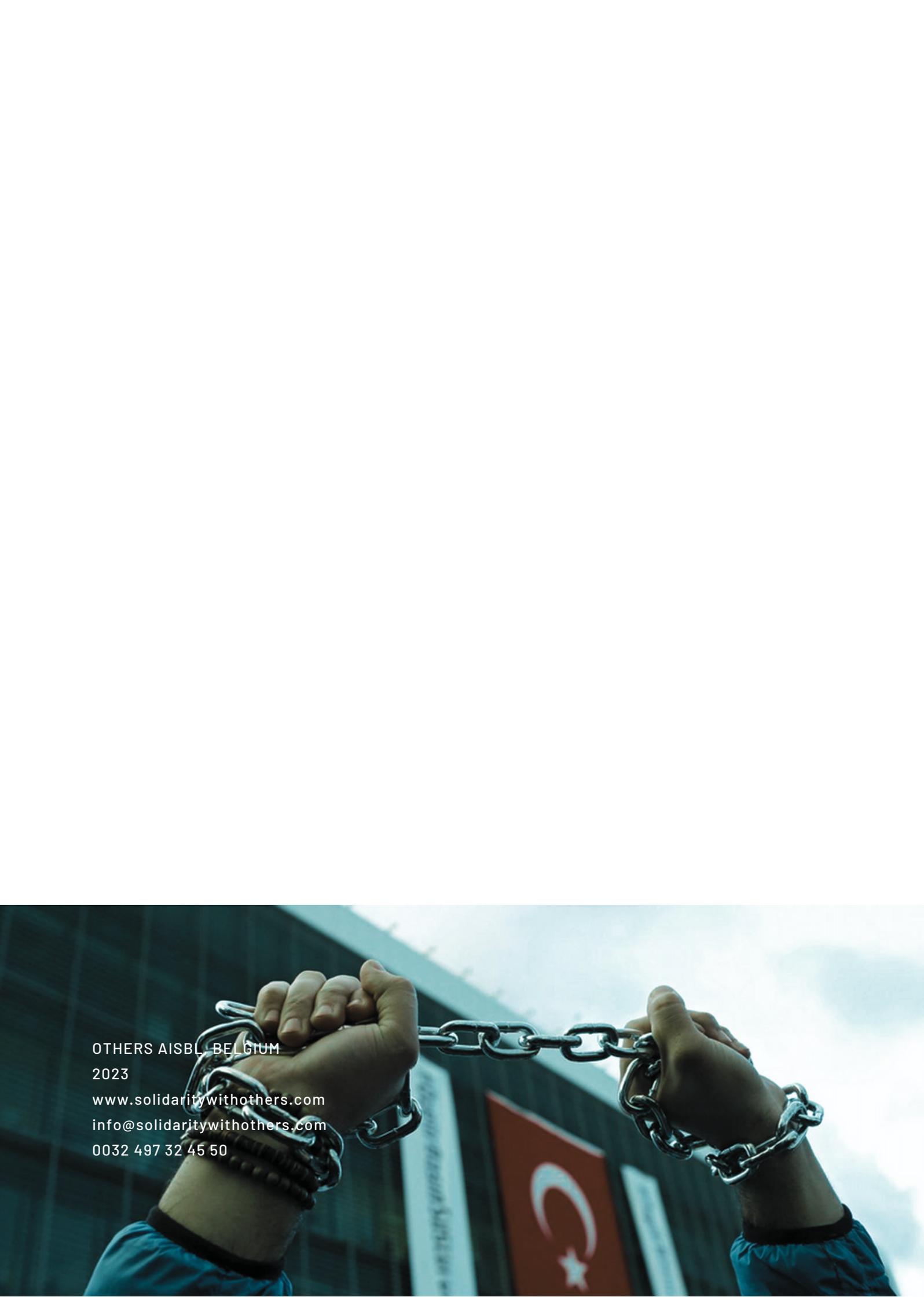




**THE BEGINNER'S
GUIDE TO**

**HUMAN RIGHTS
IN TURKEY**

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The Beginner's Guide to Human Rights in Turkey

THE STORY OF A PERPETUAL TRAGEDY AT EUROPE'S DOORSTEP

Introduction

Turkey's human rights record has always been far from perfect. A nation-state built upon the ruins of a collapsing multinational empire in the early 20th century, the Republic of Turkey was from the outset characterized by a strong emphasis on nationalism, centralization of governance, and an obsession with unitarianism, all of which had far-reaching human rights implications. Minority rights, freedom of expression, media freedom, and judicial independence have always remained problematic areas while more acute rights abuses such as torture and enforced disappearances often emerged at times of unusual domestic turmoil such as the military junta rule of the early 1980s and the escalation of the military conflict in the predominantly Kurdish provinces in the 90s.

In the early 2000s, Turkey made notable progress in its accession negotiations with the European Union, which led to palpable improvements in the rule of law and the quest to eradicate torture and ill-treatment. However, these negotiations ended in a deadlock due to roadblocks imposed by Brussels over the conflict in Cyprus. This stalemate coincided with a significant drop in reform appetite on the part of the Turkish ruling elite who, following its third election victory in 2011, began to display authoritarian tendencies and undermine judicial independence and rule of law.

Turkey's stagnation turned into a decline, which culminated in a freefall in the aftermath of a failed coup d'état that unfolded in July 2016. The government responded to the attempted putsch with a two-year-long state of emergency during which a series of executive decree-laws that curtailed rights and freedoms, dismantled any remnants of judicial independence, and created a climate of impunity that emboldened security forces accused of misusing their power. While the state of emergency was ultimately lifted in mid-2018, many of its draconian measures were perpetuated through legislation as well as a constitutional referendum in 2017 that sealed the country's transition from a parliamentary system to an executive presidential one with almost no separation of powers and no checks and balances.

The Turkish government currently enjoys full control over traditional media outlets and exercises heavy censorship on social media and civil society. The reporting on Turkey's human rights record is often incomplete, scattered, biased, or exclusively in Turkish. That is why this document has been prepared by Solidarity with OTHERS, a human rights NGO established in Brussels by a group of Turkish political exiles and European citizens, in order to present an encompassing, inclusive, and politically impartial overview of what

is going on in a country which, despite all the backsliding, remains a crucially important neighbor for Europe.

The coup attempt of July 2016

On July 15, 2016, a faction within the Turkish military attempted to overthrow the government of President Recep Tayyip Erdoğan by taking over key points in Ankara and İstanbul and seizing major government buildings. The coup attempt was ultimately thwarted by forces loyal to the government and masses of ordinary citizens who took to the streets at Erdoğan's invitation.



From the early hours of the incident, the president and the ruling party began to accuse the Gülen movement of orchestrating the attempt. The movement denied any involvement in it and called for an international investigation.

This publication does not endorse any of these opposing claims or take any position on what happened that night. Yet, understanding Turkey's current human rights environment requires basic familiarity with the controversy, which is why this backstory has been included.

The Gülen movement

What is it?

The Gülen movement is a faith-based grassroots movement that first came into prominence in the 1980s and '90s with its network of private educational institutions in Turkey and around the world as well as its intercultural and interfaith dialogue initiatives. Although the group's *raison d'être* is a shared interpretation of the Islamic faith, its schools typically follow non-confessional curricula in accordance with the domestic regulations of the countries where they are located. The movement's members and organizations are currently active in numerous countries including EU member states, the United States, and the United Kingdom.

Why is it outlawed in Turkey?

The Turkish government asserts that the Gülen movement was the main culprit behind the abortive coup. It also holds the group responsible for a number of other politically significant events of the last decade in Turkey, such as a 2013 corruption probe that implicated family members and the inner circle of then-prime minister Erdoğan. The government claims that Gülenists who allegedly infiltrated the police and judiciary

masterminded these notable trials in an effort to shape the country's politics towards malicious ends.

The movement rejects these claims as well as the allegations of infiltration into bureaucracy on the grounds that their members and sympathizers are citizens of Turkey who have a right to go into public service.

The denomination question: “Hizmet” or “FETÖ”?

In 2016, the Turkish government listed the Gülen group as a terrorist organization and coined the derogatory term Fethullahist Terrorist Organization (FETÖ) to refer to it. The movement's self-designation is the *Hizmet*¹ movement. This document adopts the neutral denomination, the Gülen movement, which is usually preferred in the publications of international observers such as the EU and the United Nations.

Does the international community endorse Turkey's views on the movement?

The Turkish government has also been conducting an intense diplomatic campaign to have the movement designated as a terror group on the international level. Ankara's efforts towards this end have generally been met with skepticism and rejection, particularly on the part of Western democracies.

The EU

The EU has refused to include the Gülen movement on its terrorism list. Gilles de Kerchove, the former Counter-Terrorism Coordinator of the EU, stated in an interview in November 2017 that the EU does not share Turkey's view that the movement is a terrorist organization and that it would need to see substantive evidence to change its stance.

Similarly, Bruno Kahl, President of Germany's Federal Intelligence Service (BND), said in an interview in March 2017 that Turkey had failed to convince the German government that the movement was behind the coup attempt.

The United States

The US Department of State has not included the Gülen movement on its official list of Foreign Terrorist Organizations (FTOs).

The US has also not accepted Turkey's request for the extradition of Fethullah Gülen, the movement's leader who has been living in the state of Pennsylvania for more than two decades. A high-ranking Turkish government official stated in 2022 that the US government had not forwarded Turkey's request to court since they knew the verdict would go against Turkey due to a lack of evidence.

¹ Meaning “service” in Turkish.

Human rights implications of the Gülen movement's criminalization

Regardless of whether the Turkish government's accusations against the Gülen group are accurate or not, its treatment at the hands of the Turkish authorities constitutes what can only be described as a widespread and systematic disregard of human rights as it involves abusive prosecutions, lack of access to a fair trial, violations of the legal principle of individual criminal responsibility, violations of the legal



Students of Mehmet Akif College in Kosovo protest the deportation of their teachers, who were abducted by Turkey's intelligence agency.

principle of non-retroactivity, violations of the legal principle of presumption of innocence, arbitrary detention, arbitrary confiscation of private property, enforced disappearances, torture, and transnational repression.

The Gülen movement's collective criminalization by the Turkish government and pro-government mainstream media is highly relevant to Turkey's dismal human rights record in the sense that it helps ensure the public opinion's silence in the face of widespread and severe abuses.

Presumption of guilt: The post-coup purges

In response to the abortive coup, the government declared a state of emergency that gave it extraordinary powers and promulgated a series of emergency decree-laws that saw the summary dismissal of more than 100,000 public sector workers from almost all government institutions, the confiscation of assets worth billions of dollars, and the shutdown of a wide range of institutions, including newspapers, TV stations, labor unions, private schools, foundations, and associations.

The names of the dismissed civil servants were usually divulged in the official gazette. They were also immediately banned from traveling abroad. In a blatant disregard for the principle of presumption of innocence, their names were blacklisted as "terrorism suspects" on Turkey's social security database, via a notification that is visible to any potential employer who dares to hire them.

Although the debates on the decree-laws are often centered on the dubious legality of the purges from the public sector, their secondary effects such as the travel bans, the defamation, and the resulting social exclusion were arguably much more consequential. The plight of the victims has been described by human rights groups as "civil death."

In an effort to prevent the European Court of Human Rights (ECtHR) from invalidating the decree-laws en masse, the government established an ad hoc review commission in

2017 to adjudicate appeals of dismissed civil servants. The commission was criticized by rights groups such as Amnesty International for lacking institutional independence from the government and for its opaque, slow, and arbitrary review procedure. It ended up rejecting an overwhelming majority of the appeals that it received.

Why are there so many “terrorists” in Turkey?

In early 2020, the European Parliament’s Turkey Rapporteur Nacho Sánchez Amor criticized Turkey’s excessive use of terrorist labeling with the words “If we call everyone a terrorist, maybe no one is a terrorist.”

Indeed, the word “terrorist” has become so commonplace in Turkey’s current public discourse that it has almost become devoid of any meaning, significance, or reference to an actual individual act.

Official government statistics show that Turkish courts prosecuted nearly 600,000 people on terrorism-related charges between 2015 and 2021, a figure higher than the number of active personnel in the Turkish army. More than two-thirds of the defendants were found guilty and convicted. In addition to people suspected of and tried over actual acts of violence, these staggering numbers comprise thousands of people charged with terrorism on account of their links to the Gülen movement or their involvement in or support of the pro-Kurdish political movements. This is made possible by the combination of two structural problems in the Turkish criminal justice system:

1. Turkey’s anti-terror laws are too broad and vague, leaving too much room for interpretation. Their failure to comply with European norms and international legal standards has been repeatedly underlined in reports produced by the EU, the US, the UN, major human rights groups, and prominent legal experts. These laws allow for the criminalization of legitimate acts of political expression or even simple social affiliation.
2. A series of actions taken by the Turkish government in the past decade has gradually eroded and ultimately destroyed judicial independence in the country. The government amended the laws regulating the Board of Judges and Prosecutors (HSK) ², which allowed for greater political control over the appointment procedure of judges and prosecutors. Subsequently, more than 4,000 judges and prosecutors suspected of having links to the Gülen movement or otherwise being disloyal to the government were summarily removed from the judiciary in the aftermath of the July 2016 coup, which was a major assault on judicial independence as it sent a chilling effect on everyone who remained on the bench.

The trials of alleged members of the Gülen group typically consist of defendants being charged with terrorism solely on account of their affiliation with the group. The

² Formerly known as the Supreme Board of Judges and Prosecutors (HSYK)

indictments often rely on unsubstantial or absurd evidence such as labor union memberships, bank accounts, newspaper subscriptions, and communications with other alleged members of the movement that do not contain any element of violence or criminality. The trials also violate the legal principle of non-retroactivity as the Gülen-affiliated labor unions, financial institutions, and media outlets that led to the prosecution of these individuals were operating in Turkey legally up until their closure in the aftermath of the 2016 coup.

In September 2023, a major ECtHR judgment³ concluded that the use of such evidence was in clear violation of the European Convention of Human Rights, urging Ankara to take measures aimed at addressing the issue, which the court said was “systemic in nature.”

In the absence of concrete elements of criminality, witness testimonies are another central piece of evidence admitted by courts as proof of membership in the group. Turkey has repentance laws that allow suspects accused of organized crime to benefit from lenient sentences by denouncing other members of the group. Recourse to these laws was particularly widespread in the investigations into the Gülen movement, in an effort to incriminate everyone who took part in the non-violent activities and gatherings of the group. In some cases, these confessions were extracted from detainees by use of torture, according to credible reports produced by bar associations and UN officials.

The trials of people for their involvement in pro-Kurdish politics are also plagued by similar problems as Turkish authorities regularly charge defendants of having links to the Kurdistan Workers’ Party (PKK) on the basis of their political engagement, attendance in peaceful events, and political commentary. The PKK has a track record of attacking civilian targets and has been listed as a terror group by the EU and the US in addition to Turkey. However, the indictments brought against Kurdish politicians, activists, journalists, and NGO workers on charges of having links to the armed group often fail to point to actual individual connection to armed violence and rather rely on Turkey’s overly broad anti-terror laws that enable courts to interpret social affiliation as membership in a terror group and commentary as terrorist propaganda.

This weaponization of the justice system against dissidents has been producing thousands of political prisoners, particularly since 2016. Consequently, in the 2023 edition of the Rule of Law Index published by the World Justice Project, Turkey ranked 117th among 142 countries, with a score even worse than Russia and Belarus.

³ “Judgment concerning Türkiye (Yüksel Yalçınkaya v. Türkiye),” the European Court of Human Rights, September 26, 2023, <https://www.echr.coe.int/w/grand-chamber-judgment-concerning-turkiye>

Other human rights implications of the collapse of the rule of law

Arbitrary detention and arrest

Mass detention

In terms of the number of victims involved, mass detention is presumably Turkey's most significant human rights issue. It affects tens of thousands of people detained on politically motivated grounds as well as hundreds who are denied release despite being eligible.

The criminalization of social links to the Gülen movement has led to a mass detention campaign that has been incessantly going on since the July 2016 coup attempt. These detentions have led to a number of ECtHR judgments and UN expert opinions that faulted Turkish authorities. In 2020, an opinion released by the UN Working Group on Arbitrary Detention (WGAD) noted that such widespread and systematic imprisonment of individuals may amount to crimes against humanity.



More than 140,000 people have been targeted in Turkey's mass detention campaign against the Gülen movement

Turkish authorities also occasionally conduct massive detention operations against Kurdish political networks, particularly at times of heightened nationalist sentiment.

Imprisonment of people with severe health problems

In addition to mass detentions, the authorities also display a marked reluctance when it comes to releasing prisoners who suffer from severe health problems. This practice is more visible in the cases of political prisoners. Every year, rights groups report the deaths of dozens of prisoners who either die behind bars or shortly after their belated release, which usually comes at the last stage of their illness.

In recent years, the Council of Forensic Medicine (ATK), the agency consulted for its medical expertise in the cases of sick prisoners, has become complicit in this abusive practice with its questionable reports that found ailing inmates fit to remain in prison. Prominent Turkish human rights advocates accuse the institution of having lost its independence from the government.

Imprisonment of pregnant and postpartum women

Turkey's laws require the postponement of sentences for women who are pregnant or who have given birth within the last 18 months, even if they are found guilty. The

authorities however openly violate this legislation, particularly in the cases of women arrested or convicted of alleged links to the Gülen movement.

Arbitrary denial of parole

Turkish legislation allows the early release of prisoners who have served a designated portion of their sentences. In recent years, the government enacted regulations that gave greater discretionary powers to prison parole boards that decide to approve or reject this early release. These boards in turn deny parole to political prisoners on arbitrary grounds such as “lack of remorse.”

This practice also mainly targets people imprisoned on account of their Gülen links or their pro-Kurdish political engagement. Human rights advocates accuse prison parole boards of acting like courtrooms in the cases of political prisoners.

Refusal to implement ECtHR judgments

Turkish authorities refused to comply with a number of ECtHR judgments that ordered the release of political prisoners, most notably Kurdish politician Selahattin Demirtaş and civil society leader Osman Kavala.



Kurdish politician Selahattin Demirtaş (L) and civil society leader Osman Kavala

Turkey’s failure to implement the ECtHR judgment on Kavala has prompted the Council of Europe to launch infringement proceedings against the country in 2022.

Enforced Disappearances

Enforced disappearances are unfortunately not a new issue for Turkey where more than 1,300 people disappeared after a military coup in 1980 and dozens more disappeared in police custody in the 1990s. In those years, the victims were mostly politically active leftists and Kurds and were generally believed to have been abducted by state agents or clandestine groups with the knowledge of the state.

Some of their relatives have come together to ask the whereabouts of their loved ones and started a movement called the “Saturday Mothers” (*Cumartesi Anneleri*), named after a regular protest vigil that they have been staging in a historic İstanbul square every Saturday for decades.

Although no accountability was achieved in the cases of those victims, in the early 2000s, amidst the government’s EU accession reforms and efforts at eradicating torture and impunity, many believed that enforced disappearances had become a thing of the past.

However, the practice made an unfortunate comeback in the aftermath of the July 2016 coup attempt with the suspected abduction of nearly three dozen people, mostly individuals under investigation or on trial due to their alleged Gülen links. Solidarity with OTHERS published a report⁴ that provides an in-depth look into 25 cases that occurred after 2016. The report also identifies patterns such as similarities in victims' profiles, the reluctance of the police and prosecutors to investigate the disappearances despite available evidence, and the periodicity of incidents.

Some victims resurfaced in police custody months after their disappearance. In these cases, family members often reported visible physical and mental weakening as well as a reluctance to talk about where they had been. One victim, Gökhan Türkmen, admitted in court having been abducted and unofficially interrogated under torture.

One victim, former public sector worker Yusuf Bilge Tunç who was reported missing in Ankara in August 2019, is still unaccounted for as of writing.

Violations of the freedom of assembly and association

The police and gendarmes regularly intervene in peaceful demonstrations staged to express criticism of the government or its policies and detain participants. These interventions resulted in more than 5,000 detentions in 2022 alone.

Celebratory or commemorative gatherings susceptible of harboring anti-government sentiments face particularly disproportionate use of force. These include demonstrations held on the occasion of International Women's Day, the International Day for the Elimination of Violence Against Women, the LGBT+ pride week, and Newroz, a cultural spring festival highly significant for the Kurdish community.



While most protesters and demonstrators are often released in a short amount of time, some are arrested by courts and subsequently face criminal prosecution. Another issue is mistreatment, as some protesters suffer physical violence and harassment, such as humiliating strip-searches, while in custody.

In recent years, Turkish provincial and district governorates developed a habit of issuing arbitrary blanket bans on all outdoor gatherings, citing vague grounds such as national security, public order, and COVID-19. In certain predominantly Kurdish provinces, this practice has almost become a routine. In other parts of the country, local authorities resort to these bans in apparent anticipation of protests likely to draw sizeable crowds and involve criticism of the government.

⁴ "Enforced Disappearances: Turkey's Open Secret," Solidarity with OTHERS, August 2021, https://www.solidaritywithothers.com/files/ugd/b886b2_7d4a63ba24e94698baeea31f3e2af67e.pdf

Violations of the freedom of expression and media

The crackdown on the press

In parallel to the backsliding in the rule of law and the transition into a presidential system with no checks and balances, a climate of censorship gradually stifled press freedom in Turkey in the second decade of the century.

As in many areas of human rights, the 2016 coup attempt represented a breaking point after which the gradual decline turned into a freefall. The government's post-coup decree-laws saw the summary closure of 179 media outlets, particularly those affiliated with the Gülen movement or pro-Kurdish political networks, for allegedly spreading terrorist propaganda.

As of writing, most mainstream media outlets in the country have ownership structures that have family or business ties to the president or the ruling elite and they follow staunchly pro-government editorial and broadcasting policies. A few outlets that are still critical of the government face significant obstruction, censorship, and harassment.

In the 2023 World Press Freedom Index published by Reporters Without Borders (RSF), Turkey ranked 165th out of 180 countries, with a score worse than Russia, Belarus, and Afghanistan. The country was also named the world's second worst jailer of journalists after China for several years in a row. At a certain point after the coup, more than two hundred journalists were held behind bars due to their professional activities. The number slightly fell after some of them eventually completed their prison sentences.

Members of the press who report or comment on the government frequently face absurd criminal charges such as disseminating terrorist propaganda, spreading enmity among the public, insulting the president or other high-ranking government officials, denigrating the state, denigrating religious values, or, under a newly passed controversial social media legislation, spreading false or misleading information. This pressure is especially palpable in the case of Kurdish media outlets, such as the Mezopotamya news agency which, since 2016, has been one of the very few outlets reporting on human rights abuses in the predominantly Kurdish provinces.

As a result of the centralization of traditional media in pro-government business circles, Turkish citizens who want to hear alternative viewpoints are often forced to turn to very few government-critical media outlets, which are under heavy pressure from the authorities, or social media platforms such as Twitter, which are subject to increasing censorship.

Turkey has a government agency that regulates broadcasting platforms called the Radio and Television Supreme Council (RTÜK), which often imposes monetary fines and temporary broadcast bans on pro-opposition TV stations for their political content. The agency has also taken it upon itself to regulate online streaming platforms like Netflix and occasionally orders them to remove programs or episodes from their Turkey libraries on the grounds of protecting family values.

Online censorship

On the Internet, Turkish courts regularly impose censorship on websites, news articles, opinion pieces, and social media posts over political content. Any news article that covers allegations of corruption, bribery, misconduct, fraud, or nepotism implicating government officials and bureaucrats gets blocked by court order almost immediately. The courts often cite grounds such as the protection of personal rights or the right to be forgotten, despite obvious public interest in the contents of the allegations.

In recent years, the Turkish government introduced a series of laws to tighten its grip on social media platforms. These laws forced the platforms to appoint legal representatives to Turkey and stipulated sanctions such as advertising bans and bandwidth reductions for platforms that fail to comply with court orders for censorship. After initial resistance, the platforms surrendered. As a result, the Twitter accounts and YouTube channels of most exiled journalists who report from abroad are inaccessible in Turkey.

As with members of the press, ordinary people who express dissent on social media also face criminal charges of spreading terrorist propaganda, insulting government officials, or inciting enmity among the public.

Although Turkey's president is no longer politically impartial under the new presidential system of governance, the laws that make it illegal to insult the president are still in effect and the authorities have investigated tens of thousands of people for purportedly committing the crime, which carries a prison sentence of up to four years. More than 30,000 people have been convicted and the number keeps growing every year.

Assaults on the legal profession

The expansion of terrorism-related accusations on the basis of simple interpersonal affiliation also impacts the legal profession in Turkey as dozens of lawyers have been detained, arrested, and prosecuted due to the identity of their clients.

This practice especially targets lawyers who represent people under investigation or on trial for alleged links to the Gülen movement or their involvement in pro-Kurdish politics, creating an atmosphere of fear that leads lawyers to abstain from representing these individuals or demand higher attorney fees.

Rights violations in prisons

Turkey's prisons are notoriously overcrowded, unhygienic, and ill-equipped to accommodate the basic needs of inmates. A Council of Europe report found that Turkey had the highest incarceration rate among member states in 2020, with 357 prisoners per 100,000 inhabitants. The report also indicated that Turkey has the most crowded prisons in Europe, with 127 inmates per 100 available places as of January 2020.

In addition to the widespread problem of torture and ill-treatment, the prison system is plagued by a broad range of problems resulting from possibly deliberate neglect on the part of the authorities.

One recurring theme in reports and complaints coming out of Turkish prisons is the prison administrations' consistent negligence and insensitivity in the face of inmates' health problems. This was even more apparent in the cases of political prisoners.

Prison administrations frequently coerce prisoners to carry out their hospital visits in handcuffs and to undergo arbitrary and overly invasive mouth searches during their transfers. Those who object to the practice are usually prevented from visiting the hospital and receiving treatment.

They also display a visible insensitivity to inmates' needs for medication and specific meals prescribed by doctors.

Prison administrations weaponize their authority to restrict inmates' communications and visitation rights. Turkey-based NGOs and family members frequently report disproportionate disciplinary sanctions given over arbitrary reasons such as inmates' verbal objections, complaints, and protests.

Torture and ill-treatment

In post-coup Turkey, allegations of torture in police custody and in prisons flow at an almost regular pace and show no sign of stopping. Emboldened by the climate of impunity created by the prosecutors' reluctance to investigate complaints, the security forces and prison guards have no qualms about mistreating people they are responsible for keeping safe.

The allegations usually include physical and verbal assaults and threats. Strip-searching detainees and prisoners, which is supposed to be an extraordinary measure limited to cases where it is an absolute necessity, is casually resorted to, particularly in the cases of people detained or arrested on political grounds.

In several instances after the coup, torture allegations involved allegedly Gülen-linked detainees being subjected to brutal interrogation techniques aimed at extracting forced confessions that incriminate themselves as well as others. In February 2018, Nils Melzer, former UN Special Rapporteur on torture, expressed concern about the rise in such allegations. The Ankara Bar Association has widely documented some of the incidents that took place at the Ankara police headquarters.

Transnational repression

One major item in the post-coup Turkey's human rights record is the mistreatment of citizens living abroad. Turkish government officials have on several occasions openly admitted their policy of pursuing critics beyond the borders of the country and acknowledged the state's involvement in several incidents of abduction. The National Intelligence Organization (MIT), the country's intelligence service, confirmed in its 2022 yearly report that it conducted operations for the forcible return of more than 100 people with alleged links to the Gülen movement.

A Freedom House report indicates that Turkish authorities committed 132 incidents of direct and physical transnational repression between 2014 and 2023. The report notes that Turkey has become the world's second most prolific perpetrator of transnational repression, committing 15 percent of the total number of documented incidents.

While mainly targeted at members of the Gülen movement, the practice occasionally concerns Kurdish and other foreign-based dissidents as well. It consists of weaponizing Turkey's international significance, other countries' willingness to maintain close relations with Ankara, and Turkey's access to international cooperation mechanisms such as Interpol to harass, intimidate, and, in some cases, capture critics living abroad.

In the case of weak, poor, or aid-dependent countries with a visible absence of rule of law such as Kosovo and Lebanon, the victims were typically abducted by the MIT or extrajudicially handed over to the agency by local authorities or clandestine groups. In relatively more independent but autocratic or corrupt states such as Kazakhstan and Ukraine, the victims were often detained and extradited by the host countries' authorities at Turkey's request. These abductions and deportations have led to the conviction of a high-ranking Kosovar official by Kosovo courts as well as the condemnation of Moldova and Azerbaijan by ECtHR judgments.

The persecution is not limited to the non-democratic countries. Turkish dissidents based in Europe and North America also suffer threats, physical attacks, and malicious pro-government media publications that put their lives at risk by revealing their home addresses. The Sabah newspaper, the flagship of the pro-government media whose ownership has family ties to Turkey's president, has published secretly taken photos of a number of exiled journalists living in Sweden and Germany. In Austria and Germany, several citizens of Turkish descent have been prosecuted for spying on Turkish dissidents on behalf of the MIT. British and Swedish courts have rejected a number of abusive extradition requests filed by the Turkish government.

Ankara also frequently misuses Interpol mechanisms to harass its critics. While its red notice requests against dissidents are regularly thrown out by Interpol's internal review mechanisms on the grounds that they are politically motivated, the organization has been terribly unsuccessful, if not unwilling, to address Turkey's thousands of abusive entries in the Stolen and Lost Travel Documents (SLTD) database to mark government critics' passports as stolen or lost in an effort to obstruct their international travel and locate their whereabouts.

Why are more and more Turkish citizens seeking asylum in Europe?

Eurostat data on first-time asylum applicants⁵ in the EU, show that Turkish citizens lodged a total of 49,720 applications in the member states in 2022, representing nearly 6 percent of all applications and a 145 percent increase compared to the previous year. Turks rank frequently among the top citizenship groups seeking asylum, sometimes even outnumbering Syrians and Afghans in major destinations like Germany.



Official figures also present a clear spike in 2016 when the rule of law collapsed entirely due to the government's disproportionate and draconian response to the coup attempt. While only 2,815 Turkish nationals sought asylum in EU countries in 2008, the figure rose to 13,905 in 2020, a 494 percent increase.

Who are these asylum seekers?

Although EU data does not disclose the particular grounds of the applications, it is presumable that a vast majority of asylum seekers from Turkey are real or perceived members of the Gülen movement and politically active Kurds. The numbers are also believed to include women who fled the country to escape gender-based violence, LGBT+ individuals fearing persecution due to their sexual orientation or gender identity, and men who want to avoid compulsory military service.

In the cases of political asylum seekers, national asylum agencies of EU countries often accept court files, indictments, and decree-law purge lists as proof of the risk of mistreatment and lack of access to a fair trial. Most applicants succeed in ultimately receiving refugee status, which confirms the host countries' recognition of the absence of the rule of law and judicial independence in Turkey.

How do they arrive in Europe?

Most of the political asylum seekers are placed under a travel ban by the Turkish authorities and are unable to obtain a passport. Instead, they often have to cross the border with Greece illegally. In recent years, Greece's systematic pushback of migrants has sent numerous fleeing government critics back to the hands of the Turkish authorities.

Some of the Turkish asylum seekers were already living in Europe on visitor visas, student permits or work permits when they began perceiving a risk of persecution in

⁵ Meaning newly arrived asylum seekers.

Turkey and changed their status in order to avoid having to return at the expiration of their visas and permits.

A few, such as some members of the Gülen movement living in Africa as teachers or businesspeople, arrived from third countries due to the Turkish consulates' refusal to provide consular services such as renewal of passports and the absence of reliable international protection mechanisms in their host countries.

Why is Greece pushing back migrants at Turkish borders?

Turkey has land and sea borders with Greece, which is also the country's border with the EU. The land border goes along the Evros River while the maritime border passes through the Aegean Sea.

These borders have become one of the main migratory routes towards Europe, especially after the outbreak of civil war in Syria and Afghanistan's recent descent into instability. The relentless flow of migrants, exacerbated by the Turkish government's occasional weaponization of migration for diplomatic blackmail, has seemingly overwhelmed Greece where the government began resorting to the pushbacks as an extrajudicial measure to summarily deport migrants.

Why is Greece in denial about the pushbacks?

The Greek government refrains from openly acknowledging the pushbacks as it would confirm noncompliance with EU and international human rights law.

However, media reports, Greek and international rights groups, and Turkey's coast guard document many incidents of pushback every year, sometimes with photographic evidence.

Some reports claimed that the Greek security forces are using other irregular migrants as auxiliary forces at the land border, instead of carrying out the pushbacks themselves. Many victims who speak to the media report having been apprehended by masked individuals and carried in unmarked vans.

Several credible reports claimed that Frontex, the EU's border agency, was involved in some of the incidents, which led to a number of inquiries and investigations at the EU level, including an anti-fraud investigation for violating EU law. These developments were followed by the resignation of the agency's director, Fabrice Leggeri, in 2022.

In the Aegean, available video footage shows the Greek coast guard clearly harassing migrant boats, putting lives in jeopardy.

Why does it matter in terms of human rights?

Summary pushbacks violate the legal principle of non-refoulement, which stipulates that an asylum seeker cannot be returned to a country where he or she fears persecution. It

means that every asylum seeker has the right to have his or her case for asylum duly heard on an individual basis and that they should not be deported before they complete this procedure.

Greece's pushbacks have led to countless human tragedies. Many victims have disappeared. Some have died either by drowning or by freezing to death. Victims who speak to the media afterward also report being subjected to physical violence, strip-searches, and confiscation of personal items.

While the pushbacks are illegal and inhumane across the board, they have particularly devastating consequences for the small number of Turkish nationals making the journey to Europe as they lead to almost certain imprisonment and possible mistreatment for attempting to flee. Kurdish writer and poet Meral Şimşek, for example, was sentenced to imprisonment after being pushed back in June 2021.

The situation of refugees in Turkey

Magnitude and legal framework

Official government statistics indicate that Turkey is home to nearly 5 million foreign nationals, including both asylum seekers and expats. Yet, it is estimated that there is a considerable number of undocumented migrants as well. Most asylum seekers and irregular migrants are from Syria and Afghanistan.

Turkey is a party to the 1951 Refugee Convention. However, it retains a geographic limitation that rules out granting refugee status to anyone arriving from outside Europe. Instead, Syrians are granted a "temporary protection status." Afghans and other nationals are usually undocumented. As a result, the situation of migrants is generally precarious.

Why has the Turkish public opinion turned against migrants?

An anti-migrant sentiment among the public has been on the rise in recent years. Mainly fueled by the nationalist segments of the opposition, this hostility was also amplified by the country's ongoing economic turbulence as well as the widespread perception that the government has lost all control at the country's eastern borders where Afghans and other migrants from South Asia appear to be able to enter Turkey en masse without being controlled or processed at all.

This hostility has resulted in a surge in hateful rhetoric as well as hate crimes, leading to the death and injury of dozens of foreigners. It has also cornered the ruling party whose voter base partially seems to embrace the anti-migrant sentiment.

As a result, the president and the ruling elite have on several occasions expressed their intention to repatriate Syrians to areas of northern Syria occupied by the Turkish military and Turkey-backed rebel factions. Human rights groups have warned against these plans, insisting that the Syrian conflict is far from over and that all parts of the country are

generally unsafe for migrants. While Turkish officials insist that any repatriation of migrants is to be carried out strictly on a voluntary basis, there have been allegations of torture and ill-treatment involving migrants being coerced into signing voluntary return forms at repatriation centers.

Turkey is also home to a sizeable Uyghur community, whose members are often pursued by the Chinese government. Beijing is accused by many credible international reports of carrying out genocidal atrocities against the Turkic Muslim group in the region of Xinjiang and is relentlessly seeking to silence or seize Uyghurs living abroad.

While the Turkish government verbally maintains that it does not extradite Uyghurs to China, the authorities briefly detained several Uyghurs in recent years, possibly at China's request. As opposed to Syrians and Afghans, the Turkish public feels an ethnic affinity towards Uyghurs and is relatively sympathetic to their presence in the country. In the absence of legal safeguards and refugee status, public opinion presumably plays a major role in preventing extraditions that would lead to calamitous consequences.

The situation of women's rights in Turkey

The women and girls in Turkey suffer from a number of problems related to gender inequality. Although Turkey ensures compulsory primary education and equal access to all levels of education for all, in some regions and rural areas, local customs and social structures limit girls' and women's access to higher education and deprive them of the ability to make their own decisions about marriage.



The rape and murder of Sule Cet in 2018 drew outrage

Yet, the most chronic and devastating problem facing Turkey's women is gender-based violence, including a few hundred femicides that take place every year. This problem has been exacerbated in recent years by the rollbacks in the legal framework aimed at protecting women.

In March 2021, President Erdoğan issued a presidential decree that announced Turkey's withdrawal from the Istanbul Convention, a Council of Europe treaty aimed at preventing and combating violence against women and domestic violence. The decree was highly controversial as it bypassed the parliamentary procedure and was one of the most fateful consequences of Turkey's transition into an executive presidential system with no checks and balances.

Some conservative segments of the ruling alliance have also been calling for the abolition of a domestic legal provision⁶ that provides protection mechanisms for women and children who have suffered or are at risk of suffering domestic violence.

The problem of gender-based and domestic violence is also aggravated by a climate of impunity created by the Turkish courts' tendency to hand down lenient sentences to offenders. Courts often justify their reduced sentences by claiming that the crime was "motivated by passion," or by wrongfully interpreting the victims' silence as consent.

The situation of ethnic, religious, and sexual minorities in Turkey

Kurds

Kurds are Turkey's largest minority, representing an estimated 15 to 20 percent of the population. Yet, they are not granted recognition as an official minority.

Until the 2000s, the Turkish state was consistently in denial about the existence of a separate Kurdish ethnicity. The nation-state ideology that formed the foundation of the republic assumed that every citizen self-identified as Turkish and used repressive methods on Kurds who refused to conform.

What is the PKK?

During the domestic turmoil of the 1970s, a number of leftist militants founded the Kurdistan Workers' Party (PKK), a separatist organization that espoused armed struggle as the means of establishing an independent Kurdistan. In the 1990s, the organization abandoned its separatist objective in favor of seeking regional autonomy.

Along with its guerilla warfare against the Turkish security forces, the PKK has repeatedly attacked civilian targets, which led to it being designated as a terror group internationally, including by the EU and the US.

While mainly taking place in rural areas, the combats occasionally spread to urban areas in predominantly Kurdish cities and inflicted significant damage on infrastructure. The death toll has surpassed 40,000 people, most of whom were Kurdish civilians. The group's leader, Abdullah Öcalan, is serving an aggravated life imprisonment.

Attempts at the peaceful settlement of the conflict

Past Turkish governments with relatively liberal tendencies occasionally advocated for an end to the state policies of denial and defended acknowledgment and inclusivity as an antidote to armed violence.

In the early 2000s, some of the reforms passed by the government of then-prime minister Erdoğan ensured the removal of bans on publishing and broadcasting in Kurdish. The

⁶ Law No. 6284 on protecting family and preventing violence against women

most daring attempt at resolving the conflict came in 2012 when Erdoğan's government embarked on secret talks with Öcalan for a ceasefire.

Yet, the talks broke down in 2015 which, in addition to the resumption of the armed clashes, unleashed a severe retaliation against Kurdish political networks, most notably the Peoples' Democratic Party (HDP).

The crackdown on Kurdish politics

The HDP is the last of a long string of pro-Kurdish political parties that were consecutively shut down by Turkish courts over their alleged affiliation with the PKK. The prevalent public discourse in Turkey often equates demands for cultural rights and calls for regional autonomy to the dissemination of propaganda on behalf of the PKK, and the overly broad anti-terror laws of the country allow courts to prosecute such statements on terrorism-related charges.

After the breakdown of peace talks with the PKK, the Interior Ministry summarily removed dozens of elected Kurdish mayors from office, appointing pro-government trustees to replace them. In November 2016, the authorities detained and arrested former HDP co-chairs Selahattin Demirtaş and Figen Yüksekdağ. The two politicians remain behind bars as of writing, despite an outstanding ECtHR order for Demirtaş's release.

The authorities also frequently detain and prosecute local members and executives of the HDP, as well as ordinary supporters of the party who attend rallies and other peaceful events.

Other pressures facing the Kurdish community

The Kurds have a culturally significant spring festival called Newroz. Every year, security forces detain dozens of people for attending the celebrations.

While the bans on the Kurdish language have been lifted in theory, the use of the Kurdish language in contexts not approved of by the government still carries a risk of persecution. Turkish courts do not allow defendants, particularly those prosecuted on political grounds, to make court statements in Kurdish. Political prisoners also face hostility at the hands of prison administrations who frequently restrict their phone call privileges for speaking in Kurdish and refuse to deliver Kurdish-language publications that are sent to them.

Governorates in some predominantly Kurdish provinces regularly issue blanket bans on outdoor gatherings, imposing an undue restriction on the Kurds' rights to peaceful protest.

The inflammatory rhetoric of the ruling elite and pro-government media, which conflates Kurdish dissent with terrorism, has also undermined intercommunal coexistence and led to an increase in hate crimes against Kurds. At least 18 such physical and verbal assaults against the members of the minority group were recorded in 2022.

The Christian and Jewish community

The Treaty of Lausanne of 1923, which laid the foundations of the Republic of Turkey, specifies Armenians, Greeks, Jews, and Christians in general as ethnic minorities.

These minority groups have certain treaty rights such as receiving education in their native languages and the protection of their places of worship.

Yet, Turkey refuses to recognize the ecumenical status of the Roman Orthodox Patriarchate, which causes grievances in the Greek community with regard to property rights. The community also campaigns for the reopening of the Halki Seminary, a historically significant school of theology for the Eastern Orthodox Church which was forced to close in 1971 by a Constitutional Court order.

Alevis

Alevism is a heterodox branch of the Islamic faith with a deep-rooted history in Anatolia. The Alevi community, estimated to represent between 15 to 20 percent of Turkey's population, suffered multiple pogroms in the last century. They continue to face systemic hostility and discrimination.

The Turkish government refuses to grant official recognition to Alevis' places of worship⁷ which leads to discrimination as they cannot benefit from certain financial privileges that other places of worship enjoy.

Another chronic complaint of the Alevi community is the mandatory religious lessons at schools, which are based exclusively on Sunni teachings.

LGBT+ individuals

Turkey's laws do not criminalize any sexual orientation or gender identity. While nonheterosexual couples are not allowed to get married officially, their relationships are not persecuted by the authorities.

However, in recent years, there has been a marked increase in homophobic and transphobic public discourse, particularly fueled by the ruling elite and pro-government media at electorally significant times.

Human rights groups have recorded a number of hate crimes against the LGBT+ community, including murders, physical assaults, and verbal threats.

Why is Europe silent on human rights abuses in Turkey?

Since Turkey remains a candidate for EU accession at least on paper, EU bodies continue to regularly monitor and report on the country's human rights record. The European Commission publishes an annual report on Turkey and the European Parliament

⁷ Known as *cemevi* in Turkish.

publishes one that builds on it. Both reports typically have sections reserved for the human rights situation.

In a noteworthy development, the European Commission stopped entitling its annual reports “Turkey Progress Report” as of 2015. The Commission now opts for the denomination “Turkey Report,” removing the word ‘progress’ in an implicit recognition of the complete collapse of human rights and the rule of law in the country.

However, the EU, the Council of Europe, and European national governments are frequently criticized by human rights groups for failing to take meaningful action in the face of the widespread human rights abuses in Turkey. There are a few factors that confine European decision-makers in this strategic paralysis.

The migrant deal and Turkey’s weaponization of migration

Turkey is home to more than 4 million refugees, most of whom are in a precarious situation and are eager to cross into Europe if possible. The government has turned this into a diplomatic bargaining chip. On several occasions, President Erdoğan has openly threatened to unleash waves of migration.

In 2016, a few months before the attempted military coup in Turkey, the EU struck a deal with Turkey in order to secure Ankara’s cooperation in curbing migratory flows. The agreement involves the transfer of billions of euros to the Turkish government for keeping migrants inside the country.

Turkey’s significance for European economy and trade

While not a full member of the EU, Turkey is a member of the EU’s Customs Union, which makes it an integral part of Europe’s free trade area with no internal tariffs and quotas. Turkey is the EU’s 7th biggest trade partner and a market bigger than many of the current member states.

Numerous European companies have sizeable investments in the country, which they can only sustain by maintaining good relations with Ankara’s autocratic ruling elite. In Brussels, these companies become lobbyists advocating for a lenient approach to Ankara despite its terrible human rights record.

Weaponization of Turkish communities in Europe

In the 1960s, Turkey made labor agreements with several European countries under which many Turkish citizens immigrated to these countries as guest workers. The descendants of those workers now constitute sizeable communities, particularly in Germany, the Netherlands, and Belgium.

In recent years, the Turkish ruling elite has managed to capitalize on these communities’ troubled relationship with their host countries and to attract the overwhelming majority of their votes through jingoistic rhetoric accusing Europe of systemic racism. In one speech, President Erdoğan openly told the Turks in Germany, which number in millions, how to vote in the German legislative elections.

What you can do to support human rights in Turkey

Stay informed

You can follow human rights-related events in Turkey by subscribing to our weekly newsletter, Turkey Rights Monitor, in which we cover the noteworthy developments of every week on a thematic basis. You can also follow us on social media platforms such as Twitter, Facebook, Instagram, and YouTube where we post in English, French, and Dutch in addition to Turkish.

You can also follow other news platforms reporting on Turkey's human rights record. Stockholm Center for Freedom, a platform established by exiled journalists in Sweden, has an English-language website and social media accounts and reports widely on major human rights issues. Bianet English is another important source where you can follow human rights-related developments concerning the Kurdish minority and left-wing political groups.

On social media, MPs Ömer Faruk Gergerlioğlu, Sezgin Tanrıkulu, and Mustafa Yeneroğlu are instrumental in raising awareness about rights violations. While their Twitter accounts generally post in Turkish, Gergerlioğlu has separate accounts for a number of languages including English, French, and German.

In terms of thoroughly documenting human rights abuses on the field, the contributions of the Human Rights Association (*İnsan Hakları Derneği-İHD*) and the Human Rights Foundation of Turkey (*Türkiye İnsan Hakları Vakfı-TİHV*) are essential. Although their publications are typically in Turkish, their major reports are usually translated into English.

While major international rights groups such as Human Rights Watch and Amnesty International published important reports on Turkey in the past, the scope of their coverage remains limited and at times unstable. After reporting widely on the dehumanization of the purge victims, Amnesty Turkey has unfortunately been silenced through an abusive prosecution that charged its former chair Taner Kılıç as well as a number of its members with terrorism. While the organization can no longer properly carry out its mission, its current silence testifies to the state-induced terror that reigns over today's Turkey.

Take action

You can help raise awareness by supporting and spreading the messages of the abovementioned social media accounts that cover human rights-related developments. You can extend your support to Europe-based NGOs, signature campaigns, and awareness events that aim to put pressure on European decision-makers and highlight the importance of human rights in European-Turkish relations.

You can support Turkey's political prisoners by sending them letters. You can write to journalists, politicians, and civil society activists who were sent to prison through sham

trials. You can contact our organization for the prison addresses of these prisoners of conscience.

If you live in Europe, you can contact your representatives at the national parliaments and the European Parliament to inform them about issues that concern you the most and urge them to speak out by posting on social media and submitting parliamentary motions.



SOLIDARITY WITH OTHERS
BELGIUM
2023