

INFORMATION NOTE ON REPRESSION, OBSTACLES AND CHALLENGES FACED BY HUMAN RIGHTS DEFENDERS IN TURKEY

1 September 2021 - 31 December 2021

833 HUMAN RIGHTS DEFENDERS
FACED JUDICIAL HARASSMENT.

353 HUMAN RIGHTS DEFENDERS
FACED ADMINISTRATIVE
HARASSMENT.

34 HUMAN RIGHTS DEFENDERS WERE
SUBJECTED TO THREATS, TARGETING AND
REPRISALS.

46 PEACEFUL ASSEMBLIES AND
DEMONSTRATIONS FACED
OBSTRUCTIONS AND INTERVENTIONS.

This information note was drafted by the Human Rights Foundation of Turkey (HRFT)¹ in order to bring the escalating repression, obstacles and challenges faced by human rights defenders² in Turkey into view and to reinforce solidarity with human rights defenders.³ Information collected by Regional Solidarity and Coordination Groups, established to identify repression and challenges faced by human rights defenders in Adana, Ankara, Diyarbakır, İstanbul, İzmir, Van and in nearby cities with an eye to enhance solidarity with defenders, forms the basis of the information note. It should nevertheless be noted that repression and challenges faced by human rights defenders in Turkey might be more baffling than those stated in this information note.

Human rights defenders and civil society actors in Turkey face repression, obstacles and challenges on the grounds of their works undertaken to prevent human rights violations and to materialize human rights as well as the fact that they bring human rights violations into view while carrying out activities to stop authorities' policies and practices against human rights. These obstacles emerge through such methods as judicial harassment, administrative harassment, threats, targeting and reprisals, bans on peaceful assemblies and demonstrations and will briefly be explained under these titles respectively.

When the total sum is taken into account, 1220 human rights defenders were targeted by at least one or more than one interventions including judicial harassment, administrative harassment, threats and reprisals between 1 September 2021 and 31 December 2021.^{4,5}

¹ HRFT is an internationally recognized civil society organization that has been offering treatment and rehabilitation services for those subjected to torture and other forms of ill-treatment along with their families, and has been working to prevent human rights violations most notably torture since 1990.

² The UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on 9 April 1998, lists the constituents of the concept of human rights defender as individuals, groups and organizations and the Regional Solidarity and Cooperation Groups collect their data based on the criteria incorporated in the said document.

³ This study was drafted within the scope of the project "A Bottom-up Approach for Protecting and Supporting Civil Human Rights Actors in Post-Pandemic Turkey" conducted by HRFT in cooperation with the Human Rights Association (İHD), International Federation of Human Rights (FIDH) and World Organization against Torture (OMCT) and supported by the European Union.

⁴ The data were collected by Regional Solidarity and Cooperation Groups formed within the scope of the project. The data were obtained in interviews conducted by group members with concerned defenders, families and lawyers of defenders, through limited media reviews, as well as interviews with other organizations and individuals working in the field of human rights in related cities.

⁵ Although the Documentation Center at the HRFT adopts the definition for the human rights defenders referred to in footnote 1, data on rights defenders may vary as the violations cited in "Annual Human Rights Reports" are classified under different rights categories.

JUDICIAL HARASSMENT

Human rights defenders' activities are impeded through the instrumentalization of the judicial power. Judicial harassment emerges in the form of initiating trumped-up investigations and proceedings, unlawful and arbitrary arrests and detentions, and raids and searches at civil society organizations. The deterrent impact of such criminal law measures resorted to against human rights defenders exerts pressure on the advocacy field in its entirety and shrinks civic space.

Within this scope, between 1 September 2021 and 31 December 2021:

■ **833** human rights defenders faced judicial harassment.

- Criminal proceedings were initiated into **519** human rights defenders. Among these defenders **305** individuals faced prosecution between 1 September and 31 December 2021. Pending criminal proceedings into **214** individuals were maintained in this same timeframe as well, while judicial harassment was perpetuated. **21** individuals were convicted and sentenced to imprisonment or administrative fines, while **15** individuals were acquitted.
- Criminal investigations were launched into **314** human rights defenders. While criminal investigations were launched into **301** individuals between 1 September and 31 December 2021, pending investigations into **4** were maintained during the same timeframe. Non-prosecution decisions were rendered for **9** individuals.



It is seen that violating Law No. 2911 on Meetings and Demonstrations, resisting a public officer, inciting the public to hatred and enmity, praising an offence and offender, provoking commission of an offense, insulting the president are usually used as grounds in criminal procedures launched into human rights defenders. Further, it is also observed that various criminal offenses regulated under the counter-terrorism legislation are prevalently and broadly used against human rights defenders. Such pattern, within the scope of which human rights advocacy activities are evaluated within the definition of terrorism to eliminate their legitimacy in addition to top-level criminalization of human rights advocacy, is integrally seen in data collected by Regional Solidarity and Cooperation Groups.

Arrest and detention measures as well as criminal investigations and proceedings resorted to against human rights defenders, notably students, who staged protests demanding their rights to housing, to adequate standard of living compatible with human dignity, to education and academic autonomy, during the term of this information note have become means of repression and silencing.⁶

Criminal law measures, too, have been instrumentalized with raids and searches at civil society organizations working for the right to peace, facing the past and prisoners' rights while attempts have been made to obstruct advocacy activities through criminal investigations and proceedings initiated into human rights defenders affiliated with these organizations.

Statements and protests by lawyers and bar associations in order to protect human rights have been maintained as grounds to initiate criminal proceedings while lawyers serving at the executive and steering boards of bar associations and those organized at lawyers' associations kept standing trial on the grounds of their human rights advocacy activities.

Women's marches, protests in favor of the Istanbul Convention, peaceful assemblies and demonstrations held against discrimination and violence against women and LGBTI+ were violently suppressed, rights defenders working to end gender-based violence and discrimination faced arrests and criminal investigations and proceedings.

⁶ "Geçinemiyoruz" (We cannot make ends meet), "Barınamıyoruz" (We cannot afford housing) and Boğaziçi University protests are among the prominent human rights advocacy protests in this sense.

ADMINISTRATIVE HARASSMENT

Administrative harassment, which refers to the use of administrative audits, investigations and sanctions as means of repression and silencing against human rights defenders, is commonly adopted against public officers who are human rights defenders and bodies with legal personalities working in the field of human rights in Turkey. In cases where administrative audit is ipso facto utilized as a punitive tool, administrative investigations and sanctions directly aim at stonewalling human rights advocacy.

Within this scope, between 1 September 2021 and 31 December 2021:

■ A total of 353 human rights defenders faced administrative harassment.

- **343** human rights defenders were among Academics for Peace who had been dismissed from their posts at universities through decree-laws. The State of Emergency Measures Inquiry Commission rejected reinstatement applications lodged by the academics in spite of the violation judgment rendered by the Constitutional Court and more than 400 acquittal rulings delivered by heavy penal courts, hence, the administrative harassment was sustained.⁷
- **8** human rights defenders were dismissed from their public posts. The aim of the dismissal measures is to intimidate public employees who are human rights defenders.
- 1 administrative harassment identified was about the pending administrative trial of an association that had been closed down because of its human rights advocacy activities. The pending trial and the fact that the association cannot carry out its activities provide for the perpetuation of administrative harassment.
- 1 administrative harassment was implemented through imposition of denial of access order to the website of a news agency with a rights-based reporting approach.



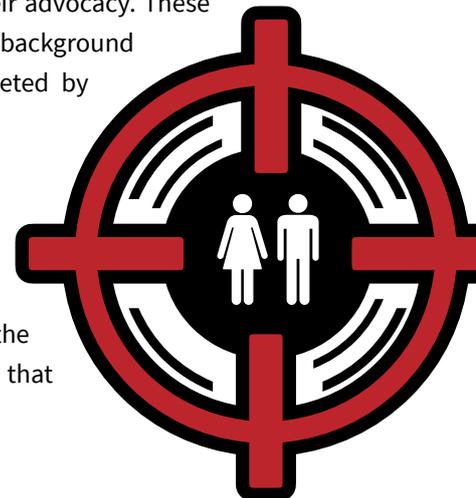
THREATS, TARGETING AND REPRISALS

Human rights defenders constantly face threats and insults by public officials on the grounds of their advocacy activities while they are targeted and subjected to reprisals because of their advocacy. These acts emerge in the form of physical surveillance, constant subjection to identity and background checks, deprivation of liberty, enforced informant-making attempts or being targeted by public authorities.

Within this scope, between 1 September 2021 and 31 December 2021:

■ **34** human rights defenders were subjected to threats, targeting and reprisals.

- **11** civil society organizations working to promote human rights were targeted by the government by naming each and were criminalized in the public space arguing that they would be subjected to judicial and administrative scrutiny.



⁷ For the current data, see: <https://barisicinakademisyenler.net/node/314>.

BANNED, INTERVENED OR OBSTRUCTED PEACEFUL ASSEMBLIES AND DEMONSTRATIONS

Repression, threats and coercion faced by human rights defenders mostly occur during or in relation to assemblies and demonstrations. Ban orders rendered by local authorities (governors and district governors) on assemblies and demonstrations as well as interventions by the law enforcement must be regarded as direct obstacles erected before human rights defenders because freedoms of expression and association along with freedom of assembly, which are the foundations of a democratic society, are the primary means and methods of human rights advocacy. The fact that peaceful assemblies and demonstrations have become impossible to stage due to bans and interventions has therefore rendered the expression of human rights as social demands impossible as well.

Within this scope, between 1 September 2021 and 31 December 2021:

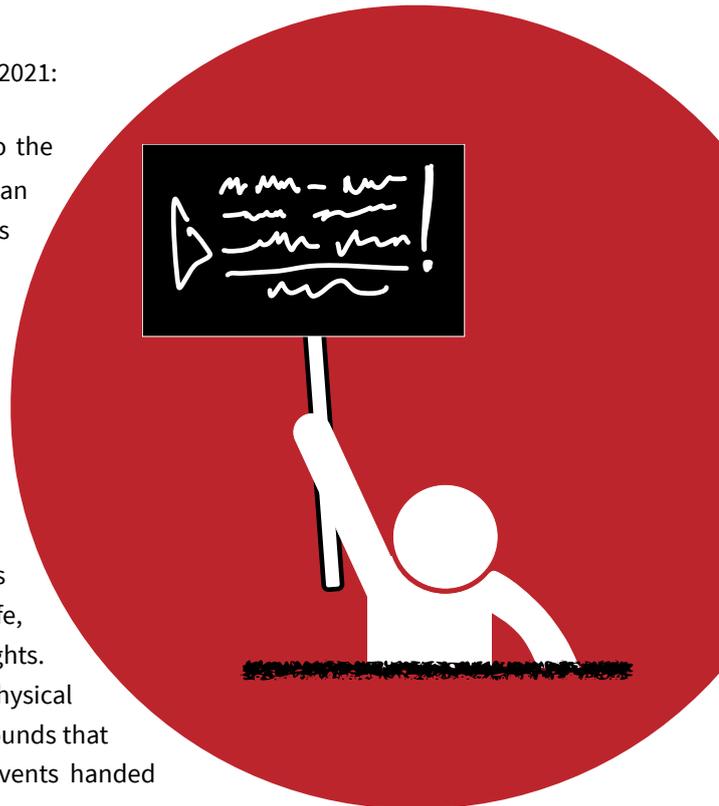
■ **46** peaceful assemblies and demonstrations pertaining to the protection of human rights defenders could not be held due to ban orders delivered by public authorities or through interventions and obstructions by the law enforcement.⁸

These events have a diverse set of objectives which include but are not limited to press conferences on current or past socially important incidents; peaceful assemblies and press conferences held on the occasion of annual human rights days like 1 September World Peace Day, 25 November International Day for the Elimination of Violence against Women or 10 December Human Rights Day; press conferences, assemblies and demonstrations organized in the fields of the right to life, torture, impunity, prisoners' rights, economic and social rights. Obstacles raised before these protests and events include physical intervention and obstruction by the law enforcement on the grounds that they were "unauthorized" as well as bans on protests and events handed down by local authorities.

Interventions by the law enforcement into peaceful assemblies and demonstrations resorting to physical violence amount to human rights defenders' subjection to torture and other forms of ill-treatment and violate individuals' physical and psychological integrity as well as their right to liberty and security of the person. Such intervention into assemblies and events result in the prevention of socialization of human rights advocacy and a deterrent effect is exerted over defenders.

All the above-mentioned repressions and obstructions lead to the creation of a climate that harbors violence, hate, discrimination and hostility against human rights defenders while bringing along emaciation of the legitimacy of human rights before the public and their criminalization.

Repression and obstruction of human rights defenders should be ended without delay in order to protect human rights values and principles.



⁸ According to data collected by the Documentation Center at the HRFT, the law enforcement physically intervened into at least 87 peaceful assemblies and demonstrations held all over the country with different objectives. 21 assemblies and demonstrations were obstructed by the law enforcement even before they started, while 8 events were banned by local authorities.



This information note was prepared within the framework of the project "A Bottom-up Approach for Protecting and Supporting Civil Human Rights Actors in Post-Pandemic Turkey" conducted by HRFT in cooperation with the Human Rights Association (İHD), International Federation of Human Rights (FIDH) and World Organization against Torture (OMCT). This project is funded by the European Union. HRFT is solely responsible for the relevant content, and this information note cannot be considered to reflect the views of the European Union and the co-applicants of this project.