

TÜRKİYE - AMNESTY INTERNATIONAL SUBMISSION FOR THE EUROPEAN UNION ENLARGEMENT PACKAGE 2024

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This submission details Amnesty International's human rights concerns in relation to Türkiye and outlines key recommendations that the EU should prioritize in the framework of Türkiye's EU accession process as well as in its broader bilateral relations with the country.

Indeed, whether in the framework of the EU accession process or the EU-Türkiye association agreement, the EU's commitment to human rights must apply across all areas of cooperation. Ongoing discussions on re-engaging with Türkiye must therefore not come at the expense of human rights considerations or strong and consistent EU messaging on fundamental rights and the rule of law. In an era of increasing geopolitical upheaval¹, it is crucial that adherence to human rights and the rule of law becomes more, not less central to the EU's relations with its partners.

The EU and its member states should ensure that their engagement with the Turkish authorities as well as all technical and financial support foreseen within the framework of Türkiye's EU accession process is used to foster genuine reforms in the field of human rights and the rule of law.

Prioritizing human rights in EU-Türkiye relations is all the more important given the protracted erosion of the rule of law and the sustained crackdown on human rights in the country. Between June 2023 and April 2024, baseless investigations, prosecutions and convictions of human rights defenders, journalists, opposition politicians and others persisted. Anti-terror and disinformation laws were used to curtail freedom of expression. The new legislative amendments introduced by the 8th Judicial Package once again failed to address the most significant and structural shortcomings within the judiciary that lie at the root of the persistent erosion of human rights in Türkiye. The right to peaceful assembly remained severely curtailed. Law enforcement officials used unlawful force to detain at least 224 people in banned Pride marches in several provinces in June and July 2023. The country continued to host the world's largest number of refugees while some remained at risk of being unlawfully returned, against a backdrop of rising anti-refugee and racist rhetoric by politicians and in the media. There were also serious and credible allegations of torture and other ill-treatment.

This briefing covers the following key issues which the EU should address in the 2024 EU enlargement package:

1. [Independence of the Judiciary](#)
2. [The right to freedom of expression, peaceful assembly and association](#)
3. [Women's rights](#)
4. [LGBTI rights](#)
5. [Refugees' and migrants' rights](#)
6. [Impunity](#)

¹ Including Russia's aggression against Ukraine as well as armed conflicts and tensions in the Middle East, the South Caucasus and the Eastern-Mediterranean and the impact these have on EU-Türkiye relations.

7. [Torture and ill treatment](#)

BACKGROUND AND POLITICAL CONTEXT

Despite an ongoing economic crisis, there has been no dedicated strategy to **combat poverty and social exclusion** in Türkiye. At the end of 2023, Türkiye faced a deepening cost of living crisis for millions of people with food inflation over 72% and general high inflation running at over 64%.

In May 2023 Recep Tayyip Erdogan won another five-year term as President and with the Justice and Development Party (AKP) and its coalition partner, the Nationalist Movement Party (MHP), winning a majority in parliament.² **The 2023 elections** took place against the backdrop of continued restrictions on the right to freedom of expression and peaceful assembly in the country as well as the persistence of baseless investigations, prosecutions and convictions of human rights defenders, journalists, opposition politicians and other critical voices. The election campaigns of the leading candidates (both government and opposition) were marred by racist, anti-refugee rhetoric while some politicians, including high level officials, openly used discriminatory language and smear campaigns against LGBTI people.³

On 31 March 2024, **local elections** resulted in the main opposition party, the Republican People's Party (CHP) achieving significant gains against AKP in major cities including Istanbul, Ankara and Izmir, and becoming the party with the largest share of the vote for first time since 1977. In the east and southeast of Türkiye, the People's Equality and Democracy Party (DEM) also won in some major cities, such as Diyarbakır, Van and Mardin. In Van, the provincial election commission refused to give the certificate of election to Abdullah Zeydan, the winning candidate of DEM, and instead appointed the Justice and Development Party's candidate, who had come in second place. The decision sparked mass protests across the country. On 3 April 2024, the Supreme Election Council (YSK) overturned the decision by the provincial election commission, allowing Abdullah Zeydan to receive certification.

On 1 October 2023, a group affiliated with the Kurdistan Workers' Party (PKK) claimed responsibility for a **suicide bombing in Ankara**, which injured two police officers. In retaliation, Türkiye launched air strikes on Kurdish-controlled areas of north-east Syria on 5 and 6 October, killing 11 civilians and destroying vital infrastructure.⁴

On 29 January 2024, one person was killed in an **attack on Santa Maria Church in Istanbul**. The Islamic State claimed responsibility for the attack. On 6 April 2024, the Minister of Interior announced on his X, social media account that 48 people had been detained in Istanbul and Ankara in relation to the attack.⁵

On 6 February 2024, an **attack outside the Istanbul Justice Palace** took place, in which one member of the public was seriously injured and later died in the hospital, and three law enforcement officials as well as two other members of the public were injured. Authorities have claimed that the attack was carried out by the Revolutionary Peoples' Liberation Party-Front (DHKP-C). As an apparent response to the attack, the authorities carried out raids in which 96 people, including four lawyers, were detained in Istanbul between 6-8 February 2024.⁶ On 9 February 2024, the Minister of Justice shared a post on his X, social media account stating that 48 people were remanded in pre-trial detention while 48 others were released with judicial control measures.⁷ Among those remanded in pre-trial detention are three lawyers from the People's Law Bureau, also members of the Progressive Lawyers Association (ÇHD). Betül Vangölü Kozağaçlı and Seda Şaraldı were remanded in pre-trial detention for allegedly "attempting to overthrow the constitutional order" and the "intentional and premeditated act of killing". Lawyer Didem Baydar Ünsal was

² The AKP has 268 MPs, down from 285 at the end of the previous term. The MHP maintained its representation, up by one with 49 MPs. There are 600 seats in the Turkish national assembly (parliament).

³ Amnesty International, Türkiye: 2023 Prides Took Place Amid Discriminatory Restrictions and Abus of the Rights of the Protesters, EUR 44/8049/2024, 17 May 2024.

⁴ Human Rights Watch, Northeast Syria: Turkish Strikes Disrupt Water, Electricity, 26 October 2023, <https://www.hrw.org/news/2023/10/26/northeast-syria-turkish-strikes-disrupt-water-electricity>

⁵ Ali Yerlikaya, X post, <https://x.com/AliYerlikaya/status/1776473388925477355>, 6 April 2024.

⁶ Amnesty International, Türkiye: Uphold Human Rights In Responding To The Armed Attack Outside Istanbul's Courthouse, Public Statement, 14 February 2024 <https://www.Amnesty.Org/En/Documents/Eur44/7710/2024/En/>

⁷ Yılmaz Tunç, X post, <https://x.com/yilmaztunc/status/1756074806171103643>, 9 February 2024

remanded for “membership of an armed terrorist organization”. All three are detained in Silivri High Security Prison in Istanbul. Amnesty International has previously documented the Turkish authorities’ regular use of overly broad anti-terrorism laws to criminalize dissenting opinions, including lawyers. This has included the targeting of some members of the Progressive Lawyers Association (ÇHD) who have faced criminal proceedings in politically motivated and unfair trials. Amnesty International is concerned that the arrests of these lawyers could be a continuation of this trend.⁸

INDEPENDENCE OF THE JUDICIARY

The new legislative package entitled “Amendments to the Code of Criminal Procedure and Various Laws and Decree-Law No. 659,” commonly known as the “**8th Judicial Package**,” was published in the Official Gazette and entered into force on 12 March 2024, after being adopted in Parliament.⁹ As with previous reform proposals,¹⁰ the package fell short of addressing the most significant and systemic issues that lie at the root of the persistent erosion of human rights in Türkiye. Indeed, the package does not tackle the lack of judicial independence and the continued interference of the executive in the work of judges and prosecutors. This illustrates that the authorities are unwilling to take any serious steps to address the structural flaws in the judicial system which continue to undermine human rights protections in the country.¹¹

The 8th Judicial Package introduced amendments to paragraph 6 of Article 220 of the Turkish Penal Code, which has been used to criminalize “committing a crime in the name of an armed organization without being a member of that organization.” However, the amendment did not fully address the concerns previously raised by the Constitutional Court regarding the need to ensure clarity and foreseeability in the law and to ensure that the rights and freedoms of those accused of such crimes are protected. Indeed, the revised article continues to lack clear criteria for when “committing a crime in the name of an armed organization” can be criminalized, and therefore does not offer safeguards against arbitrary interference by public authorities that are based on international standards.

Meanwhile, the executive’s control and grip over the judiciary has continued to deepen. Despite the initiation of infringement proceedings against Türkiye in the Council of Europe following the non-implementation of the *Kavala v Turkey* judgment of 2019, domestic courts have persisted in their refusal to release human rights defender and businessman **Osman Kavala**, further confirming the politically motivated nature of his imprisonment. The former leaders of the People’s Democratic Party (HDP) **Selahattin Demirtaş** and **Figen Yüksekdağ** also remain in prison despite the European Court of Human Rights (ECtHR) rulings ordering their release.

The 2021 case to close the opposition party in Türkiye, the **People’s Democratic Party (HDP)**, and impose a five-year political ban on 451 former and current members, is still pending.

Can Atalay, who was detained in 2022 following his conviction in the Gezi prosecution, was elected as an MP for the southern province of Hatay during the May 2023 parliamentary elections. Despite this fact, the Court of Cassation denied his appeal for release in July and determined that he was not protected by parliamentary immunity under Article 83 of Turkish Constitution. At the end of September 2023, the Court of Cassation upheld his and four other Gezi prisoners of conscience, including Osman Kavala’s convictions and overturned that of three others. In October and December, the Constitutional Court twice ruled that Can Atalay’s continued detention was a violation of his rights to security and liberty, to be elected and to be politically active, in line with existing jurisprudence. Despite this fact, the trial court refused to make a decision and referred the ruling to the Court of Cassation, which then refused to implement the binding Constitutional Court ruling. In an unprecedented move, the Court of Cassation accused the Constitutional Court of ‘acting unconstitutionally’. This very public clash between Türkiye’s top courts (the

⁸ Amnesty International, Türkiye: Uphold Human Rights In Responding To The Armed Attack Outside Istanbul’s Courthouse, Public Statement, 14 February 2024 <https://www.amnesty.org/en/documents/eur44/7710/2024/en/>

⁹ Resmi Gazete, Ceza Muhakemesi Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun, Kanun no: 7499, <https://www.resmigazete.gov.tr/eskiler/2024/03/20240312-1.htm>, 12 March 2024.

¹⁰ Amnesty International, Turkey : 4th Judicial Reform Package Fails to Address Deep Flaws in the Judicial System, EUR 44/4726/2021, 15 September 2021, <https://www.amnesty.org/en/documents/eur44/4726/2021/en/>.

¹¹ Amnesty International, Türkiye: New judicial package leaves people at continued risk of human rights violations, 29 February 2024, <https://www.amnesty.org/en/documents/eur44/7765/2024/en/>

Constitutional Court and the Court of Cassation) and the subsequent revocation of Can Atalay's MP status, illustrated the deepening erosion of the rule of law in the country.

Recommendations for EU engagement towards the Turkish authorities:

In light of these findings, the European Commission should ensure that it uses all available avenues within the framework of Türkiye's EU accession process as well as its broader bilateral relations with the authorities, to promote the effective implementation of genuine reforms in the field of the judiciary and to protect the independence and impartiality of the judiciary in both law and practice.

More specifically, the European Commission should urge the Turkish authorities to:

- **Repeal Article 220/6 and amend Article 220/7 of the Turkish Penal Code** to set out clear criteria for when assisting an armed organization can be criminalized, including the requirement that such assistance must either, in and of itself, be a recognizable criminal offence, or be directly linked to the planning or commission of one.¹²
- **Implement constitutional and legislative changes removing the executive's control over the judiciary, including by amending legislation and practice relating to the composition and procedures for appointing members of the Council of Judges and Prosecutors (HSK).** This is crucial to ensuring the independence and impartiality of the judiciary in law and practice, as noted by the Venice Commission in 2017.
- **Withdraw the lawsuit against the HDP,** particularly in light of the binding ECtHR rulings in previous cases where the European Court found violations of the right to association in recent years due to similar circumstances where the Turkish authorities have closed political parties.
- **Implement the judgments of the ECtHR and immediately and unconditionally release Osman Kavala, Selahattin Demirtaş and Figen Yüksekdağ** from their prolonged and arbitrary detention.
- **End the judicial harassment of human rights defenders (HRDs)** and ensure they can carry out their legitimate and peaceful activities without fear of reprisals, arrest, and abusive criminal proceedings.

THE RIGHT TO FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION

Freedom of expression

The right to freedom of expression remains severely curtailed in Türkiye, as the authorities continued to arrest and launch abusive investigations and unfounded prosecutions against people and groups that oppose the government, including journalists, human rights defenders, civil society organizations, activists, and other public figures.

The relentless crackdown on freedom of expression is made possible by the widespread executive control and political influence over the judiciary. In recent years, this has led courts to systematically accept bogus indictments and to arbitrarily detain and convict individuals and groups that the government regards as political opponents.

In May 2023, **pop singer Gülşen** was sentenced to 10 months' imprisonment, suspended, for "inciting the public to hatred and enmity" in relation to a video circulated on social media which depicted a humorous exchange between her and a band member in 2022.

In 2023, the authorities increasingly limited the **right to freedom of expression on LGBTI rights**, including by cancelling public events, such as concerts. In June, Bursa and Denizli Municipalities cancelled the concerts of Melike Şahin and Mabel Matiz, immediately after their speeches at Elle Style Awards openly supporting LGBTI people in

¹² Amnesty International, Türkiye: New judicial package leaves people at continued risk of human rights violations, 29 February 2024, <https://www.amnesty.org/en/documents/eur44/7765/2024/en/>

İstanbul on 14 June.¹³ In July, the Mayor of Sandıklı district in Afyonkarahisar province cancelled the concert of Gökçe, planned in August, claiming on his X account that her social media posts showed support for LGBTI rights.¹⁴

Displaying rainbow flags or colours, an act which is protected by the right to freedom of expression, continues to be harshly repressed and used to intimidate and even criminalize LGBTI rights defenders.¹⁵ Middle East Technical University (METU) students who unfolded rainbow flags at their annual graduation procession on 26 July 2023, were targeted and the university administration opened a disciplinary investigation against at least six students for “marching with an LGBTI flag.”¹⁶ In October at least six students were reprimanded for such activities by the METU administration. During the LGBTI Pride season, protesters and lawyers confirmed to Amnesty International that law enforcement officials targeted people wearing multi-coloured clothing by arbitrarily detaining them at both the 18 June Istanbul Trans Pride and the 25 June Istanbul LGBTI Pride marches. One lawyer told Amnesty International that almost half of the people who were arbitrarily detained after the Istanbul Pride march on 25 June, were people who did not participate in the march, and most were targeted for their perceived sexual orientation or gender identity.¹⁷

The **prosecution of 15 journalists in the city of Diyarbakır**, including the co-chair of the Dicle Fırat Journalists' Association, on charges of “membership of a terrorist organization” continues. In July 2023, the journalists were conditionally released after being held in pre-trial detention for 13 months. The next hearing will be held on 19 November 2024.

In July, the editor of T24 online news site, **Sibel Yükler**, reporters at the Mezopotamya Agency **Delal Akyüz** and **Fırat Can Arslan**, editor at Bianet press agency **Evrım Kepenek** and freelance journalist, **Evrım Deniz** were detained and accused of “targeting a public official involved in the fight against terrorism” under Article 6 of the Anti-Terrorism Law. The charge related to their social media posts concerning the relocation of a prosecutor and judge (a married couple who had both been assigned to the prosecution of 15 journalists in Diyarbakır, see above). Fırat Can Arslan became the first journalist to be remanded in pretrial detention on charges under this legislation. He was subsequently acquitted and released at the first hearing on 31 October 2023.

In September 2023, the Ankara chief prosecutor initiated a criminal investigation against the **opposition MP Sezgin Tanrıku** for “denigrating the Turkish nation and state” and “inciting the public to hatred or hostility”, following his critical comments about the Turkish armed forces during a television programme.

In September 2023, the mayor of Antalya Municipality cancelled the **60th Antalya Golden Orange Film Festival**, and dismissed the director of the festival, following disputes over the screening of a documentary entitled The Decree. The film depicted public sector workers who had been summarily dismissed following the failed coup in 2016.

On 1 November 2023, journalist **Tolga Şardan** was remanded in custody for six days under the criminal offence of “publicly spreading disinformation” for his article on corruption in the justice system. In February 2024, Istanbul Chief Public Prosecutor's Office prepared an indictment against Şardan for “publicly spreading disinformation” and “insulting the judicial organs of the state” under the disinformation law.

Freedom of peaceful assembly

¹³ Anti-LGBTI social media posts on X were shared about the speeches of Melike Şahin and Mabel Matiz at the Elle Style Awards and some also called for the cancellation of their concerts. On 14 June, Bursa Municipality cancelled Melike Şahin's concert. See Bursa Büyükşehir Belediyesi, X post, <https://x.com/bursabuyuksehir/status/1669013726635098113?s=20>, 14 June 2023. On 17 June, Denizli Municipality also announced that the concerts of both artists are cancelled. See Denizli Büyükşehir Belediyesi, X post, <https://x.com/denizlibld/status/1669979747227512832?s=20>, 17 June 2023.

¹⁴ Dr. Mustafa Çöl, Mayor of Sandıklı District in Afyonkarahisar province, X post, https://twitter.com/mustafacol_/status/1686100513673109504, 31 July 2023.

¹⁵ Amnesty International Türkiye, Boğaziçi Üniversitesi Gökkuşuğu Bayrağı Davası, https://www.amnesty.org.tr/icerik/bogazicigokkusagi_

¹⁶ Unikuir, ODTÜ mezuniyetindeki gökkuşuğu bayrağında disiplin suçu arıyor!, 4 September 2023, <https://www.unikuir.org/haberler/odtu-mezuniyetindeki-gokkusagi-bayraginda-disiplin-sucu-araniyor-04-09-2023>

¹⁷ Amnesty International, Türkiye : 2023 Prides Took Place Amid Discriminatory Restrictions and Abuse of the Rights of the Protesters, EUR 44/8049/2024, 17 May 2024, <https://www.amnesty.org/en/documents/eur44/8049/2024/en/>.

Turkish authorities have intensified the crackdown on protesters, particularly on real or perceived critics, exercising their right to peaceful assembly across the country. This takes place alongside the shrinking of civic space in Türkiye, where freedom of expression, peaceful assembly and association are severely curtailed. Turkish authorities are increasingly restricting the right to peaceful assembly through temporary and/or blanket bans, excessive/unlawful use of force, arbitrary detention of protesters and the varied use of laws to criminalize protesters through investigations, unfair prosecutions, and other punitive measures such as judicial control measures. The crackdown on peaceful protests, fuelled by the use of anti-protest rhetoric by high-level officials, have also contributed to the chilling effect on the exercise of the right to peaceful assembly, with fewer protests and people on the streets. Non-state actors, some in collaboration with the authorities, also try to prevent people from protesting, drawing on intimidation tactics, such as strategic lawsuits against public participation (SLAPPs).

Following two important decisions of the Constitutional Court in November 2022 and March 2023, finding violations of the rights to freedom of peaceful assembly of the two applicants (*Maside Ocak Kışlakçı* and *Gülseren Yoleri*),¹⁸ **Saturday Mothers/People** (a group of human rights defenders including relatives of victims of enforced disappearances) decided to return to Galatasaray Square on 8 April 2023.¹⁹ Since August 2018, round the clock police presence and metal barriers have denied the Saturday Mothers/People access to the Square, the location of their long-standing weekly vigil for truth and justice. Between April and November 2023, police prevented the group from holding their peaceful vigil, for 29 successive weeks, using excessive force, ill-treatment, and routinely detaining the participants. A new prosecution under the Law on Meetings and Demonstrations was initiated against 20 people detained on 10 June 2023 (the 950th weekly vigil). The prosecution started on 27 February 2024. The second hearing will take place on 7 June 2024.

Since 11 November 2023, a small group of the Saturday Mothers/People, limited to ten people, have been allowed to read a short statement near Galatasaray Square. Whilst this has been an improvement, due principally to the tenacity of the Saturday Mothers/People, it still falls short of their legitimate demand to lift the police barriers, open access to the Square and implement the Constitutional Court judgments. Indeed, the Constitutional Court judgements required the authorities to restore the situation to the freedoms in place before the violation occurred, meaning the lifting of restrictions on the exercise of their right to peaceful assembly.

Amnesty International's research shows that the Turkish authorities continue to employ blanket bans and other discriminatory restrictions on **LGBTI Pride** marches, including by resorting to unnecessary and arbitrary use of force by law enforcement officials which, in some cases, constitutes torture and ill-treatment.²⁰ During the 2023 Pride season, the provincial and district Governors announced blanket bans on pride month events lasting from a day to a month in at least six provinces (Eskişehir, Aydın, Kocaeli, Antalya, Adana, İzmir) and four districts (Kadıköy, Şişli, Beyoğlu, Dağca).²¹ Several university administrations imposed arbitrary bans on pride events taking place on campus. At **METU**, the university rector emailed a statement to all students and staff on 8 June 2023, announcing a blanket ban on all pride events on campus and allowed law enforcement officials, including riot police, to enter the campus on the day of a planned march, in order to prevent it from taking place.

All banning decisions, except for the ban issued by the Governor of Adana, referred to “any activities that disrupt public order and general morality”, and explicitly applied to **LGBTI marches and events**, including film screenings, panels, and even a Tea & Talk social gathering at a café in Istanbul. These blanket bans, preventing LGBTI people

¹⁸ Constitutional Court judgments, *Maside Ocak Kışlakçı* B. No: 2019/21721, 16/11/2022 <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2019/21721> and *Gülseren Yoleri*, B. No: 2020/7092, 29/3/2023, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2020/7092>

¹⁹ Amnesty International, Urgent Action : Türkiye: End protest ban on Galatasaray Square: Saturday Mothers/People, 27 October 2023, <https://www.amnesty.org/en/documents/eur44/7357/2023/en/>

²⁰ Amnesty International, Türkiye : 2023 Prides Took Place Amid Discriminatory Restrictions and Abus of the Rights of the Protesters, EUR 44/8049/2024, 17 May 2024, <https://www.amnesty.org/en/documents/eur44/8049/2024/en/>.

²¹ Adana Governorship, Press Statement, <http://www.adana.gov.tr/ms-05456>, 7 July 2023; Antalya Governorship, Ban Decision, <http://www.antalya.gov.tr/antalya-valiligi-yasaklama-karari>, 4 July 2023; Beyoğlu Governorship, Press Statement, <http://www.beyoglu.gov.tr/basin-aciklamasi-31-istanbul-onur-haftasi-yasaklama>, 25 June 2023; Dağca Governorship, Banning Decision <http://www.datca.gov.tr/yasaklama-karari>, 13 June 2023; Eskişehir Governorship Banning Decision <http://www.eskisehir.gov.tr/yasaklama-karari11>, 14 June 2023; İzmir Governorship, Announcement, <http://www.izmir.gov.tr/duyuru-23062023>, 23 June 2023; Kadıköy Governorship, Press Statement, <http://www.kadikoy.gov.tr/basin-aciklamasi07062023>, 7 June 2023; Kocaeli Governorship, Press Statement, <http://www.kocaeli.gov.tr/lgbti-dernekleri-benzeri-olusumlar-ve-gruplar-tarafindan-onur-haftasi-adi-altinda-yapacagi-etkinliklerle-ilgili-basin-aciklamasi>, 23 June 2023.

from participating in any form of assembly, constitute disproportionate restrictions on their rights to freedom of expression and peaceful assembly, and are discriminatory against LGBTI people.²²

In addition to the official bans issued by the governors, the authorities increasingly imposed de-facto bans on peaceful protests by instructing law enforcement officials to prevent LGBTI people from gathering or imposing other punitive measures on protesters who exercised their rights. On 18 June, during the Istanbul Trans Pride, no banning order was issued, yet law enforcement officials not only dispersed peaceful protests but also actively searched for protesters, and unlawfully detained people for violating Law No 2911 on Meetings and Demonstrations often based on charges of “participation in unlawful assemblies and marches” and “refusal to disperse despite warning.” Although law enforcement officials claimed a ban was in place, they failed to present the activists or their lawyers with official documentation to prove this.

Despite the bans and the fear of violence, LGBTI rights activists in most cities decided to proceed with the planned Pride events and marches and to make their voices heard during the 2023 Pride season. However, law enforcement officials used unnecessary force against peaceful protesters, often subjecting them to punitive and unnecessary containment and arbitrarily detained them. **At least 224 people were arbitrarily detained across the country between 7 June and 9 July**, including not only peaceful protesters but also lawyers, journalists, foreign nationals, and people who did not participate in the protests. These indiscriminate and mass detentions were intended to prevent individuals from exercising their right to freedom of peaceful assembly and were therefore arbitrary. All individuals were released on the same day, except for five foreign nationals after the Istanbul LGBTI Pride on 25 June 2023. In all cities, people were arbitrarily detained for violating the Law No 2911 and other provisions of the Turkish Penal Code, with the clear intent to intimidate and penalize protesters. During Trans Pride on 18 June 2023, at least two activists were also accused of “insulting the president” referring to a slogan people chanted during the protest.

On 25 June 2023, five **foreign nationals** who did not participate in the pride events, including two refugees, were also detained. They were transferred to Removal Centres in cities far from Istanbul and deportation decisions were issued for all. Three of the foreign nationals, who were living in Istanbul or just visiting, were forced to sign a “voluntary return form” and returned to their home countries after 18 days. The two others were LGBTI refugees from Iran and Libya, and they were held in detention for 33 and 57 days, respectively. The Iranian national held international protection status to remain in Türkiye and the Libyan national applied for asylum after being detained. Both faced well-founded risks of human rights violations if returned, based on their sexual orientation and gender identity. The Iranian national resettled to a third country in November 2023. The deportation decision for the Libyan national was lifted in December 2023.

On 20 July 2023, law enforcement officials prevented several **commemorations of the 2015 bombing** by Islamic State, which killed 33 people in the south-eastern town of **Suruç**.²³ At least 187 protesters were arbitrarily detained in the cities of Istanbul, Izmir and Ankara. In Istanbul, police used unlawful force, including through the kettling of protesters, using pepper spray and plastic bullets.

Between July and September 2023, police used unlawful force, water cannon and pepper spray at close range against **ecological activists** protesting at the felling of thousands of trees to expand a coal mine in **Akbelen** forest in Muğla province.²⁴ At least 50 activists were detained. Although they were later released, some activists were subjected to travel restrictions while three were banned from entering Milas district in Muğla province.

In April 2024, people in many cities including Istanbul, Izmir, and Van, took to the streets to protest the decision to overturn the election of the **DEM Party candidate in the province of Van**. A two-week blanket ban on meetings and demonstrations in Van and Bitlis were announced by the authorities.²⁵ Such blanket bans on protests amount to a

²² UN Human Rights Committee (HRC), General comment 37: on the right of peaceful assembly (Article 21), 17 September 2020, CCPR/C/GC/37, 17 September 2020, para. 38.

²³ Human Rights Watch, Turkey: Istanbul Police Mistreatment of Peaceful Protesters, 27 July 2023, <https://www.hrw.org/news/2023/07/27/turkey-istanbul-police-mistreatment-peaceful-protesters>

²⁴ Human Rights Watch, Turkey Approves New Coal Mining to Feed Power Plants, 5 August 2023, <https://www.hrw.org/news/2023/08/05/turkey-approves-new-coal-mining-feed-power-plants>

²⁵ Van Governorship, 02.04.2024 dated Ban Decision, <http://www.van.gov.tr/02042024-tarihli-yasaklama-karari>, 2 April 2024; Bitlis Governorship, All Events in Bitlis are banned for 15 days, <http://www.bitlis.gov.tr/bitliste-tum-etkinlikler-15-gun-sure-ile-yasaklanmistir>, 3 April 2024.

disproportionate restriction on the exercise of the right to freedom of expression and peaceful assembly. In Van, law enforcement authorities used tear gas, rubber bullets and water cannons against protesters, and there have been reports of injuries including of journalists, lawyers, and human rights defenders. According to the Bar Association in Van, 264 people, including 10 lawyers, 15 children and one journalist, were detained during the protests in Van. Moreover, 27 people, including two children, were remanded in pre-trial detention on charges of violating the Law No 2911 and “membership of an armed terrorist organization” (Article 314 of the Turkish Penal Code) without presenting concrete evidence against the individuals.

Between 2 and 4 April 2024, law enforcement officials prevented people in **Izmir and Istanbul** from protesting the decision to overturn the election in Van. On 2 April, six people were detained in Izmir, four of whom were released later that day, while two women were remanded in pre-trial detention for violating the Law No 2911 on Meetings and Demonstrations. On 3 April, at least 132 people were reportedly detained in Istanbul, including four journalists who were later released with judiciary control measures. It is reported that one of the journalists and a musician sustained a broken nose during the detention by law enforcement officials.²⁶ The same day, Law enforcement officials prevented lawyers from reading a press statement at the Istanbul Court House, where at least 14 lawyers were detained including prominent human rights lawyer Eren Keskin. On 4 April 2024, law enforcement officials prevented a women’s group (Kadınlar Birlikte Güçlü) in Kadıköy, from peacefully protesting in Istanbul in solidarity with the people in Van and detained 54 women for violating the Law No 2911 on Meetings and Demonstrations, who were subsequently released later that day. On 4 April, the Minister of Interior announced on his X social media account that 340 people were detained from 14 provinces in relation to the protests for Van.²⁷

Since Israel’s military offensive on Gaza, mass **protests in solidarity with Palestinians** have taken place across the country which were largely free of undue restrictions or police intervention. However, law enforcement officials prevented protests calling on the Turkish authorities to end trade with Israel. On 6 April 2024, the Youth Movement for Free Palestine, a group that organized a protest in front of the Provincial Directorate of Trade in Istanbul, faced unlawful/excessive force and arbitrary detention by law enforcement officials. On the same day, the Ministry of Interior announced on X, that 43 people had been detained. All were released later that day, five of whom were released with judicial control measures. The Minister also noted that two security officers were suspended from duty after the protests.²⁸

Freedom of association

Türkiye remained on the “grey list” of the intergovernmental Financial Action Task Force (FATF), in part for using FATF recommendations on combating money laundering and financing terrorism as a smokescreen to justify and facilitate harassment of civil society organizations.

In July 2023, the FATF published a follow up report on Türkiye re-assessing the country on the basis of six recommendations. It found Türkiye to be largely compliant with “Recommendation eight” on potential risks associated with the non-profit sector.²⁹ In the February 2024 Plenary, the FATF made the initial determination that Türkiye had substantially completed its action plan and that it warrants an on-site assessment to verify implementation. It will be crucial that the FATF assesses Türkiye’s compliance with the criteria outlined in the FATF’s 2016 Interpretative Note to Recommendation 8 and its 2023 amendments, including the best practice guide on Combating the Abuse of Non-Profit Organizations (NPOs). This includes, ensuring that measures taken to combat the abuse of non-profit organizations:

- Are carried out in compliance with state obligations under international human rights, humanitarian and refugee law;
- Involve consultation and risk-mitigation measures to ensure efforts are focused and proportionate to the said

²⁶ MLSA, “Police tell detained journalists ‘This is not a hotel, you’ll learn that!’”, 9 April 2024, <https://www.mlsaturkey.com/en/police-tell-detained-journalists-this-is-not-a-hotel-youll-learn-that>

²⁷ Ali Yerlikaya, X post, 4 April 2024, <https://twitter.com/AliYerlikaya/status/1775826036896248051>.

²⁸ Ali Yerlikaya, X post, <https://x.com/AliYerlikaya/status/1776681324444541368>, 6 April 2024.

²⁹ The Financial Action Task Force (FATF), Anti-money laundering and counter terrorist financing measures, Türkiye: Follow-up Report & Technical Compliance Re-Rating, July 2023.

risks; and

- Avoid disrupting the legitimate activities of NPOs.

The **Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction (Law No 7262)**, adopted in December 2020, introduced amendments to a number of laws including the Law on Associations (Law No 5253) and the Law on Aid Collection (Law No 2860). These amendments have been used by the authorities to hinder the work of civil society through intensified audits.³⁰

In January 2024, the Constitutional Court examined some of the provisions of Law No 7262 and on 3 April 2024 published its judgement to annul some articles of the law.³¹ The judgement is significant as it would limit certain powers granted to the executive authorities under the law. Among other things, the court annulled Article 30/A that was added to the Law on Associations (Law no 5253) and which allowed the Minister of Interior wide authority over civil society. Article 30/A allowed the Minister to temporarily suspend staff members and/or executives of civil society organizations who are being prosecuted on terrorism-financing related offences allegedly linked to the association's activities and to have a representative appointed by the court to replace the suspended person. Article 30/A also granted the Minister the power to temporarily suspend the activities of such associations, if the above measure is deemed "insufficient." The annulment decision will come into effect on 3 January 2025. Until then, the Parliament may propose new legislative amendments in accordance with the ruling.

In May 2023, in the case of *Korkut and Amnesty International Türkiye v. Türkiye*, the European Court of Human Rights found that there had been a violation of the "right to fair and reasoned trial" under Article 6 of the European Convention on Human Rights and a violation of the right to freedom of assembly and association under Article 11.³² The case concerned the administrative fine imposed on Amnesty International Türkiye for allegedly failing to declare funds it had received from its International Secretariat in 2006-2007, to the authorities before using them. The Court ruled that Amnesty International Türkiye had been unable to foresee, at the relevant time, whether those declarations would be regarded as out of time and result in an administrative fine. The requirement of foreseeability of domestic law had thus not been satisfied and, accordingly, the interference with Amnesty International Türkiye's right to freedom of association had not been prescribed by law at the relevant time. In 2020, the Turkish authorities amended Article 18 of the Regulation on Associations indicating that funds received from associations' headquarters or from national branches in other countries must also be declared.

However, LGBTI, human rights and refugee rights associations, in particular, continue to face intensified audits and receive administrative fines for funds transferred abroad, such as membership fees paid to international organizations or payments for expert services abroad. This illustrates that Article 18 of the Regulation on Associations continues to lack clarity regarding the requirements associations need to follow on declaring funds transferred abroad and regarding which funds transferred abroad constitute "aid" according to domestic law.

On 27 February 2024, **Kaos GL Association** received two notices from the Ankara Provincial Directorate for Relations with Civil Society issuing fines of 16,561 Turkish Lira (TL) for the year 2023 and 7,429 TL for the year 2022. These relate to 11 separate funds transferred abroad which the association allegedly did not declare to the authorities. These fines relate to an alleged violation of Article 21/2 of the Law on Associations (Law no 5253) and Article 18/3 of the Regulation on Associations, and thereby constitute an alleged violation of Article 32/k of the Law 5253. In March 2024, Kaos GL appealed to the Ankara Criminal Judgeship of Peace to repeal the fines, arguing that Article 18 requires only foreign associations to declare "money" sent abroad and does not hold true for Turkish associations such as Kaos-GL. Indeed, Turkish associations are only required to declare "aid" sent abroad. According to the Law on Collection of Aid (Law no 2860), "aid" is defined as outright/gratuitous or loan payments. The association argues

³⁰ Amnesty International, Turkey: Terrorism Financing Law Has Immediate 'Chilling Effect' on Civil Society Impact of Law No. 7262 on Non-Profit Organizations, 19 October 2021, <https://www.amnesty.org/en/wp-content/uploads/2021/10/EUR4448642021ENGLISH.pdf>; Amnesty International, Weaponizing Counter-terrorism: Turkey's exploitation of terrorism financing assessment to target civil society, 18 June 2021, <https://www.amnesty.org/en/documents/eur44/4269/2021/en/>.

³¹ The Constitutional Court, Judgement No: 2024/11, 18 January 2024, <https://normkararlarbilgibankasi.anayasa.gov.tr/ND/2024/11>. Official Gazette, Constitutional Court Decisions, page 14, 3 April 2024, <https://www.resmigazete.gov.tr/eskiler/2024/04/20240403.pdf>.

³² European Court of Human Rights (ECtHR), *Affaire Korkut et Amnesty International Türkiye c. Türkiye* (Application 61177/09), Judgement, 9 August 2023, <https://hudoc.echr.coe.int/eng?i=001-224549>

that the funds in question either relate to membership fees to international organizations, such as Brussels based ILGA or copyright/service fees paid to individuals or institutions, such as a service paid to Duke University in the USA for an article published in Kaos-GL journal. As such, these fees cannot be considered as “aid”.

The prosecution of at least 15 members of the **Migration Monitoring Association** accused of “membership of a terrorist organization” continues. Meanwhile the proceedings to close the association for allegedly “operating in line with the goals and objectives of an armed terrorist group” also persists.

Various civil society organizations were also facing closure or dissolution in proceedings that contravened the right to association. In September 2023, a court rejected a lawsuit seeking the closure of the NGO **We Will Stop Femicides Platform** for alleged “illegal and immoral activities... damaging the Turkish family structure under the guise of defending women’s rights.”

The **Tarlabaşı Community Centre** in Istanbul continues to face closure after a lawsuit was filed against it in May 2022 for allegedly “attempting to influence children’s sexual orientation by normalizing the sexuality of individuals known as LGBTI people in society.” The next hearing will be held on 21 October 2024.

In September, **Hacettepe University administration** in Ankara forced the closure of an official LGBTI group on campus in violation of LGBTI people’s right to freedom of association.³³

In November, a civil court in Ankara dismissed 11 members of the Central Council of the **Turkish Medical Association** for “having acted outside of the founding aims of the Association”. The decision is pending on appeal.

Crackdown on Human rights defenders

In June, the Istanbul Heavy Penal Court No. 35 overturned the 2020 convictions of Özlem Dalkıran, Idil Eser, Taner Kılıç and Günel Kurşun, four human rights defenders in the so-called **Büyükkada prosecution**, for “lack of evidence”, in line with the earlier Court of Cassation judgment. An appeal by the prosecution against the acquittal of Taner Kılıç is still pending. The European Court of Human Rights delivered its judgment in the case of *Taner Kılıç (N° 2) v. Turkey (Application N° 208/08)* on 31 May 2022, finding violations of the applicant’s rights under Articles 5 § 1, 5 § 3, 5 § 5 and 10 of the European Convention of Human Rights (ECHR). The Committee of Ministers started its supervision process by classifying the judgment under enhanced procedure.

Meanwhile, the authorities again failed to implement judgments by the European Court of Human Rights in the cases of **Selahattin Demirtaş**, **Figen Yüksekdağ** and **Osman Kavala**, in the latter case despite the infringement proceeding and subsequent ECtHR judgment reaffirming the violations found by the Court and the urgent need to release Osman Kavala. Furthermore, in September, Türkiye’s highest court of appeals upheld the life sentence against Osman Kavala and the 18-year jail sentences against Çiğdem Mater, Can Atalay, Mine Özerden and Tayfun Kahraman, despite the prosecuting authorities’ repeated failure to provide any evidence. The convictions of Mücella Yapıcı, Hakan Altınay and Yiğit Ali Ekmekçi were overturned. The trial court’s examination of the Court of Cassation decision with regards to the latter three will continue on 22 May 2024.

In August, **Celalettin Can** was imprisoned to serve a 15-month sentence. A participant in the 2016 solidarity campaign with the now closed Kurdish daily newspaper *Özgür Gündem*, he remained in prison until his conditional release on 19 December.

Prominent human rights lawyer and the co-chair of the Human Rights Association (IHD), **Eren Keskin** and **Güllistan Yarkin**, a member of the Commission Against Racism and Discrimination at IHD were prosecuted for “insulting the Turkish nation” under Article 301 of the Turkish Penal Code for their participation in a press conference at Human Rights Association on the Armenian Genocide Remembrance Day on 24 April 2021. Both were acquitted during the third hearing held on 2 May 2024.³⁴ In February 2021, Eren Keskin was convicted of ‘membership of a terrorist

³³ Kaos-GL, “Queer Deer kapatıldı!” 22 September 2023, <https://kaosgl.org/haber/queer-deer-kapatildi>, 22 September 2023.

³⁴ MLSA, “Ermeni Soykırımı’nı anma davasında Keskin ve Yarkin beraat etti” 2 May 2024, <https://www.mlsaturkey.com/tr/ermeni-soykirimini-anma-davasinda-keskin-ve-yarkin-beraat-etti>

organization' for which she was sentenced to six years and three months, a baseless conviction which is currently pending on appeal at the Court of Cassation.

On 8 and 9 January, several social media accounts on X shared **posts targeting Eren Keskin**. The posts attacked her for her human rights work, as well as her ethnic and political identity, and included a photo of Eren Keskin and others, attending the Human Rights Association's press conference on Armenian Genocide Remembrance Day, on 24 April 2023. The lawyers of Eren Keskin filed a criminal complaint to the Chief Public Prosecutor and demanded the prosecution of those responsible for the social media attacks. The complaint was rejected by the Public Prosecutor.

Prof. **Şebnem Korur Fincancı**, head of the Turkish Medical Association was sentenced to 32 months of imprisonment for calling for an independent investigation into the alleged use of chemical weapons in the Kurdistan Region of Iraq in 2022. She was released from prison pending appeal in January 2023 after three months in pre-trial detention. Prof. Fincancı is a prominent forensic medicine physician who has worked for decades in Türkiye and internationally to eradicate torture.

In the past few years, there has been an intensification in efforts to target Prof Fincancı, which is closely linked to her prominent role as the head of the Turkish Medical Association and her outspoken stance against torture and other ill-treatment. In early February 2024, a smear campaign was launched on social media to discredit her work on torture, claiming that she had issued reports without examining individuals who claimed to have been subjected to torture or ill-treatment. She refuted the allegations comprehensively. In February 2024, Prof. Fincancı was questioned in the context of another criminal investigation under Article 301 of the Turkish Penal Code for giving her expert opinion during an interview in July 2021 regarding the possible torture of an individual who had been kidnapped and returned to Türkiye from Kyrgyzstan based on photographs that the President had shared in a broadcast.

Recommendations for EU engagement towards the Turkish authorities:

Independent journalists, human rights defenders and civil society activists can play a key role in advancing human rights-related reforms in Türkiye, including through their ability to enhance transparency, hold the authorities to account and offer evidence-based reporting. Meanwhile, respect for human rights, civil society and public participation are crucial to ensuring effective EU cooperation with Türkiye in areas of common interests, including on climate change and digitalization.

The EU should therefore make full use of the tools at its disposal and ensure that all opportunities to engage with Türkiye are used to shift the government's corrosive trajectory on human rights. This will require the EU to invest more in protecting the space for human rights defenders, independent civil society and other dissenting voices in Türkiye while seeking tangible human rights improvements in the country.

Among other things, the EU should enhance its assistance to independent civil society through more flexible and sustainable funding as well as more robust political support to human rights defenders and other actors facing unjust prosecution, restrictive legislation and closure proceedings.

Moreover, the European Commission should ensure that its engagement with the authorities as well as the financial and technical assistance foreseen within the framework of Türkiye's EU accession process contributes to promoting and protecting the right to freedom of expression, association and peaceful assembly.

Among other things, the European Commission should urge the Turkish authorities to:

- **End the prolonged and arbitrary detention and prosecution of politicians, human rights defenders, lawyers, journalists, activists, and others** solely for exercising their rights to freedom of expression, association and peaceful assembly.
- **Repeal the 'disinformation law' and refrain from imposing blanket prohibitions on the dissemination of information**, including those based on vague and ambiguous concepts such as "untrue information" or "panic".

- **Ensure that all laws regulating the exercise of the right to freedom of expression, are brought in line with Türkiye's obligations under international human rights law and standards.** This includes those intended to address disinformation. Ensuring that credible, reliable, objective, and accessible information is disseminated to all, is the best way to address the challenges posed by disinformation.
- **Review all articles of the Turkish Penal Code, the Anti-Terror Law, the amendments to the Internet Law, the Law on Meetings and Demonstrations and other laws** that are used to unduly restrict the rights to freedom of expression, association and peaceful assembly with a view to repealing or amending them in order to bring them in line with international human rights law and standards.
- **Repeal or significantly amend the “Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction”** and ensure Türkiye's compliance with FATF criteria including by guaranteeing that measures taken to combat the abuse of non-profit organizations are carried out in compliance with international human rights law, are focused and proportionate to the risk and avoid disrupting the legitimate activities of non-profit organisations.
- **Bring its anti-terrorism legislation in line with international human rights law** and standards.
- **Guarantee in law and in practice the protection and facilitation of spontaneous assemblies in the same way as other assemblies** and ensure that the failure to comply with a notification requirement is not used as the sole reason to disperse or otherwise restrict an assembly.
- **Refrain from imposing blanket bans on protests** and instead assess each public assembly on a case-by-case basis, adopting an enabling approach to the exercise of the right to peaceful assembly rather than preventing and restricting it.
- **Ensure that decisions to disperse an assembly are taken only as a last resort and in line with the principles of necessity and proportionality.** That is, only when there are no other means available to protect a legitimate aim which outweighs the right of people to assemble peacefully. In any such situation, law enforcement officials must, as far as possible, avoid any use of force and, in any event, must always restrict it to the minimum level necessary.
- **Conduct prompt, impartial, independent and effective investigations into all allegations of human rights violations by law enforcement officials during protests.**
- **Ensure that marginalized groups can freely exercise their right to association.** Among other things this includes ensuring that they can form civil society organizations without discrimination.
- **Ensure that the suspensions or dissolution of associations are only conducted after an order, issued by an impartial and independent court, in compliance with international human rights law and standards** and that these take place only when it is strictly necessary and proportionate to a legitimate aim.

WOMEN'S RIGHTS

Men killed at least 315 women in acts of femicide in 2023 according to the reports by We Will Stop Femicides Platform, and 248 women were found dead under suspicious circumstances.

Following Türkiye's withdrawal from the Istanbul Convention in 2021, the protection of women and girls from domestic and other types of violence has received a significant blow. Dozens of women's organizations, bar associations and others continued to apply to Türkiye's highest administrative court, the Council of State, to quash the decision but the Court rejected all the applications in 2023.

While Türkiye's withdrawal from the Istanbul Convention is certainly regrettable, women's human rights, including the rights to life and to life free from violence, are guaranteed in other binding treaties and, indeed, in national law and the Constitution. Türkiye has an obligation to respect, protect and fulfil the human rights of women. This includes upholding women's right to a life free from violence, as well as to remedy their subordinate and unequal status in

society. It also encompasses addressing the current context of discrimination and harmful stereotypes about women that underlie gender-based violence and impact the responses of police and judicial officials to women who try to access protection and justice, further entrenching impunity for these crimes.

Recommendations for EU engagement with the Turkish authorities:

In light of this, the EU should ensure that its engagement with the authorities as well as the financial and technical assistance foreseen within the framework of Türkiye's EU accession process is effectively used to foster reforms that aim to promote and protect women's rights and gender equality and prevent and combat violence against women and gender-based violence.

Among other things, the EU should urge the Turkish authorities to:

- **Ensure Türkiye's laws and practice comply with its international obligations to guarantee** women's human rights, including the rights to life and to a life free from violence.
- **Fully implement the recommendations issued by UN expert committees** including CEDAW, HRC, CAT, CESCR, CRC regarding the right of women and girls in Türkiye to a life free from violence.
- **Ensure women and girls have prompt access to the protection and support services they need**, including those facing multiple and intersecting layers of discrimination by actively reaching out to them, including by supporting and cooperating with NGO's, women's rights groups or other grassroots organizations representing them.
- **Ensure women have access to a 24/7 helpline specifically dedicated and equipped to respond to calls about violence against women**, ensuring that responders are adequately trained, and that there are responders and information available in the languages commonly used in Türkiye.
- **Increase shelter capacity and ensure adequate geographical distribution of shelters across Türkiye.** Further, ensure all women facing or risking violence can access shelters regardless of their age, the age of their children, their immigration status, or any disabilities.
- **Devise protective measures and support services which enhance victims' empowerment** such as long-term socio-economic support, employment programmes and childcare services and in particular ensure that shelters function in ways that empower survivors.
- **Set up, in sufficient numbers, sexual violence centres** providing one-stop emergency support, medical care and forensic examination, as well as longer-term counselling and support for victims of sexual violence, including ensuring the rights of child victims of sexual violence to specialist services.

For a more extensive list of recommendations, please see Amnesty International's briefing: "Turkey, turn words into actions – Duty-bound to end violence against women"³⁵ published in December 2021.

LGBTI RIGHTS

Politicians, including government officials, regularly used hate speech and smear campaigns, amplified by certain media, against the LGBTI community, which escalated further in the run-up to the **May 2023 presidential and legislative elections**. Discrimination, intimidation and violence were particularly visible during Pride season when police violently attempted to disperse peaceful marches and detained participants.

Anti-LGBTI groups and platforms organizing protests received open support from high-level officials and politicians. In September 2023, **Büyük Aile Platformu (the Great Family Platform)**, a platform composed of different organizations that amplifies discriminatory and harmful rhetoric against LGBTI people, organized gatherings in the country openly calling for a ban on "LGBTI propaganda" and the closure of LGBTI organizations under the pretence of protecting "the family and children". In its efforts to rally people to join the demonstration, the platform's video advertisement used discriminatory and stigmatizing rhetoric against LGBTI people, presenting them as a "threat" to society, drawing

³⁵ Amnesty International, Turkey, turn words into actions: Duty-bound to end violence against women, 22 December 2021: <https://www.amnesty.org/en/documents/eur44/5109/2021/en>

on misinformation to do so.³⁶ In spite of this rhetoric, the advertisement was approved by the state broadcasting body (RTÜK) for the second year in 2023.³⁷ On 12 September 2023, law enforcement officials prevented the LGBTI activists in In Izmir from peacefully protesting against RTÜK's decision and arbitrarily detained them before the planned gathering.

Recommendations for EU engagement with the Turkish authorities:

In light of this, the EU should use all available avenues within the framework of Türkiye's EU accession process as well as its broader bilateral relations with the authorities, to promote and protect the rights of LGBTI people in the country.

Among other things, the EU should urge the Turkish authorities to:

- **Ensure that public officials do not engage in any inflammatory, harmful and stigmatizing rhetoric against LGBTI people.**
- **Promptly condemn smear campaigns directed towards LGBTI rights defenders, and publicly recognize their crucial work.**
- **Explicitly include "sexual orientation", "gender identity and expression" and "sex characteristics" as protected grounds in anti-discrimination legislation.**
- **End violations of the rights of LGBTI people to freedom of peaceful assembly, liberty and security of person and non-discrimination:** Ensure that everyone, including LGBTI people, can enjoy their right to peaceful assembly without discrimination, including through adequate protection to organize and participate in peaceful assemblies.

REFUGEES' AND MIGRANTS' RIGHTS

Asylum seekers, refugees and migrants face an **increasingly hostile environment** in Türkiye. Indeed, the discriminatory rhetoric against refugees, migrants, and other minority groups has continued to increase, including by public officials and politicians. This was on full display in the run up to the May 2023 elections, where the campaigns of leading political candidates were marred by racist and anti-refugee rhetoric.

Asylum seekers, refugees and migrants in Türkiye continue to live in dire economic conditions and are often unable to **fully access their economic and social rights**. This has been exacerbated further by the increasing levels of discrimination and cases of violent, xenophobic attacks against refugees and migrants across the country. In April 2023, Amnesty International and Human Rights Watch documented³⁸ cases of xenophobic attacks and torture and other ill-treatment by law enforcement officials sent to police the regions devastated by the February 2023 earthquakes. Victims of these abuses included Syrian refugees who were found to be particularly reluctant to file official complaints, out of fear of further attacks and reprisals.

Refugees in Türkiye also remained at **risk of being unlawfully returned** to countries such as Syria, Iran and Afghanistan where they could face serious human rights violations. Such returns would constitute refoulement. In

³⁶ Aile TV, Bu gidişe dur de / Büyük Aile Buluşması, Aile TV <https://www.youtube.com/watch?v=HP05RLJtFmQ> (accessed on 15 December 2023)

³⁷ Anadolu Agency, LGBT propagandasına karşı "Büyük Aile Buluşması" 17 Eylül'de düzenlenecek, <https://www.aa.com.tr/tr/gundem/lgbt-propagandasina-karsi-buyuk-aile-bulusmasi-17-eylulde-duzenlenecek/2988825>, 11 September 2023.

³⁸ Amnesty International, "Türkiye: Police and gendarmerie commit abuses in earthquake zone", 5 April 2023, <https://www.amnesty.org/en/latest/news/2023/04/turkiye-police-and-gendarmerie-commit-abuses-in-earthquake-zone/>

2023, the Ministry of Interior announced that **28,734 Afghans had been returned** to Afghanistan in the first 10 months of the year 2023.³⁹

In at least 30 cities, the Presidency of Migration Management announced the implementation of “**Mobile Migration Points**” to identify irregular migrants through identity and fingerprint checks. The checks involved the use of law enforcement officials and expert staff from the Migration Management service.

There also continue to be numerous accounts of refugees and migrants, including people with international protection, being detained for prolonged periods of time in overcrowded **removal centres before being forcibly returned**. In 2022, Amnesty International⁴⁰ and Human Rights Watch⁴¹ found that EU funding was being provided to the building of removal centres of this type, where Afghans were being detained in appalling conditions, before being unlawfully returned. While EU funding may not be implicated in the running of the removal centers, support to the building of these, nonetheless provides the EU with sufficient grounds to more vocally and consistently raise concerns with the Turkish authorities regarding the conditions in removal centres as well as other well documented violations against asylum seekers, refugees and migrants in the country.

According to Human Rights Watch, the practice of men and some **boys being unlawfully deported to northern Syria**, often after being coerced into signing **voluntary return forms**, continues in spite of a 2022 ECtHR judgment and a May 2023 Constitutional Court judgment finding forced return under the guise of voluntary repatriation a violation of human rights on several counts⁴².

There are therefore reasons to consider that upon return to Türkiye, refugees and migrants are likely to face risks of serious human rights violations, including unlawful returns in violation of the principle of non-refoulement. As such, EU countries should refrain from returning people based on safe third country criteria⁴³.

Nonetheless, it is against this backdrop that continued cooperation under the 2016 EU-Türkiye Statement takes place. The 2016 deal has resulted⁴⁴ in tens of thousands of people who arrived from Türkiye being forced to stay in inhumane conditions on the Greek islands and has left thousands of asylum seekers in limbo after seeing their claims rejected on admissibility grounds in Greece. These and other deals like it, are corrosive to the EU's human rights record.

Given that Türkiye continues to host the world's largest number of refugees, it is also crucial that the EU maintains and increases its support to refugees in Türkiye. However, it should ensure that such financing is directed toward addressing the dire humanitarian needs of refugees, rather than to supporting migration control. Moreover, all EU funding in this field should be equipped with the necessary safeguards to ensure that no funding benefits government bodies or institutions involved in or contributing to human rights violations.

Recommendations for EU engagement with the Turkish authorities:

In light of this, the EU should use all available avenues within the framework of Türkiye's EU accession process as well as its broader bilateral relations with the authorities, to promote and protect the rights of refugees, asylum seekers and migrants in the country.

³⁹ Demirören Haber Ajansı, “Bakan Yerlikaya: 10 ayda 721 terörist etkisiz hale getirildi”, 9 November 2023, <https://www.dha.com.tr/gundem/bakan-yerlikaya-10-ayda-721-terorist-etkisiz-hale-getirildi-2340592>

⁴⁰ Amnesty International, Afghanistan: “They don't treat us like humans”: Unlawful returns of Afghans from Turkey and Iran, 31 August 2022, <https://www.amnesty.org/en/documents/asa11/5897/2022/en/>

⁴¹ Human Rights Watch, Turkey: Hundreds of refugees deported to Syria, 24 October 2022, <https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria>

⁴² Human Rights Watch World Report – Türkiye, 11 January 2024, <https://www.hrw.org/world-report/2024/country-chapters/turkey>

⁴³ Amnesty International, Turkey: No safe refuge: Asylum-seekers and refugees denied effective protection in Turkey, 3 June 2016, <https://www.amnesty.org/en/documents/eur44/3825/2016/en/>

⁴⁴ Amnesty International, Turkey: EU: Anniversary of Turkey deal offers warning against further dangerous migration deals, 12 March 2021, <https://www.amnesty.org/en/latest/press-release/2021/03/eu-anniversary-of-turkey-deal-offers-warning-against-further-dangerous-migration-deals/>

Among other things, the EU should urge the Turkish authorities to:

- **Respect the principle of non-refoulement**, including by ending all forcible transfers of Afghans to Iran and to Afghanistan; and stopping the forced returns of asylum seekers to Syria and other countries where they may face risks of serious human rights violations and ensuring that anyone forcibly returned is able to safely and legally re-enter Türkiye.
- **Ensuring that “voluntary return” procedures comply with international law and standards** protecting against refoulement and guarantee free and informed consent of the potential returnee. Allowing UNHCR and other international bodies to monitor these procedures.
- **Ensure that Türkiye’s practices in removal centres are aligned with international human rights standards** and that detainees are able to access legal counsel.
- **Provide all those who want to seek asylum access to a clear, fair, transparent and functioning asylum system** and ensure that they can access information in their own language on how to proceed.
- **Take steps to ensure that Syrians under temporary protection are not subject to deportation to northern Syria under the guise of voluntary repatriation.**

IMPUNITY

In January 2023, the Diyarbakır Heavy Penal Court No. 7 acquitted the police officer who shot and killed **Kemal Kurkut** while the latter was entering the area where Newroz festivities were held in Diyarbakır in 2017.

In May 2023, 19 people charged with enforced disappearances or **extra-judicial executions between 1993 and 1996** “as part of the activities of an armed organization established to commit crimes” were acquitted in Ankara.

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

People detained for **alleged looting following the earthquakes** in Türkiye were subjected to torture and other ill-treatment by law enforcement officials. At least one person died in custody after being tortured; three gendarmes were suspended on 15 February 2023 as a result.

TORTURE AND OTHER ILL-TREATMENT

On 18 June 2023, after the dispersal of the **Istanbul Trans Pride March**, law enforcement officials used unlawful force amounting to torture or other ill-treatment while detaining at least five protesters.

Serhat Kahyaoğlu, died following his detention by law enforcement officials on 31 March 2024, after the local elections in Türkiye. Kahyaoğlu was detained for firing a weapon into the air from his home in Istanbul. His lawyer told Amnesty International that the evidence, including witness testimonies and photographs taken at the morgue, show he was subjected to severe beatings, including blows to the head. The lawyer made a criminal complaint to the prosecutor and also appealed for the arrest of the responsible law enforcement officials on the grounds that there is reasonable cause to suspect that Kahyaoğlu died while in police custody. The cause of death has not yet been established and is pending an autopsy report.

International law and Türkiye’s own laws absolutely forbid torture or other ill-treatment of suspects under any circumstances. The Turkish government has long claimed to uphold a policy of “zero tolerance for torture”.

On 23 January 2024, the Parliamentary Assembly of the **Council of Europe (PACE)** adopted a resolution on **“Allegations of Systemic Torture and Inhuman or Degrading Treatment of Punishment in places of Detention in**

Europe.⁴⁵ With regard to Türkiye, the Assembly expressed concern that “there has been a rise in the use of torture and ill-treatment in police custody and prison over the past years” despite the authorities’ commitment to uphold a policy of “zero tolerance”. The assembly called on Türkiye “to address the root causes of the problem, to introduce systematic changes aimed at eliminating abusive and unlawful practices, and to ensure accountability, including in terms of criminal and civil liability of individual perpetrators, high-ranking officials and State bodies, for practising or tolerating torture and ill-treatment.

Recommendations for EU engagement with the Turkish authorities:

In light of this, the EU should use all available avenues within the framework of Türkiye’s EU accession process as well as its broader bilateral relations with the authorities, to promote the fight against impunity and to eradicate torture and other ill-treatment in the country.

Among other things, the EU should urge the Turkish authorities to:

- **Conduct full, prompt, independent and impartial investigations into all allegations of torture or other ill-treatment** perpetrated by police, gendarmerie, and military personnel.
- **Ensure that all victims have access to reparations for the harm they have endured**, in line with their right, and Türkiye’s obligations, under international law.

⁴⁵ The Parliamentary Assembly of the Council of Europe, “Allegations of Systemic Torture and Inhuman or Degrading Treatment of Punishment in places of Detention in Europe” paragraph 6.3 and 9, Doc. 15880 <https://pace.coe.int/en/files/33339>