



THE CIVIL SOCIETY IS WATCHING

September 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...

Changes were made in the visit and award regulations applied in penitentiary institutions. Within the scope of Human Rights Action Plan, “Additional opportunities such as open meetings and video calls were provided to convicts and detainees in prisons during religious

holidays”. With the same regulation, the closed meeting procedure applied for the meetings of the children in the closed penal institution with their visitors [was terminated](#).

The 'Fingerprint Identity Verification System', which was launched as a pilot application at the 74th Public Notary of Ankara with the joint work of the Ministry of Justice and the Notaries Union of Turkey, [was introduced](#).

With a decree of the Council of Judges and Prosecutors (HSK), published in the Official Gazette, the ‘target time application’ in the judiciary was added to the criteria determining the promotion of judges and prosecutors.

The 4th Meeting of the Human Rights Action Plan Follow-up Council was held on September 21.

The number of patient visit permissions granted for each relative of the detainees and convicts staying in high-security penitentiary institutions was increased from one to two, in case it is documented by a medical board report that their mother, father, spouse, sibling, child, and spouse's mother or father have a life-threatening serious and life-threatening illness. Convicts who were sentenced to life imprisonment were exempted from this application.

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 May 31, 2011, on the day that then Prime Minister Recep Tayyip Erdoğan went to Hopa for his election rally, Metin Lokumcu lost his life due to the tear gas used during the protests in the district square against the hydroelectric power plants (HES) planned to be constructed in the region. The case on the death of Metin Lokumcu was accepted to be heard at the Assize Court and the objection of the defendant police officers was denied.

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.

The police officer who killed 7-year-old Miraç Miroğlu by running over the child with an armored vehicle, was released. Miroğlu was cycling on the street in Şırnak İdil on the evening of September 3 before being killed. According to the data of the Human Rights Associations, 42 civilians, including 20 children, have [died under armored police vehicles](#)

since 2008. Law enforcement officers continue to be protected by the armour of impunity in the investigations and prosecutions.

78 bar associations reacted with a joint statement after the judge of the 9th High Criminal Court of Diyarbakır, where the Free Women's Movement (TJA) Spokesperson Ayşe Gökkan was tried, forcibly removed the Diyarbakır Bar Association President Nahit Eren and his accompanying lawyers from the hall. The judge is asked to be removed from office.

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 US-based rights organization Freedom House published the “Freedom on the Net 2021” report compiled by Adrian Şahbaz and Allie Funk. In the report, which noted that “the global internet freedom index has been declining for 11 years”, it was stated that the dominant problem continued in the issue of user rights between governments and companies. China has become “the country with the worst environment for internet freedom” for the 7th year in a row, and Turkey was in the category of “countries where the internet is not free” with 34 points out of 100. [Please click here](#) for the full report.

Businessman Osman Kavala has left 1400 days behind in prison... Istanbul 13th Assize Court once again denied Kavala's lawyers' claims for his release and decided for Kavala to remain under arrest. The Human Rights Commission of the Council of Europe said that “Kavala is the victim of a judicial system that is used to silence human rights defenders, lawyers and journalists and that ignores the most fundamental principles of law at an unprecedented level - such as the presumption of innocence and the principle of legality in crime and punishment.” The Human Rights Commission of the Council of Europe reacted to the decision by making a statement and said, “The unlawful arrest of Kavala is a sign of disrespect for human rights and the rule of law.”

Here is an interesting incident that led to multiple violations of the freedoms of expression, assembly and demonstration this month: Investigations were launched against a total of 1700 healthcare workers, 800 of whom were family physicians, who took a strike action in August to protest the amendment made by the Ministry of Health on the family medicine regulation. Before the investigation was concluded, healthcare workers were given a 2-day salary deduction in September.

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.

The Media Research Association has prepared a [report](#) on how the Social Media Law, which came into force in October 2020, affected the freedom of the press. According to the data shared by the association upon examining 658 censored news stories, "corruption and irregularity" was in first place with 336 content, and "abuse of office" was in second place with 308 content. Those who demanded censorship the most were people carrying the title 'businesspeople', ministers and high-level bureaucrats...

Another worrying development in September was the oppression and violations against human rights defenders. The final hearing of the lawsuit filed against Human Rights Association (IHD) Central Executive Board member Sait Çağlayan was held at the Hakkari 3rd Assize Court on September 23, 2021, and the court sentenced Sait Çağlayan to 6 years and 3 months in prison for "terrorist organization membership". In addition, the "Peace and Solidarity" concert organised in Defne district by the IHD Hatay Branch, was banned by the Defne District Governorate on September 25, 2021, on the grounds of the COVID-19 outbreak.

In September, courts issued access bans against 9 websites belonging to 5 press institutions and at least 34 news articles. Administrative fines were issued against Halk TV, Fox TV, Halk TV, Kanal D, TR35 and TELE 1 channels by the Radio and Television Supreme Council (RTÜK). Sözcü newspaper was penalised with a 4-day ad ban by the Press Ad Institute (BİK) due to two separate columns written by journalist Saygı Öztürk.

The incident that stood out in September, especially in terms of the violation of freedom of assembly, was the intervention of the law enforcement officers and the detainments of many people during the watches performed by university students demanding their right to shelter. The extreme increase in rental flat and dormitory fees as a result of the severe crisis in the country's economy and high inflation left university students facing a serious accommodation problem. Students started to spend the night in the parks to protest this situation, to attract the attention of the authorities and the public about the problem they experienced. Watches organised for the right to shelter became widespread throughout the country in a short time. On the one hand, these actions made the economic and social situation as well as the injustices experienced by the society visible; on the other hand, the police intervention and violence that the students were exposed to, also revealed once again how unusable the freedoms of expression, assembly and organization, which form the basis of a democratic society, have become. Of course, the hopeful thing in this process was that the society was in solidarity with the university students who were on the watch.

With the ban decrees issued in September, the duration of the uninterrupted protest and demonstration ban in Hakkari, which has been implemented since June 5, 2020, has been extended to 495 days; while the uninterrupted protest and demonstration ban that has been implemented in Van since November 21, 2016, has been extended to 1774 days.

5. GOAL - Strengthening personal freedom and safety

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

A warrant was issued for the arrest of former Korkut District Gendarmerie Commander Bülent Karaoğlu in the prosecution started at Kırıkkale 1st Assize Court after the reversal decree of the Court of Cassation on the lawsuit regarding the Vartinis Massacre, which caused the deaths of 9 people, including 7 children, from the same family on October 3, 1992 in Vartinis (Altınova) region of Korkut district in Muş. Although the next hearing was scheduled for November 4, the prosecution is under the risk of time limitation...

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

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

Despite the Forensic Medicine report of the Antalya Chief Public Prosecutor's Office, the Constitutional Court ruled that the verdict of non-prosecution issued in the torture application based on the police statement that a person "fell down the ladder" was a violation of rights. The Constitutional Court recalled the constitutional and international rule regarding the torture ban in the application of Eyüp Birinci, who was detained and tortured on July 27, 2016, that says: "The mistreatment ban is an absolute ban that cannot be suspended, even in the case of a general danger threatening the existence of the nation. Even in the most difficult conditions, such as the battle against terrorism and organized crimes, mistreatment is strictly prohibited."

The daughter of former Prime Ministry rapporteur Hüseyin Galip Küçüközyiğit, who was reported to have been kidnapped and who has not been heard from for 9 months, being dismissed from service with a Statutory Decree, announced that she was informed that her father was being held in prison. All applications made by daughter Nursena Küçüközyiğit regarding her fathers fate were either left unanswered, or it was stated that there was no information. There hasn't been any news from Yusuf Bilge Tunç, who is in a similar situation, for 25 months.

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.

According to the news [Bianet](#) compiled from local and national newspapers, men killed at least 34 women and six children in August. At least 61 women were subjected to male violence.

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 Committee of Ministers of the Council of Europe, which is responsible for overseeing the implementation of the decisions of the European Court of Human Rights (ECtHR), did not initiate the “violation procedure” as required by the previous statement in the Osman Kavala case. The announcement will be made in December on the start of the procedure. Although Turkey did not have a request regarding the Selahattin Demirtaş case, Turkey was allowed time until September 30 to prepare an action plan.

Serdar Izol joined those who "seek justice" in front of the courthouses after losing their relatives in the Siverek Massacre. Izol stated that "justice has not been served in the past 2 years" and announced that he and the Şenyaşar Family will stand watch in front of the Urfa Courthouse one day a week.

The Directorate of Religious Affairs supported the "social media interventions" of the government. The Directorate of Religious Affairs Chairman Ali Erbaş [said](#), "The establishment of a legal mechanism that will determine the legal framework regarding the use of social media and building a strong awareness on the matter is an irrevocable necessity"! Erbaş prayed at the opening ceremony of the Supreme Court of Appeals for the new judicial year between the President of the Court of Cassation and Erdoğan. Speaking about the issue, the Speaker of the Grand National Assembly of Turkey Mustafa Şentop said, “One of the biggest threats we face is digital fascism.”

The 82nd issue of the Theory and Politics magazine was pulled off shelves based on an article about Ibrahim Kaypakkaya.