



THE CIVIL SOCIETY IS WATCHING

July 2021

*“Monitoring report on the Presidential
Human Rights Action Plan”*

After the Action Plan for the Prevention of Violations of the European Convention on Human Rights, which was put into effect on March 1, 2014 ended on March 1, 2019, preparations of the Human Rights Action Plan document were shared with the public by President Erdoğan on March 2, 2021.

In our first report, in which we followed the implementation process of the Human Rights Action Plan (IHEP), we tried to reveal the path (!) fulfilled as of June 2021, and we shared our guide on the monitoring method [in our first report](#)...

Nevertheless, information on activities scheduled for 1 month, 3 months, 6 months, 1 year, 2 years and continuously in the action plan is still not reflected on the website created for this purpose. Civil society and citizens do not have access to the "Monitoring Calendar System" embedded in the website.

In the statement made by Democracy and Progress (DEVA) Party Istanbul MP Mustafa Yeneroğlu at the Grand National Assembly of Turkey Press Conference Hall on September 7, it was emphasized that "it is not possible to follow the action plan activities by the public". In the same statement, Yeneroğlu said that in the last 6-month period, steps were taken for only 20 of the 80 activities that had to be fulfilled as of September 5 by the administration, and that they remained in words only.

In our second report, in which we discuss the months of July and August together, we will first start by conveying the actions of the administration promised within the IHEP practices:

It is immediately striking that the developments shared with the public by the [Human Rights Department of the Ministry of Justice](#), which also carries out the secretariat of the implementation process, were quite limited in the July-August period as well. Afterwards, we will share the data published by the civil society both for the relevant period and before in these two months...

First of all, let's look at the path taken by the public administration in the last two months in the implementation of the IHEP and shared with the public(!)...

- The IHEP text was translated into [Arabic](#) in July.¹

¹ <https://inhak.adalet.gov.tr/>

- On July 2 and July 13, the 2nd and 3rd meetings of the Human Rights Action Plan Follow-up Board were held with the representatives of the relevant public institutions²
- The 7th issue of the "[Human Rights](#)" magazine, the periodical of the Human Rights Department of the Ministry of Justice, was published as the special issue of the IHEP.

We will evaluate the analysis of the current situation by considering the facts one by one on the basis of GOALS and seeing what has been done/not done.

GOALS, EXECUTION AND EVALUATION

1. GOAL - A stronger human rights protection system

The Constitutional Court signed a decision concerning 125,000 public employees, who have been previously dismissed from public service through Statutory Decrees issued within the State of Emergency. The Supreme Court found the dismissal decision to be unconstitutional on the grounds of "membership" or "affiliation" with structures, formations or groups determined by the National Security Council (MGK) to act against the national security of the state. Annuling the "membership and affiliation" expressions in the law, the court argued that whether a person can be considered a member of an illegal organization or not will be decided by the judiciary, not the MGK, in the "ordinary period" and that the regulation is against the presumption of innocence.

Current Status: The pressure on civil society, opposition and rights defenders continues to increase.

Cumhuriyet Daily writer Barış Terkoğlu was threatened by Interior Ministry Consultant Burak Gültekin after the news article he wrote on the allegations of criminal organisation leader Sedat Peker regarding Interior Minister Süleyman Soylu and the Esenyurt Municipality. The consultant implied that they were following Terkoğlu as well and accused him of “working for another country.” The journalist stated that Gültekin told him that he has “24 hours only” and added, “The threat of the ministry consultant was written by the personal will and approval of the Interior Minister.”

2. GOAL - Judicial independence and the strengthening of fair trial

Constitutional Court’s Chief Judge Zühtü Arslan stated, “The judicial mind under tutelage can not bring justice. One can’t be a judge unless they are free in opinion and conscience. One can’t be a judge if they rent their mind and conscience to someone else and allow their will to be offered as security. In a state of law, there can be no judiciary and no judge under manipulation.”

“The third hearing of the lawsuit filed against four people, including three police officers, was held at Diyarbakır 10th Assize Court on the killing of Diyarbakır Bar Association Chairman Tahir Elçi. One of the secret witnesses, who previously stated that Tahir Elçi was

² A report on the monitoring meetings has not yet been published.

killed by illegal organisation members, did not remember their testimony; and the other secret witness has changed theirs. One of the open witnesses stated that they were “mised.” One of the witnesses, who claimed that they had seen the moment Elçi was shot in their Prosecutor testimonies, stated that they were in prison at the time of Elçi’s shooting, and the other stated that they were not in Diyarbakır. The next hearing was scheduled for next January.”

“The appeal claim was denied in the Kızıltepe JITEM Case, which has concluded with acquittal due to time limitation at Ankara 5th Assize Court on the execution and forced disappearance of 22 people in Kızıltepe district of Mardin between the years 1992 and 1996. Approving the local court decree and denying the appeal from the basis, the 19th Criminal Chamber of Ankara Regional Courthouse claimed that “there is no discrepancy in the final decree.”



“The final decree was issued in the lawsuit filed against 86 people, who participated in the rally organised in Kırşehir on September 8, 2015 to protest the PKK, due to pillaging the People’s Democratic Party (HDP) Provincial building, 30-year-old Gül Publishing House, and other workplaces as well as setting them on fire. Kırşehir Assize

Court issued the acquittal of all defendants of the charges of “organising an illegal meeting and demonstration” and “public incitement towards resentment and hostility.” On the other hand, the 86 defendants were sentenced to 2,000 Turkish Liras of judicial fine, which corresponds to 3 months and 10 days of imprisonment each due to “damaging public property” and “willful injury.”

Current Status: Unpredictable and arbitrary prosecutions prove that there is no supremacy of law, rather the law of supremes.

3. GOAL - Legal predictability and transparency

The Prosecutor of Istanbul 32nd Assize court appealed the decree on journalist Melis Alphan, who was prosecuted due to “making illegal organisation propaganda” over sharing a photo taken during the Newroz celebrations in Diyarbakır in 2015 on social media but was acquitted on May 21. The decree of the appeal court is being awaited.

The Constitutional Court unanimously denied the application made by the oppositional parties for the revocation of the penitentiary regulation, which was described as the “special amnesty regulation” and that exempts political convicts from benefiting from the regulation. With the decree, political convicts, including journalists and politicians, who were imprisoned due to their speeches or writings, will not be able to benefit from the penitentiary abatement.

The law was enacted with the signature of Erdoğan and was published in the Official Gazette, authorizing the Ministry of Culture and Tourism of all construction to be made in the forest

regions, especially around the coasts. According to the law, Erdoğan will directly determine which regions the law will be effective in.

The ruling power didn't allow the establishment of Parliamentary Research committees, which were the only option for the Parliament to be monitored after it having been rendered completely useless with the transition to the Presidential system. 826 research proposals were motioned by oppositional parties regarding various matters on the Parliamentary agenda; only 30 of them were processed and only three research committees were established. Preparing research proposals on many matters keeping the Parliamentary agenda busy for a long time, the opposition couldn't receive a reply to many of those proposals. Lately, the proposal for hundreds of wildfires across the country to be researched with an extraordinary meeting at the Grand National Assembly of Turkey (GNAT) was left unanswered as well.

13 non-governmental organisations, including our initiative, reacted against the reply letter sent by the Ministry of Justice to the Constitutional Court regarding the arrests of Boğaziçi University students. "[We recognize the letter as dangerous and completely against the country's legal system.](#)" the organisations stated.

According to the data launched by the Freedom of Expression Association within its EngelliWeb report, access bans were issued against 467,011 websites, 150,000 URLs, 7,500 Twitter accounts, 50,000 tweets, 12,000 YouTube videos, 8,000 Facebook posts and 6,800 Instagram posts in total. The number of websites banned from access only in 2020 were 58,809. On the other hand, 5,645 news websites were censored with 819 different decrees issued by 236 criminal judicatures of peace.³

"A lawsuit was filed on the statement of the People's Democratic Party (HDP) in March regarding the Akkuyu Nuclear Plant in Mersin. 17 of those having participated in the statement faced lawsuits due to "violating the Law on Meetings and Demonstrations No. 2911." The first hearing will be held on October 28 at Gülnar Criminal Court of First Instance."

Current Status: Journalists are prosecuted, legal and economic pressure and arbitrariness on media organizations are gaining strength.

4. GOAL - Protection and development of the rights to freedom of expression, freedom of organisation and freedom of faith

Reporters Without Borders announced their list of Enemies of Press Freedom. The list involves the names of 37 countries and their leaders, including Erdoğan. Erdoğan is taking place for the second time in the list and [was described](#) as someone who "likes the press that obeys his orders and praises him."

The Constitutional Court has issued that the prosecution of People's Democratic Party (HDP) Kocaeli MP Ömer Faruk Gergerlioğlu due to a news he shared on Twitter, was a rights

³ For the full Engelli Web 2020 report: https://ifade.org.tr/reports/EngelliWeb_2020.pdf

violation. The high court decided that Gergerlioğlu's right to election and political activity as well as his right to freedom of expression were violated. Gergerlioğlu was eventually released from prison four days later. In the reasoned decree, the court showed the decree on Republican People's Party (CHP) Parliament member Enis Berberoğlu as precedent and the decree was issued unanimously. People's Democratic Party (HDP) Kocaeli Parliament member Ömer Faruk Gergerlioğlu had been convicted and arrested over a news article he shared on social media and he had lost his seat at the Parliament.

“The Mardin Governorate declared a protest and demonstration ban between August 20 and September 3 due to the protection of national security, public order as well as due to the Coronavirus pandemic. All press statements to be held in the aforementioned period were bound to permission by the local administration.”



“An indictment was prepared against stage actor Genco Erkal due to his social media posts. In case the indictment is accepted by Istanbul 16th Criminal Court of First Instance, Erkal will be prosecuted with an imprisonment claim against him for up to 4 years and 8 months due to “insulting the President.”

Current Status: The right to meeting and demonstration has been de facto suspended. Protest and demonstration bans declared by the civil administration continue to spread and gain continuity throughout the country.

5. GOAL - Strengthening personal freedom and safety

The reasoned decree was announced in the lawsuit filed on the killing of AGOS Daily's Editor-In-Chief Hrant Dink with 78 defendants, including six arrested defendants. The decree, which penalised 26 defendants, indicated that all information, records and documents on before and after the assassination were destroyed. It was further stated that it has been made clear with concrete evidence that the entire planning of the assassination has been made in Trabzon, and that both the Trabzon Security Directorate and the Anti-Terror Unit were informed of the organisation.

An armed attack was organised against the People's Democratic Party (HDP) district building in Marmaris district of Muğla. The attacker was identified as the person who attacked the HDP Marmaris district building three years ago and broke its windows. Three more people were detained due to relations with the attack. [Please click here](#) for details.

In Turkey, along with fundamental rights and freedoms, the gains and life assurances of employees are constantly being eroded. According to the data compiled by the Occupational Health and Safety Assembly; at least 146 workers in July and 174 workers, 7 of whom were women, died on the job in August.

According to the data of the Women's Coalition in Journalism (CFWIJ) August 2021 report; Turkey has become the most dangerous country for women journalists with 8 violations, besides Afghanistan.⁴

The Media Research Association shared with the public the report titled "The Effects of the Social Media Law on Freedom of the Press", which was prepared on how the Social Media Law, which was adopted in July last year and came into full force as of October 1, affected the freedom of the press. The report examined 658 news from 35 broadcast channels that were censored between October 2020 and April 2021. Among the institutions screened, Cumhuriyet Newspaper ranked first with 80 banned content items, followed by BirGün Newspaper with 68 items and ODA TV with 52 items. Within the scope of the research, it was determined that the news banned the most were about "corruption" and "misuse of duty." The legal basis of 580 of 658 content removal decrees were shown as "violation of personal rights."⁵

"LGBTQ+ activist İlay K. was detained after the Pride March organised in Ankara on June 29 and her scholarship loan was cut by the Credit and Dormitories Institute (KYK). University student İlay K. had been beaten and detained during the police intervention against the Pride March organised."

Current Status: Hundreds of people are being prosecuted on charges of insulting (!) Erdogan, state officials and bureaucrats.

6. GOAL - Protecting persons' material and moral integrity, as well as personal life

According to the findings of the research conducted by the Media and Legal Studies Association (MLSA) at five prisons between February and March 2021, more than half of the prisoners were deprived of basic hygiene products during the COVID-19 pandemic and most of them faced serious restrictions against their right to cultural and sports activities, as well as their right to meeting. [Please click here](#) for the full report.

Seven people have died in Rize due to the floods and landslides resulting from heavy rain. Union of Chambers of Turkish Engineers and Architects (TMMOB) Chamber of Environmental Engineers Executive Board Chairman Ahmet Dursun Kahraman stated, *"Flood is a natural event. What's not natural is the loss of lives. The hydroelectric power plants, fillings, stone quarries that were all constructed for profit no longer allow flood to be a natural disaster. You are creating the flood."*

⁴ For the full CFWIJ report:

<https://womeninjournalism.org/reports-2/press-freedom-status-for-women-journalists-august-2021>

⁵ For the full Media Research Association report:

<https://medarder.org/wp-content/uploads/2021/09/Sosyal-Medya-Yasasinin-Basin-Ozgurlugu-Uzerine-Etkileri-Izleme-Arastirmasi-12.pdf>

As the northeastern part of Turkey is under disasters of flood, the country's southern and western shores faced forest fires. Turkey is still not a party to the Paris Climate Convention. On the other hand, Turkey doesn't prepare for possible disasters and continues to allow the destruction of natural resources. The latest fires revealed that there were 8 planes in the Presidential inventory, whereas there is no single fire extinguishing plane or helicopter in the country.

The number of deaths in the flood disaster in the Western Black Sea increased to 81. The Republican People's Party (CHP) board made an examination in the region. In their preliminary report, the board indicated that the disaster was caused by factors such as wrong policies of construction and urbanisation, wrong policies of water management, hydroelectric power plants and stream remediation work.

A Kurdish family residing in Hasanköy Neighborhood of Meram district in Konya was murdered with an attack against their house. The attacker shot seven people, including four women, set the house on fire and ran away. The Dedeoğulları Family lost their lives in the attack. Last month, the family had been attacked by a 60-people group with sticks, stones and knives, and had been heavily injured.

The loss of life in the flood disaster in Kastamonu, Sinop and Bartın on August 11 increased to 82, while 16 people are still missing. With the President's Decision, the disaster area was decided to be expropriated urgently. Chamber of Architects Ankara Branch criticized the decision to expropriate the vineyards, orchards and hazelnut orchards hastily: *"It is proof that no lesson has been learned from the flood disaster"*.

Alevi family houses were marked in Seyhan district of Adana. People's Democratic Party (HDP) MP Ali Kenanoğlu indicated that the attack was the 38th similar attack against the Alevis.



"After Ankara 8th Criminal Judicature of Peace issued an access ban against gay meeting and partnership network Hornet's website on August 6, 2020; Hornet was removed from AppStore Turkey as well. In the message Hornet sent to Apple users, it was stated that the application was removed by Apple "as a

result of the decrees issued by Turkish courts."

Current Status: Systematic state violence against LGBTI+ individuals is on the rise.

7. GOAL - More effective protection of proprietary rights

The omnibus bill draft, which was prepared by the Justice and Development Party and involves an extension of State of Emergency applications, passed the Parliamentary General Assembly and was enacted as law. According to the bill, applications like public service dismissals, additional detainment periods were extended for another year. The first version of the draft, that was presented to the Parliament, demanded that the detainment periods be extended for three more years; and was later revised by the ruling power and was decreased to one year. The provision on the Savings Deposit Insurance Fund being appointed as a trustee in investigations and prosecutions against companies, which are owned by individuals “having connections with terrorist organisations”, will continue for three more years.

There was a fight in Battalgazi neighborhood of Altındağ district in Ankara, where many Syrian refugees reside, between two groups and one person died during the fight. After the fight, the refugees’ homes and workplaces were attacked in the neighborhood. Some stores and cars were damaged. The Human Rights Association reprimanded the hate attack against the Syrians and said, “*We are in the worry that there will be more mass attacks against refugees as a result of the increasing anti-refugee opinions.*”

“LIMAK Holding is the first in the ranking of companies receiving the most number of public tenders in their country of activity, according to the World Bank data. The company now wants to cut down trees from the Akbelen Forest in order to provide more coal to the thermal plant and to extend its mining area. The gendarmerie intervened against the villagers and environmentalists, who have been keeping watch at Akbelen Forest for 26 days, in the middle of the night. The gendarmerie dragged people out of the resistance area by force.”

Current Status: Appointing a trustee to a company, municipality or university has become a daily state practice. Property owners continue to be victimized by forced expropriations, especially in disaster areas.

8. GOAL - The protection of vulnerable groups and strengthening social welfare

The International Trade Union Confederation (ITUC) launched its “Global Rights Index Report” in which all countries in the world were evaluated in terms of workers’ rights. In the report, Turkey was listed among ten worst countries for workers, together with Bangladesh, Belarus, Brazil, Philippines, Honduras, Egypt, Columbia, Myanmar and Zimbabwe. [Please click here](#) for details.

The 4th Judicial Bill has passed the Grand National Assembly of Turkey’s (GNAT) General Council. From now on, concrete evidence will be searched for arrest in crimes of sexual assault. According to the reason for the legal amendment, the victimhood created through the expression “strong criminal suspect” in catalogue crimes will be removed with the expression “concrete evidence.” Experts and lawyers underline that the search for a “concrete evidence” for arrest in prosecutions of sexual assault will allow the release of perpetrators and that the evidence can already not be “not concrete”, that the victim’s statement is an evidence by itself. It was further indicated that the amendment will not be of a quality that reduces

victimhood in terms of opposition members, journalists and politicians, who were the most prominent victims of arrests turning into a tool for penalisation. The experts and lawyers stated that the true source of the victimhood must be searched in the fallback from fair trial and principles of the state of law.

“Nationalism, xenophobia and hate speech” is being supported and encouraged by the ruling power and an important part of the opposition in Turkey. This situation feeds from social tension, helping it grow as well. There were racist attacks against the Kurds in three provinces last week. Hate speech against refugees continues to strengthen. New refugee groups started entering Turkey from its eastern border due to the Taliban siege in Afghanistan. European Union countries, especially Germany, appreciated Turkey’s state as “buffer” for the passage of refugees. These remarks led to heavy reactions from the public and the opposition. The European Union is expected to announce a new support package for Turkey hosting Afghan refugees. NGOs and journalists, who have been conducting studies on migration, are being targeted due to being funded by foreign countries. Republican People’s Party (CHP) member and Bolu Mayor Tanju Özcan announced that refugees will have to pay 10 times their water and waste bills. Sabancı Holding Executive Board member Arzu Sabancı supported the hate speech as well, saying, “I don’t want refugees in my country!”

According to the data compiled by BiaNet, men killed at least 24 women in July and raped 7 women. On the other hand, 11 women’s deaths were found suspicious. ⁶

Turkey has officially withdrawn from the international Istanbul Convention, which aimed at preventing violence against women. Only a day earlier, the Council of State had denied the claim for the revocation of the Presidential decree on Turkey’s withdrawal from the Istanbul Convention and for a stay of execution with three votes against two. At least 48 women were murdered by men after Erdoğan’s sudden decision on a night in March to withdraw the Convention.

The second Freedom of Expression and Press Freedom Agenda report was launched by Expression Interrupted. According to the report on the data between May and June 2021, the number of imprisoned journalists decreased to 65 with the release of three arrested journalists. According to the data of Expression Interrupted, that number was 87 at the beginning of the year.

Current Status: It is getting harder and harder for women, LGBTI+s and other vulnerable groups to survive in Turkey with each passing day.

9. GOAL - Administrative and social awareness on human rights

The Human Rights Foundation of Turkey (TIHV) launched a report with the title, “Criminalising Politics: Violations Against the Right to Freedom of Organisation” and evaluated the ruling power’s grade report on human rights. The report was prepared by scanning the daily human rights reports issued by the Human Rights Foundation of Turkey Documentation Center and by examining violations against the right to freedom of

⁶ Taken from the “Male Violence in Numbers” report compiled by Bianet:
<https://bianet.org/kadin/bianet/133354-bianet-siddet-taciz-tecavuz-cetelesi-tutuyor>

organisation between the years 2015 and 2019. The report identified 5,498 incidents, in which freedom of organisation was violated in the last five years. During this five-year period, 1614 associations, 132 foundations, 23 confederations and 19 trade unions were shut down; almost all of which were made through Statutory Decrees issued within the State of Emergency. 127 mayors were dismissed and were replaced with trustees. 11 Parliament Members have lost their seats at the Parliament. 120 mayors and 17 Parliament members were arrested. 1954 police operations were organised against the offices of non-governmental and political organisations, as well as against the houses of the members and executives of such organisations. 495 events were prevented through bans, police interventions and by other means. During this time, 15 thousand 70 people were detained and 2 thousand 709 people were arrested as a result of violations against the right to organisation; 551 people were sentenced to 32 thousand 523 months of imprisonment in total. ⁷

The Independent Communication Network (BIA) launched its April-May-June 2021 Media Monitoring Report. According to the report, at least 222 journalists continued to be prosecuted based on 19 different charges, especially “illegal organisation membership” and “making illegal organisation propaganda”, in 68 cases. One journalist was imprisoned after the 5-month imprisonment sentence against them was approved due to “violating the privacy of investigation.” One journalist was sentenced to 1 year, 10 months and 15 days of imprisonment due to “making terrorist organisation propaganda.” Two new investigations were opened against two journalists, one due to “targeting those taking part in the fight against terrorism” and the other due to “illegally obtaining and spreading personal data.” 18 journalists were prosecuted in the same period due to “insulting the President.” Of those prosecuted, Hakkı Boltan was sentenced to 2 years and 17 days of imprisonment due to insulting President Erdoğan and former Prime Minister Davutoğlu. Nine journalists were attacked. Access bans were issued against at least 24 online news articles as well as many tweets of journalist Erk Acarer. Freedom of Expression Association’s website Disabled Web’s many tweets were censored as well, which were informing the public on access bans in this period.⁸

Current Status: Internet bans are implemented in the broadest sense with the copy-paste decisions of the Criminal Judicatures of Peace, with the applications of public institutions and executives, and the ruling partner party leaders and dignitaries.

⁷ For the full Human Rights Foundation of Turkey report:
<https://tihv.org.tr/ozel-raporlar-ve-degerlendirmeler/bilgi-notu-orgutlenme-ozgurlugune-yonelik-ihlaller-2015-2019/>

⁸ For the full 3-month media monitoring report compiled by Bianet:
<https://bianet.org/bianet/bia-medya-gozlem/247038-gun-gun-uc-aylik-medya-ifade-ozgurlugu-ihlalleri-tam-metin>

Conclusion

The policies of the administration in Turkey, which are far from being transparent, also eliminate the chance of civil society and citizens to monitor the "effectiveness" of the activities expressed in the Human Rights Action Plan, which has left 6 months behind. The plan "prepared" by the government is being overlooked by the government again!

It is also clear that the planned activities are far from mitigating or compensating for the crisis of democracy and fundamental rights and freedoms Turkey is facing.