2 were imprisoned.
- In 14 interventions into the Newroz celebrations, at least 524 persons, including 97 children, were taken into custody while 6 were imprisoned. In subsequent house raids in various cities, 231 persons, including 9 children, were taken into custody while 4 were imprisoned.
- Law enforcement intervened into 10 peaceful assemblies and protests by students on various grounds and took at least 192 persons into custody.
- Law enforcement intervened into 8 peaceful assemblies and protests by political parties, barred 5 peaceful assemblies, and took at least 73 persons into custody. At least 3 persons were wounded.

Another important obstacle before the exercise of the right to freedom of peaceful assembly and protest proves to be investigations and lawsuits launched against persons who want to enjoy this right. According to data provided by the Ministry of Justice, chief public prosecutors’ offices launched investigations into 7,704 persons for violating Law No. 2911 on Meetings and Demonstrations in 2021 while delivering decisions to bring civil lawsuits against 3,575 of them.¹¹ Such a high number of investigations and lawsuits not only does point out to the severity of the repressive climate but also creates a deterrent impact on citizens’ enjoyment of their right to assembly and protest.

According to data collected by HRFT’s Documentation Center, within the first 11 months of 2022:

- 1,223 persons, including the Saturday Mothers and 4 children, who participated in various assemblies and demonstrations continued to stand trial in 63 cases brought against them. Among the finalized cases, 319 persons were acquitted, while 44 persons were sentenced to a total of 142 years, 8 months imprisonment, including one life sentence, and 3,500 TRY in fines. Investigations were also initiated into 43 persons on the same grounds, while 271 faced lawsuits.

One of the most striking examples of the political power’s intolerance towards freedom of assembly and demonstration was the heavy prison sentences and detention orders rendered in the Gezi Park trial. In this context, Osman Kavala was sentenced to aggravated life imprisonment for “attempting to overthrow the government”, while Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Mine Özerden, Can Atalay, Tayfun Kahraman, Yiğit Ali Ekmekçi were sentenced to 18 years in prison for “aiding and abetting the overthrow of the government” and were detained.

According to data by the HRFT Documentation Centre, in the first 11 months of 202:

- 27 events such as concerts, festivals, tournaments and theatre plays were banned by local administrative authorities, while 27 events were cancelled by municipalities, public institutions or organization companies, sometimes due to reactions and sometimes without any reason.

VI. FREEDOM OF ASSOCIATION

¹¹ See: https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/9092022143819adalet_ist-2021.pdf, p. 63

Freedom of association is one of the fundamental human rights indispensable for the functioning of democracies. Citizens in Turkey cannot enjoy their freedom of association either because they are not allowed to act collectively and express their ideas while they cannot get involved in the civic and public space in an organized manner to shape their collective futures.

Numerous members and executives of human rights organizations, associations, foundations, labor and professional organizations, and political parties have been arrested, detained, and attempts at repressing them through lawsuits have been made in 2022.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- At least 126 members and executives of various associations, foundations, trade unions, professional organizations, initiatives and platforms were taken into custody and while 27 were detained 45 were released under judicial control.
- While 2 got acquitted, 36 were sentenced to a total of 229 years, 10 months and 15 days imprisonment within the scope of 30 lawsuits that had been brought against at least 155 members and executives of various associations, foundations, trade unions, professional organizations, initiatives and platforms. Further, investigations were initiated into at least 25 persons.
- Dissolution lawsuits were filed against Tarlabası Community Center, We Will Stop Femicide Platform Association and Religious Scholars Assistance and Solidarity Association. Nesin Foundation's bank accounts were blocked by İstanbul Governor's Office. In addition, 16 of 22 people taken into custody in the investigation initiated into the members and executives of the Migration Monitoring Association (GÖÇİZ-DER) were detained, while 6 people were released under judicial control. Printing, distribution, sales bans and confiscation orders were issued for reports and books prepared by GÖÇİZ-DER.
- Following the initiation of an investigation and the subsequent detention of Prof. Dr. Şebnem Korur Fincancı, the president of the central council of the Turkish Medical Association (TMA), the Ankara Chief Public Prosecutor's Office drafted a document ("davaname") against the TMA on charges of "carrying out activities outside of its purpose."
- The law enforcement raided the offices of 1 platform, 4 cultural centers and 3 associations.

In 2022, there has been an extraordinary increase in repression and threat policies, especially administrative and judicial harassment against human rights defenders and organizations.

- According to the data in the "Information Note on Pressures, Obstacles and Challenges Faced by Human Rights Defenders in Turkey" prepared by the HRFT, between 1 January 2022 and 30 April 2022, 1,415 people were subjected to at least one or more of the following interventions: judicial harassment, administrative harassment, threats and reprisals due to their work and/or involvement in the field of human rights.
- İHD Kars Branch executive Ziyadin Can, İHD Diyarbakır Branch executive board member Ferhat Berkpınar, İHD Muş Branch former chairperson Atty. Tarık Güneş and former executive Atty. Rumet Agit, Atty. Alişan Şahin, executive of ÖHD's (Lawyers for Freedom Association) Ankara Branch, lawyer Metin Kılavuz, a member of İHD's Central Executive Board, Bilal Yıldız, a social worker at the HRFT İstanbul Office, Ömer Işık, former chair of İHD Van Branch, Yakup Aslan, former executive of MAZLUM-DER, Adile Erkan, executive of İHD Ankara Branch, Prof. Dr. Şebnem Korur Fincancı, President of the TMA and member of the Executive Board of the HRFT, and lawyer Aryen Turan, a member of ÖHD were taken into custody. 4 of these people, Bilal Yıldız, Ömer Işık, Yakup Aslan, Şebnem Korur Fincancı were detained.

- In addition, 31 rights defenders, including İHD İstanbul Branch Chair Gülseren Yoleri, were taken into custody in 3 separate interventions against various public statements made by Saturday Mothers, HRFT and İHD.
- İHD Hakkari branch co-chair Yusuf Çobanoğlu was threatened by an unidentified person over the phone.
- İHD executive board member İlhan Kılıç was targeted in an armed attack in Mersin by a person that he had warned for harassing two women.
- İHD Co-Chairs Eren Keskin and Öztürk Türkdoğan, HRFT İzmir Office Medical Secretary Aytül Uçar, ÇHD member lawyer Erdoğan Akdoğan, İHD Diyarbakır Branch member Fırat Akdeniz, former İHD Muş Branch Chair lawyer Tarık Güneş, İHD Ankara Branch Co-Chair Fatin Kanat, İHD Balıkesir Branch Co-Chair Rafet Fahri Semizoğlu, HRFT Van Office contact physicians Dr. Hüseyin Yaviç and Dr. Ayfer Bostan, HRFT Van Representative Sevim Çiçek, HRFT executive board member Prof. Dr. Şebnem Korur Fincancı, former İHD Van Branch chair Ömer Işık, former MAZLUM-DER executive Yakup Aslan, İmece Friendship and Solidarity Association Chair and HRFT)Founding Board Member Günseli Kaya and Saturday Mother Hanife Yıldız stood trial in previous lawsuits brought against them.

Anti-Terrorism Law No. 3713 tops the list of legislation that makes freedom of association inexercisable. Elected local administrators, members and executives of trade unions, associations or foundations are not allowed to enjoy this right due to investigations and court rulings delivered under various articles of this law.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- At least 1,382 persons, including 6 children, were taken into custody; 187 persons were detained on such grounds as "aiding and abetting a (terrorist) organization," "making propaganda for a (terrorist) organization, "membership in a (terrorist) organization" and "planning a protest."
- Previously brought 19 lawsuits against at least 324 persons on such grounds as "aiding and abetting a (terrorist) organization," "making propaganda for a (terrorist) organization, "membership in a (terrorist) organization" were pending.
- 11 lawyers were sentenced to 6 years and 3 months imprisonment, 1 lawyer to 10 years and 6 months imprisonment, 2 lawyers to 12 years imprisonment for "membership in a (terrorist) organization and 8 persons were sentenced to a total of 146 years and 7 months imprisonment for "making propaganda for a (terrorist) organization within the scope of a lawsuit brought against 21 lawyers who were members and executives of the Progressive Lawyers Association (Çağdaş Hukukçular Derneği -ÇHD) including the chair of the association, Atty. Selçuk Kozağaçlı.

Numerous members and executives of political parties were taken into custody, detained and attempts at intimidating them through criminal lawsuits were made in 2022. Members and offices of political parties were attacked.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- 22 people elected to local governments, including 11 mayors or co-mayors (3 of them former co-mayors), 1 deputy mayor, 7 members of municipal councils, 3 mukhtars, were taken into custody. 2 people were detained, 3 were released on judicial control.
- 1 MP's parliamentary membership was lifted based on a finalized court decision and the MP was detained.

- Investigations were initiated into 4 MPs. A total of 264 summary reports were sent to the Grand National Assembly of Turkey against 72 MPs, including 4 against 3 MPs from AKP, 20 against 11 MPs from CHP, 18 against 1 MP from DBP, 2 against 1 MP from DP, 203 against 50 MPs from HDP, 10 against 3 MPs from TİP, 2 against 1 MP from Zafer Party and 5 against 2 independent MPs.
- 443 members and executives of political parties (2 from CHP, 10 from DBP, 1 from DEVA Party, 1 from Revolutionary Party, 1 from EMEP, 36 from ESP, 375 from HDP, 2 from Left Party, 2 from SYKP, 1 from TİP, 10 from TÖP and 2 from Zafer Party) were taken into custody. 78 people including 4 DBP, 5 ESP and 69 HDP members were detained. 118 people were released on judicial control and 1 person was placed on house arrest.
- 1 MP's vehicle was attacked with a weapon, 3 MPs were threatened.
- 5 people working in local governments, including 2 mayors, 1 deputy mayor and 2 city council members, were attacked.
- 17 political party executives were attacked, 1 political party member was threatened by people who introduced themselves as intelligence officers.
- Political party buildings were attacked 12 times in total: 1 provincial and 7 district buildings of HDP, 2 district buildings of DEVA Party, 1 district building of EMEP and 1 district building of CHP.
- Buildings of political parties, including 1 provincial building of DBP, 3 district buildings of HDP and 1 provincial building of ESP, were raided at least 4 times by law enforcement officers. 1 provincial building of HDP was sealed by the municipality.

VII. KURDISH ISSUE

The Kurdish issue remains one of the most major challenges before Turkey's democratization. The armed conflict that broke out again immediately after the general elections of 7 June 2015 is still going on not only due to the fact that the government primarily failed to take sincere and coherent steps for the peaceful and democratic resolution of the Kurdish issue, but also with the impact of developments in the Middle East and is bringing about gross human rights violations, notably violations of the right to life.

According to data collected by İHD's Documentation Center:

- In the 7-year period between 2015 and 2021, at least 6,019 people were killed and 8,562 people were wounded due to armed conflict (not including the majority of those killed in Syria and the KRG).

These unacceptable gross violations and human casualties show that the political power is also using the policies of violence against the Kurdish issue to maintain its own power. Therefore, a solution to this issue is a necessity for the development of democracy in Turkey. We once again call on the political power to abandon its war policies and establish peace instead.

The policies of the political power that regard everything as a security problem, are polarizing and marginalizing those who hold different political views, faiths, ethnic identities, genders and sexual orientations encourage the spread of discrimination and hatred, thus, violence in the society. It especially paves the way for an escalation in destructive hateful attacks against the Kurds while upsetting the will to peaceful coexistence.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- 1 person was killed, while 20 others were wounded in racist and hateful attacks against the Kurds.

Anti-democratic practices like the detention of elected Kurdish politicians and trustee appointments by the state, disregarding the results of the 31 July 2019 local elections that pointed to a strong objection to the destruction and denial policies of the power block against the Kurdish issue, perpetuated in 2022 as well. Violations, which are presented in detail under freedom of association, were committed. Will of the voters and democratic values were trampled upon.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- 22 elected local government officials, including 11 mayors or co-mayors, 3 of whom were former co-mayors, 1 deputy mayor, 7 municipal council members, 3 mukhtars, were taken into custody and while 2 were detained, 3 others were released under judicial control.
- 1 HDP MP's parliamentary membership was lifted based on a finalized court ruling and the MP was detained.

The detention of many elected Kurdish politicians, notably HDP's former co-chairpersons Selahattin Demirtaş and Figen Yüksekdağ, or imprisonment sentences against them and forced transfers to remote prisons provide the basis for many fundamental rights and freedoms including the right to a fair trial, right to political participation, freedoms of association, opinion, and expression.

Particularly the recent attempt to dissolve HDP that won the votes of 6.5 million citizens will exclude a significant part of the society in Turkey, mainly the Kurds, from participatory and representative mechanisms and will deprive them of the right to enjoy political rights. Such state of affairs is extremely alarming as social peace and the will to co-exist will sustain heavy blows. While trials are pending, repression against the members and executives of HDP are also sustained.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- At least 375 members and executives of HDP were taken into custody, 69 were detained and 105 were released under judicial control while 1 was placed in house arrest.

We have always argued for the democratic and peaceful resolution of the Kurdish issue. We are persistent in our belief. We, therefore, want the conflict to end right now. Following the establishment of a non-conflict environment, this state of non-conflict should be strengthened and monitored as well as sincere and effective programs should be developed by all parties in order to establish social peace.

VIII. RIGHTS OF WOMEN AND THE LGBTI+

According to data released by *Bianet*, men killed 308 women, harassed 140 women, abused 209 children, subjected 728 women to violence, raped 26 women within the first 11 months of 2022.¹² Men forced at least 386 women into sex work. The press reported that 171 women died under "suspicious" circumstances, while men killed at least 36 children within the first 11 months of 2022.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- 2 persons were killed, while 2 others were wounded in hate crimes against the LGBTI+.

In 2022, women and the LGBTI+ could not enjoy their freedom of peaceful assembly, which is guaranteed by the Constitution and which they wanted to use in order to protect and promote their rights and freedoms, and they could not participate in the public/political sphere as a result of the

¹² <https://bianet.org/english/male-violence/271072-men-killed-28-women-in-november>

intervention and prevention of the law enforcement, or the ban decisions delivered by local administrative authorities.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- The law enforcement intervened in at least 30 peaceful assemblies and protests scheduled to be held for the rights of women and the LGBTI+, took at least 1,032 persons, including 35 children, into custody having subjected them to acts amounting to torture and ill-treatment, and at least 6 persons were wounded.
- The law enforcement intervened in 4 peaceful assemblies and protests held on the occasion of 8 March International Women's Day, took 83 persons, including 1 child, into custody.
- 3 events were banned in 2 universities during the Pride Month. Local administrative authorities banned all protests and events for 7 to 30 days in 3 cities and 3 districts. In 1 province, events were cancelled as a result of the governor's statements and phobic threats.
- At least 526 people, including 34 children, were taken into custody having been subjected to torture and ill-treatment as a result of 7 interventions by the law enforcement against Pride marches.
- 5 events for 25 November International Day for the Elimination of Violence against Women were banned and prevented. Law enforcement intervened in 9 peaceful assemblies and protests, at least 388 people were taken into custody, 7 people were released under judicial control, at least 3 people were wounded.

A lawsuit was filed against the annulment of the "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" (Istanbul Convention) by a presidential decree at the 10th Chamber of the Council of State, demanding a stay of execution and cancellation of the decision. The police intervened the people waiting in front of the Council of State building to attend the hearing of the case on 28 April 2022 with pepper spray and at least 1 person was wounded. On 19 July 2022, the 10th Criminal Chamber of the Council of State rejected the plea for cancellation with a majority vote on the grounds that "there was no contradiction to the law in the Presidential Decree in the case, which was established based on the authority of representation granted by the Constitution and the authority granted in the Presidential Decree No. 9."

Events to be held within the scope of Pride Month were either banned, subjected to phobic attacks or interventions. For example, a picnic to be organized by İstanbul University students' Equality Club in the garden of Faculty of Communication on 17 June 2022 was cancelled after discriminatory and phobic groups gathered around the university campus. The Governor of Gaziantep posted the following on their social media account on 18 June 2022: "There are posts saying that perverted events will be organized in Gaziantep. There is no permission given by our governor's office and there is no application lodged before the office. It is also not possible to grant such permission."

On 18 September 2022, the first anti-LGBTI+, hateful rallies were held in İstanbul and were also held in Şanlıurfa, Konya, Ankara, İzmir and Gaziantep. The state-run Supreme Board of Radio and Television, a public agency, prepared a public service announcement about the rally in İstanbul.

Minister of Interior, Süleyman Soylu, used discriminatory and hateful expressions against LGBTI+ persons in his speech at the In-Service Training Seminar of the General Directorate of Civil Society Relations on 31 March 2022.

IX. RIGHTS OF THE CHILD

While the Convention on the Rights of the Child maintains its status as the most commonly adopted human rights document worldwide, violations of the rights of children are still being prevalently committed all over the world.

Children are the most affected by the severe economic crisis and conflict environment in Turkey. Child labor, which negatively affects children's education, physical, emotional, mental and social development, is an important problem. According to the data released by TurkStat on 31 March 2020, there are 720,000 child workers. The number of child workers exceeds 2 million when apprentices, trainees and vocational training students, which are excluded from the statistics of TurkStat and number approximately 1.5 million, are included.

Millions of children are forced to live and work in precarious and unhealthy conditions. Currently, there are approximately 1,700,000 refugee/asylum-seeking children in Turkey who are struggling to survive under such circumstances.

According to the data collected by Health and Safety Labor Watch/Turkey (İSiG), at least 616 children died while working between 2013 and 2022. Of this number, 70 are refugee and migrant children.

According to the data of the Ministry of Justice, there were a total of 2,522 child prisoners, 840 of whom were convicted and 1,682 of whom were non-convicted as of 1 December 2022. According to the data of the Ministry, 7,879 children were on conditional release as of 31 August 2022.

According to HRFT's Documentation Centre, in the first 11 months of 2022:

- At least 1 child lost their life and 3 children were injured due to the explosion of mines and unattended bombs etc.
- At least 1 child was killed and 1 child was wounded as a result of extrajudicial execution by law enforcement officers, due to failure to obey stop warning or random firing.
- At least 1 child was injured due to being hit by vehicles belonging to security forces or official bodies.
- At least 143 children were taken into custody as a result of the intervention of security forces in peaceful assemblies and protests organized for various reasons having been subjected to torture and ill-treatment.

Also in the first 11 months of 2022:

- 59 children applied to the HRFT claiming to have been subjected to torture and ill-treatment.

X. REFUGEES/ASYLUM-SEEKERS/IMMIGRANTS

While the number of people forcibly displaced by conflict, violence and persecution is at a record high globally, Turkey is hosting the largest number of refugees in the world. According to UNHCR, Turkey hosts approximately 3.6 million registered Syrian refugees, as well as 320,000 asylum-seekers and refugees of other nationalities.

Asylum-seekers/refugees/immigrants that have now become a part, a primary component of the society in Turkey are still being intensively subjected to all kinds of discrimination and abuse, hate speech and economic exploitation.

Asylum-seekers and refugees who have been subjected to racist hate crimes and violence by the law enforcement and civilians lost their lives in 2022 as well. Human traffickers have led them to death. Asylum-seekers and refugees faced the physical, psychological, social and economic impacts of the economic crisis in the most severe manner while becoming lives ignored and even sacrificed by our society.

The fact that hate speech and discrimination are developed by authorities themselves is alarming.

According to data collected by HRFT's Documentation Center, within the first 11 months of 2022:

- At least 55 refugees/asylum-seekers lost their lives and 45 refugees/asylum-seekers were injured due to freezing, drowning, accidents and fires.
- In 20 separate incidents, 12 refugees/asylum-seekers lost their lives and 14 refugees/asylum-seekers were injured as a result of racist and hateful attacks.
- The Ministry of Interior banned foreign nationals from registering their residence in 781 neighborhoods across Turkey.
- Protests organized by Iranian women in Turkey, to protest the death of a woman named Jîna Mahsa Amini in Iran as a result of torture and ill-treatment by the police, were either prevented or intervened in. People's identity cards/passports were examined and they were threatened with deportation.
- 2 women foreign nationals who were taken into custody during the 25 November International Day for the Elimination of Violence against Women in İstanbul were issued deportation orders.

Further, according to data provided by the Health and Safety Labor Watch/Turkey, at least 80 refugees/asylum-seekers/ were killed in work-related accidents/murders within the first 10 months of 2022.

XI. ECONOMIC AND SOCIAL RIGHTS

Turkey is going through one of its most devastating economic crises in the last four decades. The economic crisis and deep poverty caused by years of neoliberal economic policies based on borrowing, massive spending on war and conflict are gross human rights violations that make it entirely impossible for citizens to biologically and socially survive.

Armed conflict and war costs deepen the economic crisis. In a research report prepared for the Institute for Democratic Development, researcher İzzet Akyol revealed that between 1985 and 2021, 230 billion dollars were spent directly due to the conflict, and according to the dollar index updated as of 2022, the Turkish economy lost 4.5 trillion dollars, and without this loss, Turkey's national income would have grown 36% more.

The struggle for the protection of economic and social rights is important to combat poverty, which has become widespread due to the ongoing conflict and the deepening economic crisis following the pandemic. Although it is not possible to see the loss of employment and the increase in unemployment through TurkStat's data, poverty and unemployment have deepened with the increase in inflation. According to official data released on 5 December 2022, annual inflation is 84.39% according to TurkStat while the rate is 170% according to ENAG. Similarly, while TurkStat announced the unemployment data as 3,482,000 people, DiSK-AR announced this number as 7,515,000 people. Millions of workers, laborers, pensioners, tradespeople and peasants have been victimized as a result of the political power's manipulation of basic economic indicators.

Approximately 135,000 people who were dismissed from the public sector and 200,000 people who were dismissed from the private sector and left unemployed by the SoE decree laws, approximately one million citizens have been condemned to hunger when considered together with their families. The dismissals, which we can call civilian deaths, constitute a very serious violation of economic and social rights.

The cost of living, unemployment, precarity, and lack of organization hit women, children, refugees and asylum-seekers the most.

In Turkey, where poverty is becoming ever more prevalent, the hard-won rights of workers and laborers must be protected, inflation figures must not be manipulated, the right to severance pay must not be touched and work-related murders must be prevented. Workers' and laborers' rights-seeking protests must not be banned, the right to unionization, strike and collective action must be guaranteed.

HUMAN RIGHTS FOUNDATION OF TURKEY

Phone: +90 312 310 6636

Fax: +90 312 310 6463

Email: tihv@tihv.org.tr

Web: www.tihv.org.tr

HUMAN RIGHTS ASSOCIATION

Phone: +90 312 230 3567-69

Fax: +90 312 230 1707

Email: posta@ihd.org.tr

Web: www.ihd.org.tr