



THE CIVIL SOCIETY IS WATCHING

November 2021

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

What are we watching?

The **Human Rights Action Plan**, which was issued with the signature of the Turkish President, was introduced to the public as a continuation of the will of reformation by the government, based on the Judicial Reform Strategy Document through the 11th Development Plan. With the Action Plan, it is claimed that rights and freedoms are aimed to be extended with an extensive legislative search, standards are aimed to be increased for public services to be more accessible, accountable, equal, transparent and fair. This report will be issued monthly in order to measure and debate the developments realised following the claims made with the Human Rights Action Plan.

How are we watching?

Our monthly report “The Civil Society Is Watching” will record the monthly developments regarding the 9 goals, 11 principles stated with the Human Rights Action Plan as well as the 393 activities predicted to be realised. Thus, the report aims at debating the correlation between the steps taken with the aims presented in the Action Plan, as well as how satisfactory the developments are. The report will compare monthly reports launched by non-governmental organisations with the reality of the country, as well as the allegations of the public administration. The report will include data announced by the Ministry of Justice and its related chambers, as well as the Interior Ministry whenever available. It is a fact that the measures of “transparency and accountability” that were presented as principles in the Human Rights Action Plan find no correspondence in the reality of the Turkish government ruling. Therefore it should not be forgotten that the “accuracy” of the numbers stated in reports prepared by the civil society reflect the difficulties faced by rights advocates and press workers. This is exactly why we had to frequently use the expression, “at least” before many numbers stated in this report.

What the government has said...

Within the scope of the new judicial package, 51 amendments [were made](#) to the Regulation on the Management of Penitentiary Institutions as well as on the Execution of Penalties and Security Measures.

The 5th Meeting of the Human Rights Action Plan Follow-up Board was held.

A cooperation protocol was signed between the Ministry of Justice and Ankara University (AU) to organize "Human Rights Certificate Programs" within the framework of the Human Rights Action Plan (IHEP).

The 5th judicial package passed the General Assembly of the Grand National Assembly of Turkey (TBMM). Within the scope of the package, new regulations were made in the enforcement and bankruptcy law. The criterion of "not having any handicap such as speaking out of the ordinary and having difficulty in controlling the movement of their body parts" [was removed](#) from the criteria of candidacy for judges and prosecutors.

Within the scope of the objectives of the Human Rights Action Plan titled "Strengthening Specialized Courts", 6 new specialized courts were determined and courts that would deal with consumer, commercial and administrative cases were determined. In provinces where there is no juvenile court, courts that will deal with juvenile cases have also been [determined](#).

As part of facilitating access to justice, 18% VAT on attorney services [will be reduced to](#) 8% as of 14 December...

Partial arrangements were made in the National Judicial Information System (UYAP) citizen and lawyer portal in order to ensure that judicial services are carried out in a more effective, fast and reliable environment.

What civil society has seen...

1. GOAL - A stronger human rights protection system

Current State: Oppression against the civil society, oppositional members and rights advocates continue to increase.

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

Current State: Unpredictable and arbitrary prosecutions prove that the supremacy of law has replaced the law of the supremes.

Israeli couple Natalie and Mordi Oknin, who were arrested on charges of "espionage" for allegedly photographing Erdoğan's house, were released after the intervention of the Israeli state and their meeting with government officials. The couple departed to their country on a private plane accompanied by Israeli officials.

3. GOAL - Legal predictability and transparency

Current State: Journalists are being prosecuted, legal and economic pressure as well as arbitrariness is strengthened on press organisations.

In the [2021 Global Democracy Report](#) of the International Institute for Democracy and Election Support, Turkey was among the countries whose democracy declined the most in the last 10 years, along with Nicaragua, Serbia, Poland and Brazil. In the report, which described these countries as the beginning of the collapse in democracy, Turkey was defined as a hybrid regime. The term “hybrid regime” is used for countries with regular electoral fraud and where fair and free democracy is thwarted. In countries with this type of regime, suppression of opposition, governmental judiciary, harassment and oppression of the press freedom and freedom of expression are common.

The 10th Chamber of the Council of State unanimously issued for a stay of execution of the circular issued by the General Directorate of Security on the prevention of videotaping of social events with mobile phones. The decision emphasized that the circular restricts freedom of communication and press and stated that fundamental rights and freedoms can be limited by law only.

The State of Emergency Commission continues to reject academics, who signed the "Academics for Peace" Petition and were thus expelled from their universities with Statutory Decrees. The State of Emergency Procedures Investigation Commission rejected the re-employment applications of 37 academics, who were previously dismissed with a Statutory Decree.

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

Current State: The use of the right to meeting and demonstration has effectively been suspended.

Women took to the streets in many cities for the November 25, Day for the Elimination of Violence Against Women. Taksim Square was once again surrounded by the police. The police attacked the women, who gathered at Tünel Square, with tear gas and rubber bullets. Women who wanted to march to protest violence against women in Antakya were prevented as well. The women were beaten by the police. Nevertheless, the protest and demonstration ban that has been going on for 5 years in Van could not prevent the march of Van Women's Platform.

36 institutions issued a joint statement against the protest and demonstration ban in Van that has been ongoing for 1,815 days without break since the State of Emergency. Stating that the ban, which will be completing its 5th year as of November 21 and is being continuously extended arbitrarily and indefinitely by the governorate, is "one of the ways to gradually destroy democracy", the institutions demanded an immediate end to the illegal and unlawful ban. "The said bans will be fought collectively," the institutions stated.

5. GOAL - Strengthening personal freedom and safety

Current State: Hundreds of people are being prosecuted due to insulting (!) Erdoğan, government authorities and bureaucrats.

Despite the Constitutional Court decrees on “rights violations”, Justice and Development Party (AKP) Afyonkarahisar Parliament Member Ali Özkaya spoke at a session during the discussion of the Parliamentary State of Emergency Investigation Committee's refusal of the Peace Academics' reinstatement applications and [said](#), "The decrees of the Constitutional Court do not have any consequences in terms of civil servants and administrative law."

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

Current State: Systematic government violence increases against the LGBTQ+s.

The prosecution of police officers started after they harassed and imposed naked search on Taksim Solidarity members, including architect Mücella Yapıcı, after they were detained in connection with the Gezi Park protests. An [arrest warrant was issued](#) for Songül Ekim Kılıç, one of the defendant police officers, in the first hearing at the Istanbul 11th Assize Court.

The latest hearing of the lawsuit filed against police officer Fatih Karaca, who murdered 18-year-old Syrian Ali El Hemdan for allegedly neglecting his "stop" warning, was held in Adana. The prosecutor claimed a life imprisonment sentence against the police. Tugay Bek, the lawyer of the Hemdan family, said that the law enforcement and other public officials attempted to obfuscate the evidence as part of the investigation. Bek reminded that 403 people were killed between 2007 and 2020 on the grounds that they did not comply with the stop warning of the police.

7. GOAL - More effective protection of proprietary rights

Current State: It has become an ordinary government practice to appoint trustees to companies, municipalities and universities.

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

Current State: Turkey has officially withdrawn from the Istanbul Convention with a Presidential decree.

The Erdoğan once again targeted the Istanbul Convention and said, "If anyone in this country once again forms a sentence that starts with the Istanbul Convention, our women should react first and foremost because this abuses their own names for the sake of a perverted ideological agenda." After the cabinet meeting, the Women's Rights Centers of 8 bar associations [reacted](#) to Erdoğan's expressions targeting the Istanbul Convention with a joint statement; expressing that Erdoğan is trying to criminalize the Istanbul Convention and those who defend it.

According to the news compiled by bianet from local and national newspapers, news websites and agencies; men killed at least 22 women, inflicted violence on at least 53 women, and raped 9 women in October. [Please click here](#) for details.

The joint call text for an "End of the pre-trial detention of children", signed by our initiative and 23 other organizations, was published. As of October 31, 2021, there are 1,347 children under arrest in Turkish prisons. The sentences of 566 convicted children are being executed outside the prison with permissions within the COVID-19. Detained children are either held in closed penitentiary institutes for juveniles and youth or in the juvenile wards of closed penitentiary institutions for adults.

After the 10th Chamber of the Council of State denied the request for a stay of execution against the decree to withdraw from the Istanbul Convention, the Administrative Litigation Chambers, which is the highest decision body of the Council of State, denied the objection to the rejection decree.

9. GOAL - Administrative and social awareness on human rights

Current State: Online access bans are being executed in the widest possible way with copy-and-paste decrees issued by Criminal Judicatures of Peace following applications of public executives and pro-government party members.