

Joint Submission to the UPR of Turkey The Journalists and Writers Foundation & Alliance for Shared Values

Executive summary

The present report is jointly prepared and submitted by the Journalists and Writers Foundation (JWF)¹ and the Alliance for Shared Values (AfSV).² The report focuses on discrimination and the widespread and systematic human rights violations against Turkish nationals, based on perceived political and other opinion, in particular in the aftermath of the attempted coup of July 15, 2016.

Progress and new issues since 2015

1. Between the last UPR cycle in 2015 and the attempted coup of July 2016, there has been insignificant progress, *if any*, in implementing the recommendations made during the 2015 UPR review. Since July 2016, Turkey has experienced a sharp declining trend in almost all human rights indicators, including civil, economic and social rights, freedom of expression and media, the rights of women, free and fair elections, government accountability and corruption.
2. In the late hours of July 15, 2016³ a small faction of the Turkish Armed Forces⁴ attempted a military coup to overthrow the government of Turkey. 251 people were killed and more than 2,000 were injured during the attempt.⁵ On July 20, 2016, the Turkish Parliament approved the declaration of the state of emergency. Initially meant to last only ninety days, the state of emergency was only lifted two years following the attempted coup.⁶
3. In the aftermath of the attempted coup, the government began an unprecedented purge targeting perceived political opponents from all walks of life, in particular the education, health, media, police, military and justice sectors. The crackdown on dissent is still ongoing, with measures introduced under the umbrella of the state of emergency and post-state of emergency, severely limiting individual rights and liberties and fundamentally compromising judicial independence and rule of law.
4. Since July 2016, more than 160,000 civil servants have been arbitrarily dismissed, around 217,971 are taken into custody and approximately 96,885 are arrested on terrorism-related

¹ The Journalists and Writers Foundation (JWF) is a New York-based international civil society organization dedicated to globally advancing peace, human rights and sustainable development.

² The Alliance for Shared Values (AfSV) is a non-profit organization dedicated to serve as a voice for civic, culture and service organizations around the United States and to promoting community service, education and interfaith dialogue.

³ The events related to the attempted coup began at 7:29 p.m. in the evening of July 15, 2016.

⁴ The faction called themselves the “Peace at Home Council”.

⁵ Committee against Torture, *Concluding observations on the fourth periodic report of Turkey*, Addendum Information received from Turkey on follow-up to the concluding observations (CAT/C/TUR/CO/4/Add.1), November 8, 2016, para 61.

⁶ The state of emergency was extended seven times before being officially lifted on July 19, 2018.

grounds.⁷ A total of 500,650 individuals have been investigated over real and alleged links to the Hizmet Movement, including 2,060 children.⁸ From July 2016 to December 2017, the Turkish authorities revoked 234,419 passports.⁹

5. Documented human rights and other violations include arbitrary killings, suspicious deaths of persons in custody, enforced disappearances, torture and ill-treatment, violence against women and children, arbitrary arrest and detention, severe restriction of freedoms of expression, assembly and association, arbitrary closure of media outlets and civil society organizations, blocking websites and content, arbitrary deprivation of nationality and heavy restrictions on the freedom of movement.
6. Turkish teachers, businessmen, academics and other intellectuals in exile face involuntary disappearance, forcible and unlawful expulsion to Turkey, where they would be subjected to arbitrary detention and torture. They face abuse, inhumane, and degrading treatment; precarious living, health, financial, economic conditions and other hardships; have their passports cancelled, their children born stateless, and scores face arbitrary deprivation of nationality.

International instruments

7. Since the last UPR review, Turkey ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure¹⁰ and the Optional Protocol to the CRPD.¹¹

Constitutional and legislative framework

8. Thirty-two arbitrary emergency decrees with a sweeping nature were issued during the state of emergency. They have already radically transformed Turkey and used to consolidate extraordinary powers vested with the President, following the April 16, 2017 constitutional referendum¹² and the June 24, 2018 general and presidential elections.¹³
9. Most of the measures introduced under the emergency decrees and important changes introduced to key pieces of legislation in Turkey, including the criminal procedure law are not confined to the duration of the state of emergency. With many of the state of emergency measures remaining in force, the extraordinary presidential powers likely continuing to strip

⁷ For more statistics See also <https://turkeypurge.com/>.

⁸ Turkish Ministry of Justice statistics as of March 2019. See for more:

http://www.cumhuriyet.com.tr/haber/turkiye/1276109/iste_yargidaki_FETO_bilancosu.html.

⁹ According to official data (Turkish Interior Ministry): 55,665 were jailed, 234,419 passports revoked since coup attempt, available at: <https://turkeypurge.com/turkish-interior-minister-55665-jailed-234419-passports-revoked-since-coup-attempt>.

¹⁰ The Protocol was ratified by the Republic of Turkey on December 26, 2017.

¹¹ The United Nations Convention on the Rights of Persons with Disabilities, ratified by Turkey on March 26, 2015.

¹² Amid serious allegations on electoral fraud during the referendum, on April 16, 2017 president Erdogan expanded his presidential powers with a narrow 51.3% majority in favor.

¹³ Constitutional amendments were adopted during the June 2018 elections, giving the presidency powers equivalent to those under the state of emergency on a permanent basis.

away fundamental rights and freedoms and the adoption of the new anti-terror law¹⁴ following the termination of a state of emergency in the country - the lifting of the state of emergency is considered largely cosmetic.

Institutional and human rights infrastructure

10. The Law on Turkish Human Rights and Equality Institution of April 20, 2016 provided for a new body, which is fully dependent on the executive.¹⁵ Under the existing circumstances the Human Rights and Equality Board cannot effectively and adequately carry out its mandate because it lacks the independence required under the Paris Principles.¹⁶
11. Incapacitating and rendering completely ineffective the Human Rights and Equality Institution of Turkey and the Parliament's Committee on Human Rights Inquiry,¹⁷ the government has also ensured that perpetrators of serious human rights violations, including torture in places of deprivation of liberty, are granted complete immunity from prosecution.

Cooperation with human rights mechanisms

12. The Council of Europe's Committee for the Prevention of Torture (CPT) carried out two visits¹⁸ in Turkey, however, the government has not yet approved the public release of the CPT report and findings. Even though Turkey has extended a standing invitation to the Special Procedures of the Human Rights Council, it is currently not cooperating with these human rights mechanisms, as it has yet to positively respond to the repeated requests for visits from several relevant United Nations Human Rights Council special procedures.¹⁹

Equality and non-discrimination

13. The state of emergency and measures in the post state of emergency continue to be routinely used as an excuse to curtail human rights and liberties, target human rights defenders and suppress dissent. Since the July 2016 attempted coup, individuals allegedly linked to the Hizmet Movement suffer disproportionate multi-faceted discrimination, in particular as regards access to basic social services such as health, education, employment, and justice, both in law and practice.

¹⁴ The new anti-terror law, effectively prolonging the state of emergency measures, was adopted on July 26, 2018.

¹⁵ Eight members of the board are chosen by the government, and three by the president.

¹⁶ Principles relating to the status of national institutions for the promotion and protection of human rights.

¹⁷ Serving as a national monitoring mechanism, the Commission continues to have limited ability in influencing government decision-making.

¹⁸ The first visit between August 29 and September 6, 2016 and the second from May 10-23, 2017.

¹⁹ Working Group on Arbitrary Detention, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on Human Rights Defenders, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Independent Expert on Minorities, Special Rapporteur in the field of cultural rights, Special Rapporteur on the Right to Development and the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination.

14. Inflammatory rhetoric and hate speech targeting individuals allegedly linked to Hizmet Movement have resulted in mass persecutions, unparalleled to anything in modern Turkish history. The use of more than 240 different derogatory phrases that amount to hate speech against the Hizmet Movement has been conclusively documented.²⁰ Systematic hate speech has had a cascading impact on the mindset of law enforcement officials, often serving as motivation for human rights abusers.

Right to life, liberty and security of the person

15. Since the attempted coup, the Turkish government officials have declared that Hizmet Movement participants do not have a right to life and will beg for death in prisons.^{21,22} The government has repeatedly discussed the idea of reinstating the death penalty specifically for the participants of the Hizmet Movement.²³ While the reinstatement of the death penalty may not be legally feasible,²⁴ by December 2018 the submitting organizations have documented the death, under suspicious circumstances and in a pattern of systematic recurrence, of at least sixty-one individuals deprived of their life.²⁵

16. During the first days in the aftermath of the attempted coup, the Turkish government removed all the safeguards against torture, effectively writing a blank check to law enforcement agencies to torture and mistreat detainees.²⁶ Even though the government has vehemently denied that torture and ill-treatment has played a role in deaths of individuals under custody, and autopsy reports, as well as investigation files have been kept confidential - it is well documented that at least several of the deaths under police custody were a direct consequence of excessive use of force by security officers.²⁷

17. In the aftermath of the attempted coup, there have been disturbing allegations on enforced and involuntary disappearances by agents acting on behalf of the government of Turkey, both in the country and abroad. At least 26 enforced disappearances have taken place in broad

²⁰ See also the research on this matter available at: http://stockholmcf.org/wp-content/uploads/2017/06/Erdogans-Vile-Campaign-Of-Hate-Speech-Case-Study-Targeting-Of-The-Gulen-Movement_2017.pdf.

²¹ See e.g. “Economy minister says gov’t will make coup plotters beg for death”, available at <https://www.turkishminute.com/2016/08/01/economy-minister-says-govt-will-make-coup-plotters-beg-for-death/>
Ekonomi Bakanı: Bu darbecilere öyle bir ceza vereceğiz ki “Gebertin bizi” diye yalvaracaklar!

²² See also <http://odativ.com/polis-sizi-tehdit-de-etse-darp-da-etse-bir-sey-yapamazsiniz-1501171200.html>.

²³ See e.g. <https://turkeypurge.com/president-erdogan-gulenists-will-not-enjoy-right-to-life-in-turkey>.

²⁴ See also JWF report “*Escaping the witch-hunt from Turkey and around the world, the right to leave*, April 2018, p. 45. Available at <http://jwf.org/jwf/wp-content/uploads/2018/05/Escaping-the-Witch-Hunt-from-Turkey-and-Around-the-World-JWF-Report-April-2018.pdf>.

²⁵ More information is available from the JWF Policy Paper “*Death in Custody: Right to Life in Turkish Prisons*”, accessible at <http://jwf.org/jwf/wp-content/uploads/2018/10/Death-in-Custody-Right-to-Life-in-Turkish-Prisons.pdf>.

²⁶ Human Rights Watch, *Turkey: Emergency Decrees Facilitate Torture, October 2016*. Available at <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture>.

²⁷ See e.g. the case of Gökhan Açikkollu, a 42-year-old history teacher who died after 13 days of torture and abuse in police detention in İstanbul. More information about his tragic death under custody can be found here: <http://jwf.org/jwf/wp-content/uploads/2018/05/Torture-Report-in-Turkey-2017.pdf> or <https://stockholmcf.org/tortured-to-death-holding-gokhan-acikkollus-killers-to-account/>.

daylight across Turkey, in strikingly similar circumstances.²⁸ In July 2018, the Foreign Minister confirmed that the National Intelligence Organization (MIT) had facilitated the return of more than 100 alleged members of Hizmet Movement from 18 countries,²⁹ *inter alia*, through abductions and illegal transfer. In most of the cases, cooperative governments deported targeted individuals without due process.³⁰

Torture and ill-treatment

18. Despite the government's stated zero tolerance for torture policy, individuals detained and arrested as part of the government crackdown on the Hizmet Movement have been systematically subjected to torture and ill-treatment, using methods firmly prohibited under international law.³¹ Brutal interrogation techniques³² have been documented, inside and outside police stations and other facilities, aimed at mainly extracting forced confessions or coercing detainees to incriminate others, including:

- Blunt force trauma and severe beatings
- *Falaka*
- Sexual torture, including anal penetration with foreign objects, electrocution and pressure on sexual organs
- Starvation, denial of water and medical treatment
- Positional torture/suspension and stress positions for up to 48-hours
- Sleep deprivation
- Verbal abuses and threats, including mock execution
- Palestinian hanging
- Electric shock
- Nail extraction
- Cold/high pressure water hosing
- Asphyxiation / suffocation
- Air-conditioning torture (hot air conditioning during the day and cold at night)
- Exposure to icy water
- Dripping molten plastic on the extremities
- Sharp force trauma

²⁸ Most of the cases have two elements in common: The missing men were previously dismissed from their jobs during the state of emergency and most of them are alleged sympathizers of the Hizmet Movement. Please see for accurate statistics: <https://stockholmcf.org/enforced-disappearances-in-turkey-2/>.

²⁹ Including from Azerbaijan, Bulgaria, Gabon, Indonesia, Kazakhstan, Kosovo, Malaysia, Moldova, Myanmar, Thailand, Pakistan, Saudi Arabia, Qatar, Sudan and Ukraine.

³⁰ See for more the JWF report "*Escaping the witch-hunt from Turkey and around the world, the right to leave*," April 2018. Available at <http://jwf.org/jwf/wp-content/uploads/2018/05/Escaping-the-Witch-Hunt-from-Turkey-and-Around-the-World-JWF-Report-April-2018.pdf>.

³¹ http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/TUR/INT_CAT_NGS_TUR_25838_E.pdf.

³² More details and statistics are available at the report by the JWF report, "*Post-Coup Turkey: State of Emergency, Torture and Impunity*," October 2016. Available at <http://jwf.org/jwf/wp-content/uploads/2018/05/Torture-Report-in-Turkey-2017.pdf>.

19. Submitting organizations (JWF/AfSV) are not aware of any serious measures taken to investigate credible allegations of torture. Reports point out to the fact that security officials have also systematically interfered with medical examinations and many doctors continue to refrain from signing medical reports alleging torture, due to fear of reprisals. This ultimately results in victims being unable to obtain medical documentation that would help prove their claims.³³
20. The climate of impunity was legally “reinforced” with the promulgation of the Decree Law 667³⁴ which provided that, “Legal, administrative, financial and criminal liabilities shall not arise in respect of the persons who have adopted decisions and fulfill their duties within the scope of this Decree Law.”³⁵ With a September 2016 decree³⁶ the government also dissolved the prison monitoring boards, evidently with the intention of preventing allegations of torture making it beyond prison walls.
21. Further to granting immunity for public officials, Decree Law No. 696 issued on December 24, 2017, extended that immunity to civilians (vigilantes)³⁷ who use violence against anyone who opposes the government or anyone they claim to suspect of opposing the government or of having been involved in the attempted coup of July 15, 2016 (or its continuation).³⁸

Arbitrary detention and arrest

22. In November 2018, the Interior Ministry reported that the government had detained 217,971 individuals in connection with the 2016 coup attempt, following 62,000 counterterrorism operations.³⁹ In public remarks,⁴⁰ the Vice President stated that 47,778 individuals were detained as Hizmet Movement suspects. These detentions and arrests are politically motivated and those deprived of liberty on this basis are prisoners of conscience, often with little or no clarity on the evidence underlying the charges against them.
23. Law enforcement officials who have refused to participate in arbitrary arrests, torture, and other repressive acts, in particular under the state of emergency, were dismissed or arrested on charges of supporting terrorism.⁴¹

Conditions of detention

24. Even before the July 15 coup attempt, Turkey's criminal system was overstretched, with

³³ <https://stockholmcf.org/human-rights-group-reports-248-alleged-turkish-torturers-to-german-federal-authorities/>

³⁴ Decree-Law 667 was published in the *Official Gazette* on July 23, 2016.

³⁵ Article 9 of Decree-Law 667.

³⁶ Decree-Law No. 672 of September 1, 2016.

³⁷ The paragraph reads in pertinent part: “regardless of an official title or duties or the lack thereof, people who played a role in the suppression of a failed coup attempt on July 15, 2016 and subsequent events and terrorist activities will be exempt from criminal, administrative, financial and legal liability.”

³⁸ Pursuant to the provisions of the decree-law, vigilantes would go unpunished thereafter.

³⁹ <https://www.gettyimages.com/detail/video/turkish-interior-minister-suleyman-soylu-speaks-at-news-footage/1067800606>.

⁴⁰ The remarks were made on December 11, 2018 by Vice President Fuat Oktay.

⁴¹ See also OHCHR, “*Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017)*,” March 2018, para 75. The report is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>.

crowded prisons and backlogged courts. Prisons quickly filled to capacity in the days and weeks after the attempted coup. Detainees found themselves sleeping in shifts, in the communal spaces, often without any bedding. Authorities used sports arenas, temporary tents and other unofficial detention facilities to house tens of thousands rounded up in connection with the attempted coup.

25. In August 2016, acting under powers granted by the state of emergency authorities implemented plans to release up to 38,000 prisoners (roughly one in five in Turkish prisons) of convicted felons to make room for the wave of journalists, teachers, lawyers, civil servants and judges detained after the coup attempt. Prison overcrowding remains a significant problem. By the end of 2018 the total prison inmate population was estimated to be approximately 260,144, housed in facilities with a capacity of only 211,766 inmates.
26. Those deprived of their liberty lack adequate access to potable water, heating, ventilation, and lighting. An estimated three thousand individuals deprived of their liberty because of links to Hizmet Movement are arbitrarily subjected to solitary confinement for extended periods of time, turning it into a second punishment.⁴² They also face severe limitations on outdoor exercise and out-of-cell activity, inability to engage in productive work, denial of access to books and media, and denial of medical treatment.

Administration of justice, including impunity and the rule of law

27. The three crucial components of what constitutes a fair trial, namely the defense, the prosecution and the courts, have all collapsed in Turkey in recent years, turning the judicial system into merely an extension of the political authority that thwarts an effective defense and employs partisan and loyalist prosecutors and judges.
28. Under the amended Constitution approved in the referendum of April 16, 2017, the High Council for Judges and Prosecutors was reduced from 22 to 13 regular members and the President directly appoints 4 of them.⁴³ The government has consistently exerted strong influence over the Board of Judges and Prosecutors, now with the intention to influence recruitment processes replacing the dismissed judges and prosecutors.
29. Since July 2016, at least 4,463 judges and prosecutors have been dismissed and most of them are either detained or arrested. Over 590 lawyers have been arrested, while 1,546 lawyers are under investigation and have been subjected to prosecution. 182 lawyers have been already sentenced on coup related charges.⁴⁴ Lawyers are reluctant to defend those accused of terrorism offenses, and in many cases, lawyers have been arrested themselves.⁴⁵

⁴² See also <https://www.dw.com/en/turkey-holds-thousands-in-solitary-in-erdogans-prisons/a-48640213>.

⁴³ The Minister of Justice and his/her Undersecretary, who are members of the High Council for Judges and Prosecutors, are also appointed by the President. The remaining seven members of the Council are appointed by the Grand National Assembly. Prior to the amendments, the President was responsible for appointing 3 out of 22 regular members of the High Council for Judges and Prosecutors, but the majority of the members of the Council were appointed by their peers.

⁴⁴ Based on sources from the submitting organizations, corroborated also from other relevant stakeholders.

⁴⁵ Freedom House 2018 *Freedom in the World* report, available at <https://freedomhouse.org/report/freedom-world/freedom-world-2018>.

30. Under the anti-terror legislation adopted by parliament on July 26, 2018, the government may detain without charge a suspect for 48 hours for “individual” offenses and 96 hours for “collective” offenses. These periods may be extended twice with the approval of a judge, amounting to six days for “individual” and 12 days for “collective” offenses. In addition, while the law generally provides detainees the right to immediate access to an attorney at any time, it allows prosecutors to deny such access for up to 24 hours.

Right to privacy, marriage and family life

31. In July 2016, Turkey's Constitutional Court rescinded part of the criminal code, which classified sexual acts with children under 15-years-old as sexual abuse. The move was designed to clear the way for the government to put forward and adopt its highly contested “child rape bill.”⁴⁶ The bill provided for those who rape underage children to be pardoned for the crime, as long as they marry the victim after the act.⁴⁷

32. UNICEF emphasized in a statement⁴⁸ that the bill would weaken Turkey’s ability to combat sexual abuse and child marriage.⁴⁹ Following fierce criticism from opposition parties and the public, just hours before a final vote in parliament,⁵⁰ the Prime Minister informed that the draft was withdrawn and sent back to a commission for review and seek the opinion of the opposition and civil society.⁵¹

33. In late November 2016 Turkey’s Ministry of Family and Social Policy announced that authorities may remove children from homes if their guardians are found to be supporters of the coup attempt [Hizmet Movement].⁵² Following the policy, boys and girls across Turkey are separated from their foster families, as the adoptive parents are under investigation over alleged links to the Hizmet Movement.

Freedoms of religion or belief, expression and association

⁴⁶ The draft-law would have enabled the release from prison of men guilty of assaulting a minor if the act was committed without “force, threat, or any other restriction on consent” and if the aggressor “marries the victim”.

⁴⁷ According to the ruling *Justice and Development Party* (AKP), the bill intended to benefit men who have had sex with a minor they are in a relationship with, and deal with the complications of child marriage within the country. The Turkish government said the bill would have applied to at least 3,000 men already in prison. Critics noted that it would legitimize statutory rape and encourage the practice of taking child brides.

⁴⁸ The statement is available here: https://www.unicef.org/media/media_93338.html.

⁴⁹ According to the United Nations, the bill would create a perception of impunity in favor of perpetrators of such child rights violations. In addition, it would increase the risk for further victimization of the child if she marries the perpetrator of the sexual abuse. The international community was outraged over the ruling, which also led to diplomatic rows between Turkey and several European Union member states.

⁵⁰ The bill was withdrawn in November 2016.

⁵¹ According to the Prime Minister, the withdrawal would have allowed for “broad consensus” and to “give time for the opposition parties to develop their proposals.”

⁵² According to the Ministry of Family and Social Policy, “would not be right for a child to remain with a foster family if links to the Movement are confirmed as a result of investigations.”

34. The state of religious freedom in Turkey has raised increasing concerns in recent years. Among other disturbing practices, the Turkish government has indiscriminately designated individuals perceived close to the Hizmet Movement as part of a terrorist organization.
35. With at least 191 journalists currently deprived of their liberty, Turkey remains since 2016 the biggest jailer of journalists in the world. The government and its supporters use a variety of means to intimidate journalists, including lawsuits, threats, and increasingly verbal and physical attacks.⁵³ Under immense pressure and threats, journalists and media professionals have increasingly resorted to self-censorship, in addition to government's increased direct censorship of news media, online media, and books.
36. By the end of 2018 the Interior Ministry reported launching investigations on 631,233 digital materials, 110,000 social media publications, which resulted in 7,000 individuals detained for social media posts. Around 42,000 social media accounts were under surveillance in 2018 over broad terrorism accusations, resulting in at least 2,000 people detained, of which 1,000 placed in pretrial detention.⁵⁴
37. 149 media and broadcasting organizations were closed down since July 2016, including 72 newspapers and magazines, 5 news agencies, 33 television and 39 radio stations. Turkey also continued to lead unchallenged Twitter censorship in the world since 2016. During 2016 alone, requests to censor 23,370 twitter accounts (out of 33,593 requests worldwide) originated from Turkey.⁵⁵ During the first six months of 2018, Twitter received 8,988 court orders and other legal requests from Turkey to remove content. By the end of 2018, Turkish authorities had banned access to a total of 245,825 websites and URLs⁵⁶. In 2018 alone, court and administrative decisions banned public access to 54,903 URLs.⁵⁷

Freedom of association

38. Even before July 15, 2016, the legal framework contained numerous incompatibilities with international standards, with associations and foundations across Turkey facing a series of serious restrictions in their activity, as regards advocacy, international contacts, resources and the freedom of assembly.⁵⁸ In March 2016, the government even proposed redefining Turkish anti-terrorism laws to include the activities of academics, journalists and NGO advocates, a move that threatened to permanently criminalize freedom of expression, freedom of association and academic freedom for literally anyone critical of the government.⁵⁹

⁵³ <https://pen-international.org/news/turkey-international-groups-condemn-attacks-against-journalists>.

⁵⁴ See for more <https://www.aa.com.tr/tr/sanal-dunyanin-gercek-tehditleri/klavye-teroristleri-siber-polislerden-kacamadi/1421296>.

⁵⁵ <https://transparency.twitter.com/en/removal-requests.html>.

⁵⁶ Uniform Resource Locator, or a web address.

⁵⁷ See for more: <https://www.turkishminute.com/2019/07/02/turkey-had-censored-more-than-245000-websites-urls-as-of-end-2018-report/>.

⁵⁸ See also the written submission from the Journalists and Writers Foundation to the report of the High Commissioner for Human Rights, pursuant to Human Rights Council resolution 32/31 on civil society space. Available at <http://jwf.org/jwf/wp-content/uploads/2018/06/Shrinking-Civil-Society-Space-1-1.pdf>.

⁵⁹ The Journalists and Writers Foundation, *Assault on Education in Turkey and Abroad*, p. 58, available at <http://jwf.org/jwf/wp-content/uploads/2018/05/ASSAULT-ON-EDUCATION-In-Turkey-And-Abroad-Long-Version.pdf>.

39. Pursuant to Article 121 § 2 of the Constitution, the scope of the Government's emergency powers is defined in the Law on the State of Emergency of 1983 (the 1983 Law). Articles 9 and 11 of the 1983 law contain a *catalogue*, a *closed* list of measures, which may be taken by the government in situations such as the attempted coup of July 2016. In particular, the 1983 Law does not provide for *permanent dissolution* of legal entities; Article 11(o) only provides for the "*suspension* of the activities of associations for periods not exceeding three months, after considering each individual case." In defiance of constitutional and other legal provisions, 29 trade unions,⁶⁰ 1,419 associations and 145 foundations were permanently closed following the attempted coup. A total of approximately 150 civil society organizations that served youth and children were also permanently closed by the Decree Law 667, including 102 associations, 36 private dormitories, 11 foundations and 1 federation.⁶¹
40. Extending its massive crackdown on civil society organizations accredited to the UN, by exploiting procedural flaws in the ECOSOC rules, the Turkish government succeeded in withdrawing the ECOSOC accreditation to the Journalists and Writers Foundation (JWF), the Confederation of Businessmen and Industrialists of Turkey (TUSKON) and Kimse Yok Mu (KYM) - all of them pursuing important programs and platforms towards the implementation of the SDGs and the empowerment of women and children.⁶²

Right to work, social security and to an adequate standard of living

41. The arbitrary dismissal of more than 160,000 civil servants infringes their right to work and has now⁶³ seriously threatened their right to an adequate standard of living. Across Turkey, large banners displayed in public offices, other public facilities, restaurants and different shops state that "Parallels and sympathizers of parallels [Hizmet Movement] are not allowed inside."
42. Hizmet Movement alleged sympathizers or members have been disproportionately targeted by the decree-laws. Anyone listed in the decree-laws faces discrimination in the community, loss of prospective employment and social participation. Dismissed public sector workers are barred by decree from employment in private security companies, effectively prohibiting dismissed police and military officials from being employed in similar work or industries in the private sector.⁶⁴ Due to the stigma of being publicly branded 'terrorists' under the decrees, many cannot find any work at all. Due to the fact that dismissals have affected a wide range

⁶⁰ These trade unions were affiliated to two Confederations.

⁶¹ Closed women and children NGOs are listed in pages 8-11 of the written submission of the Journalists and Writers Foundation to the report of the High Commissioner for Human Rights, pursuant to Human Rights Council resolution 32/31 on civil society space. Available at <http://jwf.org/jwf/wp-content/uploads/2018/06/Shrinking-Civil-Society-Space-1-1.pdf>.

⁶² See also the written submission from the Journalists and Writers Foundation to the report of the High Commissioner for Human Rights, pursuant to Human Rights Council resolution 32/31 on civil society space. Available at <http://jwf.org/jwf/wp-content/uploads/2018/06/Shrinking-Civil-Society-Space-1-1.pdf>.

⁶³ Almost 3-years following the attempted coup of July 15, 2016.

⁶⁴ Decree no. 667 of July 23, 2016, Article 4.3 and subsequent decrees.

of professionals,⁶⁵ besides constituting violations of the right to work, they have affected various other human rights for the wider public, including the right to an adequate standard of living, adequate housing, to health, to freedom of movement, and to an effective remedy.⁶⁶

43. Along with their families, dismissed officials have also lost housing and health care benefits connected to their jobs. Unable to earn a living in Turkey, dismissed public sector employees have been prevented from seeking employment abroad, as the decrees also cancelled their passports, which seriously threatened the survival of their families.
44. The Commission of Inquiry on Practices under the State of Emergency⁶⁷ reported that, as of March 2019, it had received 126,000 applications, adjudicated 63,100 cases, accepted 4,750, and rejected 58,350.⁶⁸ Practices of the Commission infringe on civil servant's rights to due process, including by making inaccessible the evidence used for their dismissal.

Right to health

45. Measures undertaken against the alleged members of the Hizmet Movement have had an adverse health effect on them and their family members, and in all instances in particular on women and children. Discrimination of women allegedly linked to the Hizmet Movement are particularly evident regarding women's right to reproductive health. Their discrimination is leading to the violation of their right to health and safety, denying the right to human dignity.⁶⁹
46. The government has cut off disability and social benefits to spouses or children of parents detained/arrested over alleged links to the Hizmet Movement. Children of individuals perceived close to the Movement are routinely denied health care in hospitals and other health centers.⁷⁰
47. Individuals deprived of their liberty face significant infringement of their right to health, as the required medical personnel and equipment are often not available. There are around 1,154 sick inmates, including 401 seriously ill in Turkey's prisons.⁷¹ This situation is exacerbated

⁶⁵ Members of the armed forces, police officers, medical personnel, teachers and academics, and people working at all levels of the central and local governments.

⁶⁶ See also OHCHR, "*Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017)*", March 2018, paras 59-60. The report is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>.

⁶⁷ The Commission was established in January 2017, to adjudicate appeals of wrongfully dismissed civil servants. It is widely considered to be a "rubber stamp" for government's arbitrary dismissal of hundreds of thousands of civil servants.

⁶⁸ <http://www.hurriyetdailynews.com/turkeys-emergency-rule-commission-made-decisions-for-half-of-the-applications-as-of-march-15-141929>.

⁶⁹ 73 individuals released from prison died due to lack of medical care while deprived of liberty. More information is available from the JWF Policy Paper "*Death in Custody: Right to Life in Turkish Prisons*", available at <http://jwf.org/jwf/wp-content/uploads/2018/10/Death-in-Custody-Right-to-Life-in-Turkish-Prisons.pdf>.

⁷⁰ See <https://turkeypurge.com/3-year-old-child-with-fever-denied-treatment-as-father-under-arrest-over-gulen-links>.

⁷¹ See also, the Journalists and Writers Foundation, *The state of Turkey's children & victims of unlawfulness*, October 2017, p. 12. Available at: <http://jwf.org/jwf/wp-content/uploads/2017/10/Children-Report-2017-.pdf>.

⁷² Study from the *Human Rights Association of Turkey (IHD)*, *2017 Balance-sheet of human rights violations in Turkey*, April 2018, p. 14. Available at: http://ihd.org.tr/en/wp-content/uploads/2018/05/IHD_2017_report-2.pdf.

by the fact that there are only 271 doctors, of whom only eight full-time, who serve a prison population of around 235,888.⁷³

Rights of the child, including right to education

48. Children of individuals allegedly linked to Hizmet Movement face direct and indirect discrimination; the latter also based on their families' economic hardship, exclusion, violence and humiliating and degrading treatment, in particular in places where individuals are deprived of their liberty and in health-care facilities. Children therefore feel rejected, avoided and feared by other children and their families. They often face bullying at schools because a parent is in prison or simply labeled as "terrorist", and sometimes feel treated as if they were the delinquent.
49. The denial of the right to life has been "extended" to include children born in discriminated families, through intentional, targeted discriminatory policies in the provision of health care and other necessary services to children. In many cases, unborn children have not survived due to government's victimization and the psychological pressure on their parents.
50. The government has resorted to intentional methods and practices of violence that are particularly harmful and dehumanizing against members or sympathizers of the Hizmet Movement, with the intention of causing humiliation, fear, and terror. As a direct result, children of individuals accused of being close to the Hizmet Movement have increasingly resorted to changing their last names, in order for them not to be associated with Hizmet Movement and avoid, *inter alia*, discrimination, harassment, and pressure at schools, in their neighborhoods and beyond.⁷⁴ In several cases brought to the attention of the submitting organizations, children have succumbed to the immense psychological and other pressure. Some also appear to have committed suicide.⁷⁵
51. Since 2013, members of the education system in Turkey have been target of false accusations, including for allegedly spreading "terrorist propaganda," "inciting people to hatred, violence and breaking the law," and "insulting Turkish institutions and the Turkish Republic." In the aftermath of the attempted coup, 1,064 private education institutions, 360 study centers, 847 student dormitories, 47 healthcare centers and 15 private foundation universities were permanently closed.
52. From July 2016 to February 2018, the government canceled teaching licenses of 20,932 teachers and closed down the private schools they used to work, over their alleged links to the Hizmet Movement.⁷⁶ The Educators Union Egitim Sen estimated in July 2018 that the number of individuals removed from their jobs reached 41,705 in the education sector and

⁷³ Briefing of Prison Administration before the Parliament, February 2019.

⁷⁴ See e.g. <https://turkeypurge.com/imprisoned-journalists-children-changes-surname-amid-peer-pressure>.

⁷⁵ B.N.M., a high school student committed suicide on October 24, 2016 by jumping to her death from the walls of the Boyabat fortress (Northern Turkey) - after being reportedly bullied by classmates and lecturers over her father's alleged links to the Hizmet movement.

⁷⁶ <https://turkeypurge.com/education-ministry-cancels-licenses-1272-educators-terror-charges-report>

15,584 in the military,⁷⁷ concluding that education sector rather than defense was targeted following the attempted coup.

53. The magnitude of the repression by the Turkish government on teachers and other education personnel, without providing a single proof on any wrongdoing by those affected suggests a systematic and widespread effort to suppress any perceived threat to the government - in clear infringement of the right to education and internationally recognized standards of academic freedom. Massive dismissals of teachers and academics, accused of links to Hizmet Movement have significantly affected the education sector and thereby the right to education.⁷⁸

Women's rights

54. Women in Turkey continue to face unique challenges driven by government-promoted discrimination and stereotypes about their so-called “appropriate role”, including frequent demeaning statements about women who do not adhere to traditional roles. Ruling AKP has also encouraged female subservience, with president Erdoğan even calling childless women “deficient”. Women speaking out on abuses face threats, intimidation, persecution and imprisonment.
55. Since the July 2016 attempted coup, women allegedly linked to the Hizmet Movement suffer disproportionate multi-faceted discrimination, in particular as regards equal access to basic social services such as health, education, employment and justice, both in law and practice.
56. Women belonging to the above marginalized group⁷⁹ face economic hardship, exclusion and violence, humiliating and degrading treatment in places where persons are deprived of their liberty, including in health-care facilities, especially during pregnancy, childbirth and the postpartum period.⁸⁰ Numerous reports of ill-treatment during childbirth in health facilities across Turkey provide a deeply distressing picture of the extent of the exposure of discriminated women to degrading treatment, verbal and physical violence.⁸¹ Many women have as a result lost their unborn babies and suffered miscarriage.⁸²
57. Based on government statistics, it is estimated that more than ten thousand women, including housewives, journalists, teachers, academics, physicians, health care professionals and

⁷⁷ <http://egitimsen.org.tr/wp-content/uploads/2018/07/E%C4%9Fitimde-ve-Y%C3%BCksek%C3%B6%C4%9Fretimde-OHAL-Raporu-19-Temmuz.pdf>

⁷⁸ See also OHCHR, “*Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017)*,” March 2018, para 8. The report is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>.

⁷⁹ Alleged or perceived members or sympathizers of Hizmet Movement.

⁸⁰ A postpartum period or postnatal period is the period beginning immediately after the birth of a child and extending for about six weeks. See also OHCHR, “*Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017)*,” March 2018, para 12 and paras 85-89. The report is available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>.

⁸¹ The Journalists and Writers Foundation, *Women's Rights Under Attack in Turkey*, April 2017, page 34. Available at <http://jwf.org/jwf/wp-content/uploads/2017/05/Womens-Rights-Under-Attack.pdf>.

⁸² See e.g. <https://turkeypurge.com/istanbul-woman-suffers-miscarriage-in-police-custody-report>.

businesswomen, have been detained in the aftermath of the attempted coup, for alleged links to the Hizmet Movement. They have been routinely subjected to torture and ill-treatment. Many appear to have also been sexually assaulted.⁸³⁸⁴

58. In addition, at least 743 children under the age of six live with their mothers in Turkish prisons.⁸⁵ Deprived of their liberty for a crime they have not committed, they face overcrowding, underfunding, lack of access to adequate medical, physical and hygiene conditions, lack of access to potable water, heating, ventilation, lighting and increasingly – nutritional issues and the lack of food appropriate for children.⁸⁶

Persons with disabilities

59. Relentless repression and discrimination against disabled persons, alleged members of the Hizmet Movement, has only intensified. Punitive measures against children of individuals detained/arrested or dismissed over their alleged links to the Movement are among the most deplorable in the long list of violations and abuses in the post-coup Turkey.

60. Disability allowance for children belonging to individuals accused of links with the Movement are regularly cut off,⁸⁷ and children with disabilities are sometimes denied the right to a family environment and left unattended after their parents are arrested.⁸⁸ To the dismay of respective families and the broader public, disabled persons have themselves been taken into custody for alleged involvement in the attempted coup.⁸⁹

Freedom of movement, refugees and asylum seekers

61. Denied of any future in Turkey and facing, *inter alia*, discrimination, arbitrary detention, torture, enforced disappearance or extrajudicial killings - an increasing number of civil servants, teachers, professors, lawyers, journalists, judges, police officers, military personnel and other professionals at risk, are trying to leave Turkey and ask for international protection. Unlawful restrictions to the right to leave by the Turkish government have however proven to be sometimes devastating and fatal for entire families.⁹⁰

⁸³ Ibid, para 86.

⁸⁴ See also, the JWF report, “*Women's rights under attack in Turkey*,” September 2017, available at: <http://jwf.org/jwf/wp-content/uploads/2017/05/Womens-Rights-Under-Attack.pdf>.

⁸⁵ <https://turkeypurge.com/turkey-keeps-743-children-in-prison-rights-group>.

⁸⁶ More information on the state of children’s rights in Turkey is available from the JWF report on the “*State of Turkey’s Children and Victims of Unlawfulness*,” which can be found at: <http://jwf.org/jwf/wp-content/uploads/2017/10/Children-Report-2017-.pdf>.

⁸⁷ See for example: <https://turkeypurge.com/government-cuts-off-funds-for-disabled-child-over-fathers-gulen-links>.

⁸⁸ See for example: <https://turkeypurge.com/autistic-children-left-unattended-as-teacher-parents-under-arrest-over-alleged-coup-links>. <https://turkeypurge.com/mother-with-disabled-son-daughter-detained-over-alleged-coup-involvement>.

⁸⁹ <https://turkeypurge.com/even-disabled-son-was-arrested-in-bylock-operation-woman-decries-witch-hunt>.

⁹⁰ The Maden family (Hüseyin (40), Nur (36), Nadire (13), Bahar (10), and Feridun (7)) perished in the cold waters of Aegean Sea in November 2017. In February 2018, the Abdurrezzak family (Ayse Soyler (37), Halil Munir (3), and Abdulkadir Enes (11) drowned in the Meric (Evros) river. See also the JWF report, “*Escaping the witch-hunt from Turkey and around the world, the right to leave*,” April 2018. Available at <http://jwf.org/jwf/wp->

62. Decree-Law 680 of January 6, 2017 provided for arbitrary deprivation of nationality for Turkish dissidents living outside of Turkey, mainly those accused of Hizmet links.⁹¹ Stripping citizenship as a means of coercing someone to submit to a human right violating criminal process is, at a minimum, ‘arbitrary’ and a violation of international human rights standards.⁹²
63. The Turkish Justice Ministry published twice a “return home” notice in the Official Gazette;⁹³ on June 5, 2017 concerning 130 (one hundred thirty) individuals and on September 10, 2017 concerning 99 (ninety-nine) individuals. Those affected were merely under investigation and are probably stripped off their nationality, even though they have not been convicted of any crime.
64. Another deeply concerning matter has been the denial of consular services to Turkish nationals around the world. From May 2017 to February 2018, the submitting organizations have been able to document at least 877 cases⁹⁴ (in 26 countries) where Turkish consulates have declined to provide consular services to Turkish citizens – including an alarming number of 111 cases of denial of passports and nationality IDs for newborns in 15 countries, who were as a result born stateless.

Human rights and counter-terrorism

65. Even before the attempted coup of July 15, 2016, ill-defined or vague legislation adopted in Turkey aimed at arbitrary banning organizations and curbing otherwise legitimate activities and target journalists, human rights defenders, members of minority groups, members of the political opposition or other individuals. In particular as regards measures during the state of emergency, amendments to key pieces of legislation aimed at solely banning political dissent or otherwise peaceful means of expression, political and social opposition, with those accused of links with the Hizmet Movement bearing the brunt of state oppression.⁹⁵
66. Government measures have retroactively equated what have otherwise been legitimate and normal activities⁹⁶ with terrorism, thereby effectively criminalizing freedom of expression,

content/uploads/2018/05/Escaping-the-Witch-Hunt-from-Turkey-and-Around-the-World-JWF-Report-April-2018.pdf

⁹¹ The offenses listed in Decree-Law 680 are not themselves punishable with the revocation of nationality.

⁹² See also, Institute on Statelessness and Inclusion, “*Policy Paper on the Arbitrary Deprivation of Nationality and Denial of Consular Services to Turkish Citizens*,” available at http://www.institutesi.org/policy-brief-Turkey-arbitrary-deprivation-of-nationality_2017.pdf.

⁹³ If the individuals whose names appear in the respective lists did not respond to the call within three months, their citizenship could have been already revoked through a Government decision, upon proposal from the Ministry of Justice.

⁹⁴ The number of cases not reported to the submitting organizations is believed to be higher.

⁹⁵ See also the JWF Policy Paper on the “*Turkish Government’s Abuse of Counter-Terrorism Laws*,” available at <http://jwf.org/jwf/wp-content/uploads/2019/01/JWF-Policy-Brief-Turkish-Governments-Abuse-of-Counter-terrorism-Laws.pdf>.

⁹⁶ Activities include for example sending children to legally established and operating preparatory schools, donating to legally operating humanitarian organizations or depositing money in legally operating banks.

association and other important rights. This has increased the risk and the practice that individuals are prosecuted for legitimate, non-violent exercise of rights, as enshrined in both, domestic and international law.

67. In September 2018, the Ministry of Justice reported that since July 2016, more than 600,000 persons had been subjected to some type of “criminal procedure” (e.g., questioning, investigation, detention, arrest, judicial control, or a ban on travel). It also reported that at least 612,347 individuals (155,014 in 2016 and 457,423 during 2017) faced investigations on accusations of “*founding, leading or being a member of terror groups,*” as defined by Turkish Criminal Code (TCK) Article 314. Almost all those arrested have been charged with membership of the Hizmet Movement.
68. The anti-terror law adopted following the end of the state of emergency in July 2018 formally aimed at “effectively combating existing terrorist organizations in ordinary times” and prevent coup attempts to “protect fundamental rights and freedoms enshrined in the Constitution.” Its provisions, however, directly undermine fundamental human rights protections and effectively extend the state of emergency measures on a permanent basis.

Recommendations to the government of Turkey

1. Recognize the competence of the CRC to receive, pursuant to Article 12 of the OP3 CRC, communications from another State party.
2. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
3. Accede to the Rome Statute of the ICC and harmonize its legislation with the Statute.
4. Ratify the UNESCO Convention against Discrimination in Education.
5. Take necessary legal, administrative and practical measures to obtain the ‘A’ accreditation for the National Human Rights Institution.
6. Make public the CPT report (and its findings) and ensure full implementation of Opinions and Decisions by the UN human rights treaty and other bodies, as well as rulings of the European Court of Human Rights, within an adequate time frame.
7. Respect and ensure the right to life of persons within its jurisdiction, and conduct prompt and independent investigations whenever a person dies in custody.
8. Ensure adequate conditions of detention for all those in deprived of their liberty, including adequate medical care.
9. Implement government’s zero tolerance for torture policy and investigate all allegations of torture and excessive use of force, towards ending impunity.

10. Immediately release tens of thousands of victims arbitrarily deprived of their liberty because of perceived links to the Hizmet Movement and abolish all legal or other restrictions for the release of sick or terminally sick inmates.
11. Immediately release all prisoners of conscience including the judges, prosecutors and lawyers detained in the aftermath of the attempted coup and take meaningful steps to ensure independence and impartiality of the judiciary.
12. Take necessary legislative and political measures to end discrimination of children and take steps to end the practice of early and forced marriages.
13. Take steps to ensure implementation of international obligations on freedom of expression and freedom of assembly, including adequate access to internet.
14. Reverse the permanent dissolution of civil society and other organizations and return their confiscated assets.
15. Reinstate civil servants arbitrarily dismissed from their positions in the aftermath of the attempted coup.
16. Apply human rights standards and principles of equality, nondiscrimination and empowerment of women as the framework for all interventions regarding women's health and safety.
17. Apply non-custodial sentences for pregnant women and women with dependent children in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.
18. Ensure the right to education and reverse all the arbitrary detentions and dismissals of teachers in the aftermath of the attempted coup.
19. Take meaningful steps to end discrimination against disabled persons.
20. Fully comply with international human rights obligations and ensure that citizens and foreigners enjoy their right to leave.
21. Reverse the cancellation of passports, the arbitrary deprivation of nationality, end travel bans and take immediate steps to end statelessness of children born to Turkish parents.
22. Review and immediately repeal all the remaining state of emergency measures and counter-terrorism provisions in domestic legislation, which are inconsistent with relevant standards and the principle of legality.