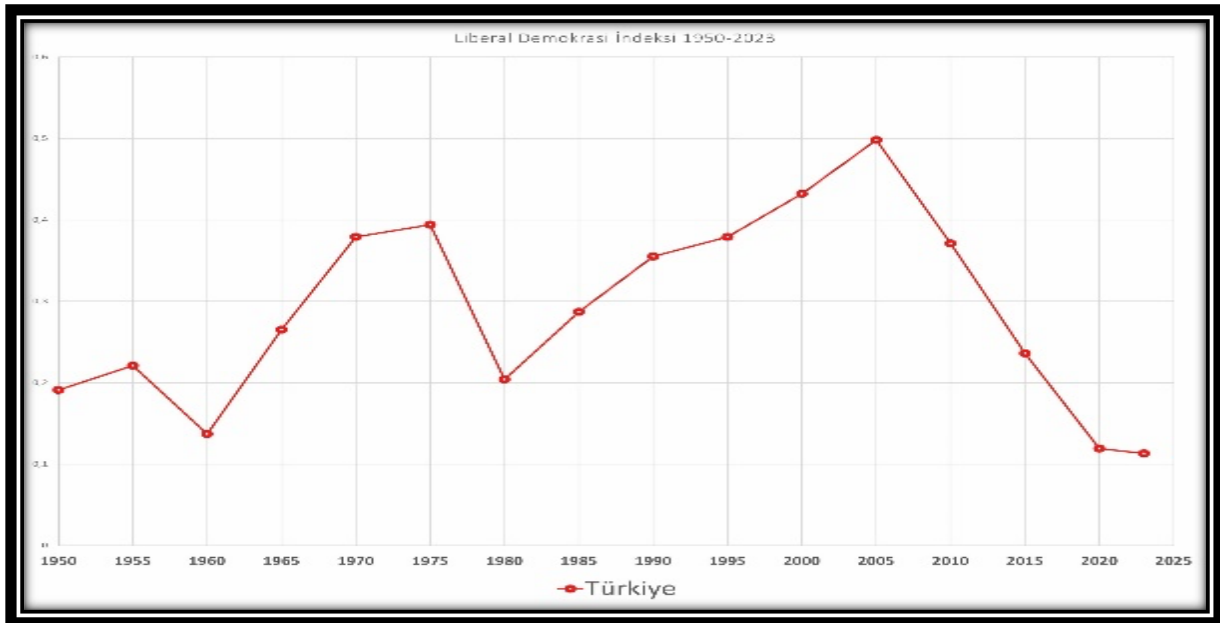


15 September 2024

## 1. Human Rights “Situation” in Turkey

In recent years, Turkey has been witnessing a drastic backsliding in terms of respect for democracy, rule of law<sup>1</sup> and fundamental human rights and freedoms.

As it can be seen in Turkey’s liberal democracy index below which is based on the dataset on democracy in the Democracy Report 2024<sup>2</sup> published by the V-Dem Institute- University of Gothenburg on 7 March 2024, Turkey has been experiencing its worst period in recent history.



The already challenging situation steadily deteriorated since July 2015. The already challenging situation had steadily deteriorated since July 2015. This was followed by further violations since the failure to take holistic steps towards a peaceful and democratic solution of the Kurdish issue and the resumption of armed conflict in July 2015. Uncertainty, rulelessness and arbitrariness have become the main elements of the regime's survival in the country, which is governed under a state of emergency regime that was declared after the military coup attempt on 15 July 2016, and which has gained permanence/continuity with many regulations. As a result, we are now living in an environment where the exercise of rights and freedoms has become the exception and the violation of rights the rule.

These serious and structural problems facing the human rights environment in Turkey today are directly related to the authoritarian transformation of the political regime. This transformation can also be

<sup>1</sup> The World Justice Project Rule of Law Index states Turkey has ranked 117 out of 142. The Index was launched on 25 October 2023.

<sup>2</sup> [https://v-dem.net/documents/43/v-dem\\_dr2024\\_lowres.pdf](https://v-dem.net/documents/43/v-dem_dr2024_lowres.pdf)

interpreted as a progression from “a state practice that systematically violates rights” to “the total abandonment of the idea of a rights-based regime.”

Consequently, this period is marked by;

- (1) widespread and systematic human rights violations especially of freedom of expression, freedom of assembly and demonstration and freedom of association,
- (2) inadequate legal framework resulting in impunity for even the most serious human rights violations,
- (3) the closure of civic space,
- (4) systematic threats, pressure, harassment and intimidation targeting human rights defenders in an attempt to render human rights violations invisible and provide a ground for impunity.
- (5) systematic torture and other ill-treatment practices becoming a common practice in order to increase the control and pressure of the political power on many different segments of society, and thereby further undermining social peace.

Besides the reports by national human rights organizations, the problems related to human rights violations, including torture which dramatically increased in Turkey recently, and the drastic backsliding in terms of respect for democracy, rule of law and fundamental human rights and freedoms are well documented by the UN, the Council of Europe and European Commission bodies.<sup>3</sup>

For instance, the data published by the ECtHR is an important indicator of the numerous human rights violations that occurred during this period. According to the Court’s statistics, the proportion of cases from Turkey in the workload of the ECtHR started to increase especially as of 2016. By the end of 2015, 8450 (13%) of the 64.850 cases pending before the court were related to Turkey, which ranked third, while by the end of 2016 the number of cases reached to 12.600 (15.8%) bringing Turkey to second place. Risen to first place by the end of 2022, Turkey has accounted for 23.400 (34.2%) of the 68.450 cases pending before the court by the end of 2023<sup>4</sup>. The sheer magnitude of Turkey's 23,400 cases pending before the court can be better understood when one considers that in total, 26,690 judgments have so far been delivered in the 66 years since the ECtHR's establishment (1959).

Moreover, the non-implementation of some important judgments, including those of Osman Kavala and Selahattin Demirtaş, continues to be a major problem.

The data on human rights violations compiled by the HRFT Documentation Center also demonstrates the severe destruction of the human rights environment in Turkey. According to the data by HRFT’s Documentation Center, within the first eight months of 2024;

- 94 party and association members and executives detained, while 24 of them were subsequently arrested.

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<sup>3</sup> • Concluding observations on the fifth periodic report of Türkiye adopted by the UN Committee against Torture-(August 14, 2024)

- Resolution on the Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe adopted by the Parliamentary Assembly (CoE) (January 24, 2024)
- Resolution on the honouring of obligations and commitments by Türkiye, adopted by the Parliamentary Assembly (CoE) (October, 12 2022)
- Resolution on the functioning of democratic institutions in Turkey, adopted by the Parliamentary Assembly (CoE) (April 22, 2021)
- Memorandum on freedom of expression and of the media, human rights defenders and civil society in Türkiye by the Council of Europe Commissioner for Human Rights (5 March 2024)
- The Report of the following the Commissioner for Human Rights of the Council of Europe Visit to Turkey (Feb 19, 2020;)
- EU Turkey reports (the latest, November 8, 2023)
- European Parliament resolutions on the Commission Report on Türkiye (the latest, September 13, 2023)

<sup>4</sup> <https://www.echr.coe.int/documents/d/echr/annual-report-2023-eng>

- At least 138 peaceful events and demonstrations such as press statements, celebrations, memorials, were intervened by the security forces through use of force. During these interventions, at least 1726 people (including 79 children) were detained, 550 of whom were subjected to torture and other ill-treatment, and at least 31 people were injured.

Even though these figures only paint a very small portion of the whole reality as the HRFT's Documentation Center has to rely on reported instances, they nonetheless show the worrying state practice in action.

## **2. Reality of torture and other ill-treatment as common practice:**

Torture and other ill-treatment practices in official detention facilities and unofficial detention places have become a common practice in an environment where all forms of violence have become systematic and ordinary, where the concept of rule of law is completely abandoned, where constitutional principles, legal rules and guarantees, which do not even exist on paper, have lost all their functions, and where perpetrating public officials are shielded by all kinds of impunity. Such wanton use of violence that can be felt by everyone in daily life is wielded in an attempt to increase the control and pressure of the government on many different segments of society.

Violence by law enforcement officials has also increased during peaceful assemblies and in unofficial detention settings, as they go beyond authorized limits and often with political endorsement. Groups like women, LGBTI+'s, and human rights defenders face systematic violence when exercising their constitutional rights. Allegations of torture and ill-treatment of refugees, asylum-seekers, and migrants in Removal Centers are rising, including in the context of forced deportations and coerced returns. Recently, the above mentioned increase in torture and other ill-treatment in Turkey was also noted by the UN Committee Against Torture in its concluding observations published on 14 August 2024 and in which the fifth periodic report of Turkey was evaluated in the light of information from human rights organizations, including the HRFT.

The fact that;

- Only in 2023, six people died in detention in 2023 in ways that are more than suspicious deaths as there are extremely serious and credible allegations and evidence of torture and other ill-treatment beyond suspicious deaths,
- Although it is not appropriate to establish an absolute linear relationship between the number of applicants to the HRFT treatment centers and the total number of people who have been subjected to torture in the country in a given year, in the first eight months of 2024, 537 people who were subjected to torture or their relatives applied to the HRFT,
- The number of prisoners in prisons, where torture and other ill-treatment practices have been extremely intense in recent years, has increased by 105,764 in just one year between September 2023 and September 2024, while the number of prisoners in prisons, had only increased by approximately 30-40 thousand in years before that (According to Ministry of Justice data, the total number of detainees and convicts in prisons increased from 251,101 on September 1, 2023 to 356,865 on September 2, 2024)

demonstrates the heights which the problem of persisting torture and other ill-treatment practices has reached in Turkey.

## **3. Pressures on human rights defenders:**

Human rights defenders, including HRFT executives, staff and volunteers, face systematic administrative and judicial harassment as well as ever growing risk of imprisonment. However, it would unfortunately require a very long list to include all the examples, even though each is more serious than the other.

Therefore, the memorandum published on 5 March 2024 by the Council of Europe's Commissioner for Human Rights to "draw attention to the seriously hostile environment against the opposition in Turkey and the severe restrictions on the democratic freedoms of citizens and civil society in general" can summarize the pressures on human rights defenders in Turkey. In the memorandum, the Commissioner stated that "freedom of expression is under threat in Turkey, where journalists, human rights defenders and civil society operate in a seriously hostile environment that is marked by systemic repression and legal sanctions."

**4.** Today, the struggle for the eradication of torture and other ill-treatment, including contributing to the treatment and rehabilitation of torture survivors, is more than a matter of preventing a violation. Continuing the efforts in this field, which are being carried out today in an environment of severe repression, by increasing their effectiveness, prevalence and inclusiveness, will be a vital element in overcoming the crisis of democracy and human rights that we are going through.

The cautious hope felt again in various segments of the society due to the results of the local elections on 31 March 2024 as well as the fact that the country is moving away from the idea of a regime based on human rights reveals that Turkey is at a critical juncture. At such a critical juncture, the vital importance of civilian efforts in this domain increases even more.

In the light of the brief assessment above, it has become all the more necessary today to develop and strengthen solidarity and cooperation at the national and international level in order to overcome this severe crisis, which has also led to the closure of the civic space, through making an approach that re-emphasizes the "constitutive role" of human rights in all spheres of life an effective one in Turkey.