



# THE CIVIL SOCIETY IS WATCHING

October 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...

The Probation Services plan was renewed. Within the scope of the renovation, the upper limit of being able to be employed in community services was increased from 4 hours to 8 hours, and it was made possible to provide road and food support to those who are economically not

doing well. In case of non-compliance with the probation plan, a written warning will be given once for adults and 3 times for children. With the regulation, [it is aimed](#) to provide some facilities in terms of education, patient care and health services for those who pass the probation plan under house arrest.

141 judges and public prosecutors from HELP trainees [completed their training](#) on “Right of Asylum/Asylum and the European Convention on Human Rights (ECHR)” and “Combating Human Trafficking and Protection of Victims of Human Trafficking”.

## **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.

On the other hand, the Republican People’s Party (CHP), Good Party, Felicity Party, Democrat Party, Future Party, and Democracy and Progress (DEVA) Party will meet at the Parliament on October 5 to work on a "Strengthened Parliamentary System". The 6 opposition parties, which had previously gathered in Istanbul, will continue to discuss the principles of the parliamentary system with topics such as an impartial president, a strengthened parliament and an independent judiciary. Responding to the opposition parties' demand for a return to the Parliamentary system, President Erdoğan stated their satisfaction with the Presidential system and that there will be no return to the Parliamentary system. In his speech for the opening of the Parliament, Erdoğan made a call for a new Constitution.

According to the data shared by the Journalists' Association; In September, 49 journalists were prosecuted in 32 different cases in 9 different provinces; 6 of them were sentenced to 27 years and 3 months in total. Verdicts of acquittal were issued for 5 journalists. Within a month, new lawsuits were filed against 4 journalists and new investigations were opened against 6 journalists. [Please click here](#) for details.

Judicial pressure and harassment against freedom of expression continued in October as well. As a result of prosecutions, movie actress Ezgi Mola, director Veysi Altay, former Human Rights Foundation of Turkey (TIHV) Secretary General and former Turkish Medical Association (TTB) Central Council Chairman Dr Selim Ölçer, photographer and poet Mehmet Özer were all sentenced to various fines and imprisonment. In addition, an investigation was opened against journalist Oktay Candemir and actress Berna Laçın for their social media posts.

### **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.

While the President of the Constitutional Court made this warning, the Council of Judges and Prosecutors made Akın Gürlek, the Chief Judge of Istanbul 14th Assize Court, a first-class judge. With the promotion of Gürlek, the Council of Judges and Prosecutors violated its own policy decision taken in January 2020. In this principle decision, "whether [one] gave rise to a violation decision in the examinations made by the European Court of Human Rights and the Constitutional Court" was added to the promotion criteria for judges and prosecutors. In addition, in the Human Rights Action Plan announced by Erdoğan last March, it was determined that "judicial authorities' decision-making in line with the precedents of the Constitutional Court and the European Court of Human Rights is a criterion in the promotion and appointment processes".

Events organised on the 6th anniversary of the October 10 Ankara Train Station Massacre, in which 103 people lost their lives and more than 500 were injured, were prevented and the ongoing trial in Ankara is in danger of coming to a deadlock. Although the police and intelligence correspondence reflected in the press revealed a "fault of the state", no administrative or judicial investigation has been initiated against any public official yet. While no attempt was made to find the fugitive suspects, the lawyers [say that](#) the court continues to leave information about the suspect or witness ISIS members mentioned in the file, or their other demands unanswered, and that this "decreases their belief that justice will be established".

### **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.

The State of Emergency (OHAL) Procedures Investigation Commission concluded 118,415 out of 126,758 applications regarding some institutions and organizations that were dismissed or closed down by Statutory Decrees (KHK). The Commission, which the ECHR accepted as an "effective domestic remedy"(!), made an admission decision in only 15 thousand 50 applications.

Turkey went through one of the biggest diplomatic crises of recent years. In the 4th year of the arrest of human rights defender Osman Kavala, the ambassadors of 10 countries, including the USA, Germany and France, made a statement, which pointed out that Kavala's trial process was constantly delayed by combining different files and creating new cases after his acquittal, and that this situation "overshadows respect for democracy, the rule of law and transparency in the Turkish judicial system". The ambassadors who wanted Kavala to be released in line with the European Court of Human Rights rulings were summoned to the Ministry of Foreign Affairs the next day. While the government claimed that the declaration meant an "interference in Turkey's internal affairs", President Erdoğan, who made a statement a few days after the incident, announced that he had ordered the ambassadors who signed the

declaration to be declared “persona non grata.” Despite Erdogan's instructions, no official notification was made that their ambassadors were declared "persona non grata" to any country in this process, and the tension in the crisis suddenly dropped after mutual statements. First, the US Embassy said in a statement on its social media account that they complied with Article 41 of the Vienna Convention. Then, other embassies delivered the same message. Thus, Erdogan had the opportunity to take a step back from his overreaction to saying "the wrong was corrected". While an atmosphere was created in Turkey that the Western countries are taking a 'step back', the embassies' statement already stated that they were "acting in compliance" with the Vienna Convention. As a matter of fact, the US State Department had to make a separate statement about the meaning of its message, and said the call they made for Kavala was already consistent with Article 41 of the Vienna Convention. Let the government continue to dream of diplomatic success, the question that should be asked is in fact not who is taking a step back, but instead, “Does Turkey, which achieved diplomatic success by making the Western countries declare that they comply with the Vienna Convention, confirm the issue of complying with the European Convention on Human Rights and the decrees of the ECtHR?”

#### **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.

According to the findings of the TIHV Documentation Center, at least 15 peaceful meetings and demonstrations throughout the country were intervened against by the police in October; at least 3 peaceful meetings and demonstrations were prevented by the police. At least 133 people were detained during these interventions and preventions. 2 people were arrested and 18 people were released on the condition of judicial measures. In addition, during the raid against recycling warehouses in Ümraniye, at least 220 waste paper collector/recycling workers were detained and 3 people were arrested.

All actions and events in 5 provinces were banned 6 times by the governorates, and 7 individual protests and events were either banned or prevented.

In October, heavy administrative fines were issued against media organizations by the Radio and Television Supreme Council (RTÜK). Halk TV received its share of these penalties for its broadcasts on TÜGVA, and TELE 1 channel for its news about Deputy Chairman of the Presidency’s High Advisory Board and former Speaker of the Grand National Assembly of Turkey İsmail Kahraman.

#### **5. GOAL - Strengthening personal freedom and safety**

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

The President of the Constitutional Court, Zühtü Arslan, warned the government about the rule of law and said, "There can be no talk of a state of law in a place where the execution of court decisions is not ensured properly. After the Constitutional Court has made a decision on unconstitutionality, insisting on the execution of this unconstitutionality is a deliberate violation of the Constitution."

The Constitutional Court announced the "Individual Application Statistics". According to the statistics, since 2012, more than 335 thousand applications for violation of rights have been made to the Constitutional Court. While 276,307 of the applications were concluded, only 14,911 of them were given a decision of violation of rights. 62.5 percent of the violation decisions are related to the right to a fair trial, 19.1 percent to property rights, and 4.2 percent to freedom of expression.

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

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

The Ministry of Interior [demanded](#) 250 thousand Euros of compensation from the heirs of the 5 people, who lost their lives in the car crashed by the dragon-type gendarmerie armored vehicle in Lice district of Diyarbakır on June 20, 2017. The deaths and injuries caused by armored vehicles driven by security officers continue. In Viranşehir, Urfa, a police armored vehicle wandering around the neighborhood struck a 5-year-old boy, [causing](#) serious injury.

#### **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.

Addressing village headmen, Interior Minister Süleyman Soylu stated that drugs were used in abandoned buildings and said, "Our headmen say, 'There is a court decision, we cannot demolish them'. Brother, you demolish it at night, let the court decision come after us... Dozers come in the middle of the night, destroy it. Who destroyed it, how would we know?"

#### **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.

Naci İnci, the appointed rector of Boğaziçi University, broke new ground and ordered an injunction against 14 students as "a victim of persistent stalking" in accordance with the Law No. 6284. Within the scope of the measure, which will be effective for one month, students will be sentenced to prison in case they break the rule. The purpose of Law No. 6284, which includes measures to be taken to protect women, children and family members who have been subjected to violence or who are at risk of violence, and to prevent violence; is to prevent physical, sexual, economic and psychological violence. While women's organizations

emphasized many times that femicides could not be prevented because the applications of women who requested measures under the said law were not accepted, the fact that the law, which was not implemented effectively for women, was implemented quite effectively for Naci İnci summarizes the state of the country. According to the data of the We Will Stop Femicides Platform, 293 women were murdered by men in 2021.

According to the news compiled by [Bianet](#) from local and national newspapers, news websites and agencies; men killed at least 26 women and raped 5 women in September. Men inflicted violence on at least 65 women, killed at least 4 children, abused at least 13 girls and boys, and harassed at least 10 women.

The Constitutional Court decided for the first time that public officials who did not take adequate preventive and protective measures in a femicide should be prosecuted. The Supreme Court ruled that the right to life of academic Serpil Erfindik, who was murdered by her former husband in 2013, was violated. This year, after Turkey's withdrawal from the Istanbul Convention, 270 women were murdered by men. [Please click here](#) for details.

## **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.

The Nationalist Movement Party (MHP) submitted a new law proposal to the Parliament for newspapers that receive funding from abroad. The Nationalist Movement Party (MHP) wants the Interior Ministry to monitor all the activities of the funded newspapers. According to the proposal, the press organisation will have to submit all required documents, and all activities will be recorded and monitored. Those who do not share all the information with the Interior Ministry will be sentenced to imprisonment.

The government's list of "terrorists" was updated; university students and kebab makers became the target of the government's accusation of "terrorism" on the same day. While the Nationalist Movement Party (MHP) leader, which is the junior partner of the government, included kebab shops on the "terrorists" list, Erdoğan's target was still students. According to Erdoğan, students who brought up the housing problems throughout the country, as well as those protesting the trustee rector at Boğaziçi University are "terrorists".