

**On the 74<sup>th</sup> Anniversary of the Universal Declaration of Human Rights;**

**We Defend Our Economic and Social Rights in the face of Economic Crisis and  
Poverty,**

**Our Right to Peace against War,**

**Human Rights Values and Democracy against Repression**

**Knowing that All Human Beings Are Equal in Dignity and Rights!**

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

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

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

Despite all these setbacks peoples all over the world have been raising their voices demanding freedom, justice, equality and human rights. The response of the states and governments to these demands has been the systematization and generalization of all kinds of violence and imposing them as the sole truth of life on societies. Promoting and protecting human rights along

with revitalizing their founding role in the face of this massive crisis that the world has been going through are our primary duties.

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

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

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

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

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

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

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

Freedom of association is one of the fundamental rights essential for democracies to function. Citizens in Turkey cannot enjoy their freedom of association either because they are not allowed to act collectively and express their ideas while they cannot get involved in the civic and public space in an organized manner to shape their collective futures. Numerous members and executives of human rights organizations, associations, foundations, labor and professional organizations, and political parties have been arrested, detained, and attempts at harassing them through lawsuits, i.e. through judicial harassment, have also been in play in 2022. Especially after the arrest of Prof. Dr. Şebnem Korur Fincancı, the Ankara Chief Public Prosecutor's Office's

drafting of a document<sup>1</sup> against the TMA with the allegation of “operating outside the scope of its purpose” is an effort that threatens the freedom of association in an alarming way. The aim is to suppress the struggle for human rights, peace and democracy by silencing the voices of individuals and organizations that have expanded their capacity to see the truth and risk telling about the evil that has been banalized, and to close down the public and civil space altogether.

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

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

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

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

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



should respected and work-related murders should be prevented. Workers' and laborers' rights-seeking protests should not be banned, the right to unionization, strike and collective action should be guaranteed.

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

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

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

**HUMAN RIGHTS FOUNDATION OF TURKEY - HUMAN RIGHTS ASSOCIATION**