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**SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE  
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PERIODIC REVIEW OF TURKIYE  
“Freedom of Expression and of Association; Hate  
Speech and Discrimination; Lack of Investigation”**

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**Erosion of Freedoms: Analyzing Human Rights Violations and the Suppression of  
Expression in Post-Coup Türkiye**

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## 2. Introduction and background

In Türkiye, especially after the July 15 coup attempt, the rule of law has been severely undermined. Many people have been victimized on the grounds of links to the coup. 120,000 people have been dismissed from their jobs, more than 700,000 people have been investigated for membership of a terrorist organization and more than 100,000 people have been accused of membership of an alleged terrorist organization.<sup>1</sup>

They have been subjected to torture and ill-treatment during detention and arrest. In 2021, according to a study conducted by the Human Rights Association (HRA), the number of suspects who were subjected to torture while in custody in 2020 was 383, including 10 children. In addition, the number of detainees subjected to torture in detention centers in 2020 is 358.<sup>2</sup>

Many minorities in Türkiye are discriminated against by the discriminatory policies of the government. People who are deemed to be associated with terrorist organizations are restricted in their ability to work in other jobs after being dismissed. According to a report by the Association for the Rights to Life, only 29% of the people dismissed from their jobs by emergency decree (KHK) were able to find an insured job.<sup>3</sup>

Besides, unfortunately, the government of President Recep Tayyip Erdoğan has exerted strict control over freedom of expression for the past twenty years and implemented an authoritarian one-person rule in Türkiye (Demir, 2020). Proper use of this right is essential for the advancement of personal independence, the operation of democratic institutions, and the promotion of diversity in society.

In these circumstances, through the present submission ASSEDEL respectfully draws the attention of the Human Rights Committee of the UN, to several human right issues which needs to be addressed urgently.

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<sup>1</sup><https://www.adalet.gov.tr/adalet-bakani-yilmaz-tunc-15-temmuzu-degerlendirdi>

<sup>2</sup><https://www.ihd.org.tr/26-haziran-2021-itibariyle-turkiyede-degisik-boyutlariyla-iskence-gercegi/#:~:text=İHD%20Dokümantasyon%20Biriminin%20tespitlerine%20göre,diğer%20kötü%20muameleye%20maruz%20kalmıştır.>

<sup>3</sup>[https://etkiniz.eu/wp-content/uploads/2021/01/KHK-RAPOR\\_CALIŞMA-HAKKI-İHLALLERİ.pdf](https://etkiniz.eu/wp-content/uploads/2021/01/KHK-RAPOR_CALIŞMA-HAKKI-İHLALLERİ.pdf)

### 3. Freedom of Expression in Türkiye

Throughout history, Türkiye has had a multifaceted and problematic association with the concept of freedom of expression. Situated between Europe and Asia, this country exhibits political and cultural dynamics encompassing secular and conservative Islamic influences. The state's authority over the shaping of the narrative, especially regarding matters such as the Kurdish minority, the Armenian genocide, and political Islam, has been a subject of ongoing dispute (Human Rights Watch, 2020).

Unfortunately, this level of control has escalated throughout President Erdoğan's tenure. For example, the state of emergency that followed the coup, lasting for several years, bestowed upon the government extensive authority to terminate civil employees, shut down media establishments, and apprehend those who expressed criticism towards the government. The aforementioned activities have played a role in Türkiye's transition towards increased authoritarianism, resulting in the freedom of expression being one of the primary victims of this political change. This authoritarianism occurred simultaneously with significant events such as the Peace Process between Kurds and the Turkish state, the Gezi Park protests, and the Corruption Scandal (December 17-25, 2013), which implicated the prime minister in political disputes (Selcuk et al., 2019).

Although Article 26 of the constitution states that “everyone has the right to express and disseminate their thoughts and opinion by speech, in writing, or in pictures, or through other media, individually or collectively,” a judiciary whose independence has been compromised since the coup attempt in 2016 enforces Turkish laws. Though judges sometimes rule against the government, thousands of recently appointed loyalist judges fall in line with the government’s interests (Constitution of the Republic of Türkiye, 2018; Freedom House, 2023b; World Economic Forum, 2018).

#### *3.1. What is Freedom of Expression?*

Article 19, an international organization, describes Freedom of Expression as a foundational right, defining it as “the right to speak, to be heard, and to participate in political, artistic, and social life. It also includes the ‘right to know’: the right to seek, receive, and share information through any media” (Article 19, 2024). It encompasses sharing or seeking out information, online or off, criticizing your government for not living up to its promises, questioning or debating religious, political, social, or cultural practices, participating in a peaceful protest or organizing one, and supporting or criticizing a news article (Article 19, 2024). However,

Freedom of Expression has limits; it can be and is limited in certain circumstances. Nonetheless, transparent lines must be established between actions encouraging violence, discrimination, and expressions criticizing ideas to learn about different ideas and peacefully challenge those in power (Article 19, 2024).

### *3.2. Events Leading to the Current Crackdown on Freedom of Expression*

After the Gezi Park incident in 2013, limits on freedom of expression grew more stringent, exacerbated after the failed coup attempt in July 2016 (Aydin & Avincan, 2019). Erdoğan exerted control over the mechanisms of authority and employed them decisively against his political adversaries instead of dismantling the frameworks of the autocratic ruling system. Following the unsuccessful coup attempt in July 2016, Erdoğan transformed Türkiye into a single-person dictatorship, and his conduct involved the extensive infringement of various human rights, including freedom of expression in various forms. The consequences of the actions encompassed the incarceration of a substantial number of individuals, the closure of media outlets, the termination of public personnel, the expulsion of scholars, and the abuse of the criminal justice system to unfairly target the country's entire population (Aydin & Langley, 2020).

Despite Türkiye's ratification of the ICCPR and other international agreements on freedom of expression, like the International Covenant on Economic, Social, and Cultural Rights, its current legal and political structure has effectively permitted substantial restrictions on this freedom, frequently justified by national security or anti-terrorism considerations. Detrimental consequences included extensive infringements against human rights, the exploitation and mistreatment of detainees, wrongful incarceration, torture, and the denial of the right to a fair trial. Measured against the provisions of Article 19 of the ICCPR, Human Rights Watch (HRW) has rigorously analyzed the state of freedom of expression in Türkiye, utilizing various academic, official, and non-governmental sources to evaluate the magnitude of these infringements.

The legislative framework in Türkiye that restricts freedom of expression includes the Anti-Terrorism Law of 1991 and sections of the Penal Code that make insults to the president, slander, and actions seen to weaken governmental power illegal (Sinclair-Webb, 2022; see also Amnesty International, 2021b and European Commission for Democracy through Law, 2016). These laws have been widely implemented to suppress opposition, prosecute members of the press, and restrict academic freedom. Numerous international groups, including Human Rights Watch, Freedom House, and Amnesty International, have consistently brought attention to these

violations, emphasizing that Türkiye's conduct is inconsistent with its responsibilities under the ICCPR.

This paper investigates the legal and political methods by which the Turkish government limits freedom of expression and analyses these policies' broader human rights consequences. The paper seeks to offer a thorough exposition of Türkiye's declining condition of freedom of speech and the associated systemic human rights infringements, drawing upon a wide range of sources such as legal analyses, international reports, and academic studies. Furthermore, it underscores the need for Türkiye to harmonize its national legislation with its global commitments, including safeguarding opposition, promoting transparent communication, and guaranteeing that restrictions on freedom of speech are legitimate, commensurate, and under international human rights norms.

### *3.3. The Impacts of the 2016 Coup Attempt on Freedom of Expression*

A significant turning point for freedom of expression and civil liberties in Türkiye was the failed coup attempt of July 2016 (Freedom House, 2023a). In response to the coup, the government promptly and comprehensively declared a state of emergency, granting itself exceptional powers. Under the pretext of preserving national security, these powers enabled the government to circumvent parliament, issue decrees with legal authority, and suspend specific fundamental rights. The confluence of media shutdowns, widespread staff terminations, detentions, and the persistent employment of oppressive legal structures has had an enduring influence on the democratic structure of the nation. The gradual decline of these essential liberties emphasizes the pressing necessity for legislative and organizational changes to reinstate regard for human rights and freedoms in Türkiye following its international commitments under the ICCPR and other human rights treaties.

Although the administration rationalized these actions as essential to reinstate order and eradicate the dangers presented by the coup plotters, the administration's actions, such as extensive purges, the closing of media outlets, tightening of media regulations, and the incarceration of opponents, extended much beyond the individuals accountable for the failed coup. These actions initiated a comprehensive repression of the opposition, specifically aimed at journalists and scholars as well as media outlets (Human Rights Watch, 2021a), that chilled freedom of expression in numerous forms throughout society.

### *3.4. Media Regulations*

The post-coup actions in Türkiye have had a highly significant and enduring effect on freedom of expression. The government's extensive implementation of anti-terrorism legislation to stifle dissent and critical perspectives has radically transformed the legal framework for freedom of expression in the nation. Following the official termination of the state of emergency in 2018, several emergency powers were successfully established as permanent laws, enabling the government to persist in limiting civil freedoms and repressing opposition while claiming to pursue counterterrorism objectives (Freedom House, 2023a).

### *3.5. Academic Freedom*

The purges encompassed not only the media but also academics. Approximately 8,000 academics were terminated from their posts, a significant number of whom had endorsed petitions that expressed disapproval of the government's military operations in Kurdish areas (Aydin et al., 2020; Human Rights Watch, 2021b). Universities and research institutions experienced a significant reduction in their autonomy as the government exerted direct authority over appointments and dismissals. The systematic elimination of academic activities has been characterized as a highly impactful adverse attack on intellectual liberty in contemporary Türkiye, resulting in the banishment of numerous distinguished academics and the shutdown of several academic establishments (European University Association, 2023; Human Rights Watch., 2021b).

The deliberate targeting of academics was a component of a more extensive endeavor to stifle opposing opinions in Türkiye and establish governmental dominance over educational establishments. For example, Türkiye's position on the Academic Independence Index has significantly declined recently. In 2023, Türkiye's rating dropped to 164th out of 179 nations, making it one of the lowest positions worldwide. This decline reflects the level of government control over universities and the consequent repression of academic independence (Statista, 2023). In its 2023 report, the European University Association (EUA) placed Türkiye among the lowest in Europe regarding academic freedom. The research highlights the unfavorable impact of government policies on educational institutions and intellectual investigation.

The termination of academics is particularly alarming considering Türkiye's extensive track record of pursuing individuals who voice opposing opinions, especially on weighty political matters such as the Kurdish crisis, the Armenian genocide, and the status of minority rights. Throughout history, Turkish authorities have methodically suppressed academic freedom, employing their control over universities to muzzle dissenters and hinder the publishing of



research that questions the official storyline (Aydin et al., 2021). Consequently, there has been a significant and widespread brain drain of scholars who were compelled to leave the nation, pursuing exile to carry on their research without government intervention.

Established after the 1980 military takeover, the Higher Education Council (YOK) has exacerbated the decline of academic freedom. The council exerts governing authority over university administration, appointments, and courses, establishing a setting where independence is significantly curtailed. Since 2016, the YÖK has been crucial in supervising numerous academics' terminated employment, solidifying government authority over the higher education industry (Ertem, 2020). Furthermore, the government shut down over 15 private universities suspected to have connections to the Gülen movement, strengthening state authority over the higher education sector (Statista, 2023).

The Academics for Peace petitioners serve as a prominent illustration of the strict enforcement of academic freedom practices. In 2016, more than 2,000 academics signed a petition urging the Turkish government to cease military operations in Kurdish communities. Consequently, the government initiated criminal inquiries against the signatories, resulting in the dismissal of several individuals from their positions and the imprisonment of others for disseminating "terrorist propaganda." In defiance of the European Court of Human Rights (ECHR) verdicts that deemed such activities infringe upon freedom of expression, the Turkish government persists in prosecuting scholars for their political opinions (Article 19, 2021). Moreover, Turkish scholars are subject to continuous censorship and self-censorship as a result of the harsh consequences of voicing disagreement.

Consequently, there has been a notable decline in research productivity and intellectual liberty as numerous scholars shun contentious subjects entirely. Statista's Academic Freedom Index validates the deterrent impact of these laws on the calibre and volume of research in Türkiye. Furthermore, researchers highlight that the state of emergency that ensued after the 2016 coup attempt established a legislative structure that allowed for arbitrary terminations and the shutdown of institutions without proper legal procedures, therefore strengthening the government's control over academics (Aydin et al.-2021),

Numerous international organizations, including Human Rights Watch and Article 19, have consistently urged Türkiye to uphold its responsibilities under international treaties, particularly the European Court of Human Rights verdicts denouncing Türkiye's conduct against scholars. Nevertheless, notwithstanding these challenges, the government persists in limiting academic freedoms under the pretext of national security and counterterrorism efforts. Türkiye's

participation in the Bologna Process entails a state commitment to safeguarding academic freedom and institutional autonomy. However, these pledges have been routinely breached (European University Association, 2021). Hence, academic freedom in Türkiye has encountered substantial obstacles due to political intervention, terminations, and the curtailment of intellectual independence. In conjunction with legal frameworks that allow for the arbitrary dismissal of academics, the state's capacity to exert control over universities through institutions such as the Y×K has resulted in an academic atmosphere marked by fear and repression. To regain its academic standing, Türkiye must enact measures that guarantee the safeguarding of academic freedom and comply with its international commitments under human rights treaties.

### *3.6. Journalists and Media Outlets*

During the prolonged government-imposed state of emergency, the Turkish authorities closed down over 150 media organizations, encompassing newspapers, television channels, and radio stations. Many of these institutions criticized the government (Freedom House, 2023a). Although these restrictions were presented as essential security precautions, in reality, they effectively suppressed opposing viewpoints and limited the public's ability to obtain unbiased information. Moreover, numerous journalists were apprehended under expansive anti-terrorism legislation, frequently alleging defamation of the president or "dissemination of terrorist propaganda" only for their coverage of government corruption or the Kurdish matter (Human Rights Watch, 2021a). Indeed, Türkiye has been among the worst jailers of journalists since 2016, with 84 incarcerated that year alone (Öğret, 2024).

These outlets were accused of providing support to terrorist groups or being associated with the Fethullah Gülen movement, which the government attributed responsibility for the coup (Human Rights Watch, 2021a). However, there has been no conclusive evidence to support these claims. The closures resulted in a marked absence of independent journalism, successfully suppressing opposing viewpoints and limiting public availability of impartial information. Journalists were frequently accused of ambiguous crimes such as "disseminating terrorist propaganda" or "insulting the president," allegations that were employed to rationalize the involuntary imprisonment of influential media personalities without adequate legal procedures (Freedom House, 2023a). Such charges are ambiguous, leading to confusing interpretations left at the hands of the authorities.

Consequently, Türkiye's media environment has undergone significant transformation in recent years, resulting in a widespread atmosphere of restriction and self-censorship that substantially restricts freedom of speech. The government's explicit and implicit dominance over prominent

media organizations has expedited this trend. The consolidation of media ownership among pro-government entities has created an environment where the autonomy of editorial decision-making is undermined, and journalists are compelled to conform to government narratives. The state has been highly assertive in utilizing media to exert political dominance, significantly converting a substantial portion of the press into an extension of state propaganda (Human Rights Watch, 2020).

The Press Advertisement Board (BİK) has exerted considerable influence in suppressing opposition media by withdrawing important state advertising income from publications that provide critical information. The financial constraints have compelled some autonomous media organizations to either cease operations or significantly curtail their activities, therefore significantly restricting public availability of information (European University Association, 2023). Adopting financial suppression by reducing advertising has proven a successful strategy for the government to retain authority over the media environment without resorting to comprehensive censorship.

### *3.7. Society*

The repercussions of the 2016 coup attempt and the subsequent government response have profoundly affected all areas of Turkish society. Public discourse and dissent have been significantly curtailed by the repression of freedom of expression, academic freedom, and political opposition, resulting in an atmosphere where government criticism is synonymous with disloyalty or terrorism (Demir, 2020). Significant international condemnation has been directed toward these developments, with human rights organizations advocating for reinstating the rule of law and safeguarding fundamental rights in Türkiye (Human Rights Watch, 2021a; Amnesty International, 2021a).

Notwithstanding the termination of the state of emergency, the Turkish government persists in implementing oppressive tactics to uphold its dominance over the political and public conversation. The massive apprehension and incarceration of tens of thousands of persons after the coup attempt also gave rise to substantial legal and human rights issues. Multiple reports from international organizations such as Human Rights Watch and Amnesty International have extensively recorded charges of torture and mistreatment of detainees, especially in the immediate aftermath of the coup (Human Rights Watch, 2021a; Amnesty International, 2021a). A significant number of apprehended individuals were subjected to prolonged periods of pre-trial custody without the opportunity to have legal counsel or face official charges, therefore infringing against their rights as guaranteed by both Turkish and international legislative

frameworks. Moreover, the extensive magnitude of arrests has generated an atmosphere of apprehension and self-restraint throughout Turkish society, as numerous persons hesitated to voice their opposition to the government or articulate opposing opinions due to the imminent threat of retaliation (Human Rights Watch, 2021a)

### *3.8. Political Opposition*

The deliberate focus on opposition politicians, namely those affiliated with the pro-Kurdish Peoples' Democratic Party (HDP), serves to highlight the political aspect of the suppression. The arrest of several HDP members of parliament, including party co-leaders Selahattin Demirtaş and Figen Yüksekdağ, on charges linked to terrorism has greatly diminished the political opposition's capacity to contest government policies (Human Rights Watch, 2021a; Stockholm Centre for Freedom, 2021). The extensive purges and the judiciary's growing convergence with the executive branch have led to a substantial deterioration of democratic principles and the effectiveness of the legal system in Türkiye.

### *3.9. Social Media Platforms*

Social media platforms have emerged as a novel domain for governmental censorship. In 2020, Türkiye implemented legislation mandating social media firms to designate local representatives and adhere to government directives to delete material within 48 hours. Failure to adhere to regulations leads to punitive actions, such as reducing bandwidth, which impedes the platforms' speed and restricts user access (Freedom House, 2023a). These strategies have been employed to specifically intimidate opposition individuals, activists, and independent journalists, compelling platforms such as Twitter and Facebook to adhere to the state's demands to suppress dissenting opinions. Implementing this legislation and the government's capacity to restrict websites and access social media platforms has substantially restricted online freedom of speech in Türkiye (Aydin, 2020). Indeed, Freedom House (2023b) scored Türkiye 30 out of 100 on its Internet Freedom Index, categorizing the country as not free. Among the concerns were administrative independence, blocking of services, deletion of content, proportionality and transparency, self-censorship, manipulation of information, and reliability.

### *3.10. The Aftermath and Long-Term Impacts*

Türkiye's utilization of emergency decrees to restrict rights persisted even after the official termination of the state of emergency in 2018. Many of the powers bestowed by the emergency measures were later incorporated into enduring legislation, enabling the government to persist in its oppressive methodologies while masquerading as ordinary law. The consequence of this situation is a pervasive atmosphere of apprehension and self-restraint, where civil society

organizations and political opposition groups are increasingly subjected to persistent harassment and intimidation (Human Rights Watch, 2021a; Aydin, 2020).

The collective impact of these policies results in a significant deterrent effect on freedom of expression. A growing number of journalists, publishers, and regular citizens are becoming more hesitant to voice opposing opinions due to concerns about potential legal consequences, financial collapse, or the closure of social media platforms. The phenomenon of self-censorship has evolved into a means of survival for numerous media practitioners, resulting in a standardized media landscape characterized by seldom critical reporting and substantial suppression of public discussion (Human Rights Watch, 2021a). Various international media organizations and foreign journalists have documented challenges while working in Türkiye, including visa refusals, deportations, and legal harassment, which further restrict the extent of journalistic autonomy (Human Rights Report, 2022). Thus, Türkiye's resort to media control has extensive consequences for democratic administration. By exerting control over conventional and social media platforms, the government has curtailed the unrestricted dissemination of information and fostered an environment characterized by apprehension and suppression. In addition to limiting public discourse, the degradation of media freedom erodes the fundamental principles of democracy, depriving citizens of access to various viewpoints and the capacity to hold their government responsible (Freedom House, 2023a; Human Rights Watch, 2021a).

The era following the coup also witnessed an unparalleled suppression of civil society. Over a thousand journalists, human rights advocates, and opposition politicians were either arrested or subjected to legal proceedings under the country's comprehensive anti-terrorism legislation. Human Rights Watch reports that more than 90,000 persons were apprehended during the coup, and a significant number of them were detained in pre-trial custody for prolonged durations without the opportunity for legal counsel (Human Rights Watch, 2021a). Reports from Amnesty International and other human rights organizations have extensively recorded allegations of torture and mistreatment, especially in the immediate aftermath of the coup. Detainees were subjected to physical assault, electric shocks, and threats directed at their families (Amnesty International, 2021a; Aydin et al., 2021).

Higher education was especially severely affected during the purges that followed the coup. More than 7,000 academics were terminated from their posts, with a significant number facing allegations of terrorism for endorsing petitions that were critical of the government's military actions targeting Kurdish insurgent entities. The extensive suppression of academic freedom

has resulted in universities relinquishing their independence and becoming instruments of the national government. Turkish academic freedom was ranked among the lowest in Europe by the European University Association (2023), attributed to the government's deliberate attempts to suppress opposing opinions within the academic community. A significant number of scholars emigrated from the country, seeking sanctuary in Europe and North America, while those who chose to stay encountered stringent limitations on their research and teaching endeavors (Aydin et al., 2021; Ertem, 2020). Indeed, as recently as 2023, the Stockholm Center for Freedom reported that approximately had left Türkiye with no intention of returning (*Turkish Minute*, 2023).

Extensive infringements on human rights, such as large-scale employment terminations, capricious imprisonments, torture, and the gradual weakening of judicial autonomy, have marked the time after the coup in Türkiye. In defiance of international censure and multiple decisions from the European Court of Human Rights (ECtHR), the Turkish government has persisted in its authoritarian policies, establishing a culture of impunity. The possible long-term ramifications of these activities are expected to be significant, impacting not just Türkiye's democratic institutions but also the country's social structure, as the suppression of opposition has intensified political division and distrust (European University Association, 2023; Human Rights Watch, 2021a).

*3.11. Ensuring Freedom of Expression and of Association by reforming the criminal code (Reforming the criminal code and taking appropriate measure to ensure the full protection and enjoyment of the freedoms of opinion, expression, peaceful assembly and association and amending related laws to ensure they fully meet human rights obligations.)*

Freedom of expression is considered one of the milestones of democratic societies. However, in many countries we witness that this freedom is restricted in various ways. Media censorship, legal pressures, social and political pressures are among the main factors that prevent individuals from freely expressing their thoughts. Restrictions on freedom of expression jeopardize not only the rights and freedoms of individuals, but also society's right to access information. It can be observed that the pressure on freedom of expression has increased significantly in Türkiye, especially in recent years. This chapter will examine Türkiye's position on freedom of expression and what is being done to change this situation.

Freedom of expression and freedom of the press in Türkiye is deteriorating day by day. Those who want to criticize the government over economic and judicial problems have a very weak

voice in this regard. Insult cases, especially against the President of the Republic, have increased considerably in recent years. There is no tolerance even for the slightest word. In 2022, the number of people charged with insulting the president reached approximately 17,000. This number is 19 times higher compared to other presidents.<sup>4</sup>

According to the annual press freedom index report of the international organization Journalists Without Borders (RSF), Türkiye ranks 158th out of 180 countries. RSF describes this ranking as “very grave”.<sup>5</sup> The situation is so dire that in Türkiye you can be arrested for what you say even during a street interview. Or you can be arrested for organizing a street interview.<sup>6</sup> Even ordinary citizens face the threat of arrest or detention for speaking their minds, let alone the difficulties faced by those who try to practice independent journalism.

Although Article 26 of the Constitution guarantees freedom of expression and opinion, in practice, citizens are afraid to speak out and those who do speak out do so at the risk of possible sanctions.

Restrictions on freedom of expression do not stop there. Today, the power of social media and the internet has reached undeniable heights. Many people use social media to share their thoughts or stay informed about what is happening. The government blocks access to many websites to prevent people from expressing their opinions on social media on issues they deem sensitive. According to the Freedom of Expression Association's 2023 comprehensive report, the number of blocked websites in Türkiye reached 712,558 by the end of 2022.<sup>7</sup>

A significant number of access blocking decisions are issued by Criminal Judgeships of Peace almost without review in line with the requests of the government or institutions close to the government. Unfortunately, access blocking decisions are used by the government as a means of restricting freedom of expression.

There are many administrative restrictions and judicial decisions on freedom of expression, but ultimately, in some applications to the Constitutional Court, we see some decisions of the Constitutional Court annulling restrictions on freedom of expression.<sup>8</sup> Unfortunately, it is obvious that these decisions, which are binding for local courts, are not implemented. The

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<sup>4</sup><https://www.birgun.net/haber/cumhurbaskanina-hakaret-davasi-2022de-rekor-kirdi-428199>

<sup>5</sup><https://rsf.org/en/country-turkiye>

<sup>6</sup><https://bianet.org/haber/youtube-da-sokak-roportaji-yapanlara-gozalti-254670>

<sup>7</sup>[https://ifade.org.tr/reports/EngelliWeb\\_2022.pdf](https://ifade.org.tr/reports/EngelliWeb_2022.pdf)

<sup>8</sup><https://www.anayasa.gov.tr/tr/bireysel-basvuru/temel-hak-ve-ozgurluklerin-ihlaline-dair-emsal-kararlar/ifade-ozgurlugune-dair-emsal-kararlar/ifade-ozgurlugune-dair-emsal-kararlar/>

situation is so grave that in some cases the Supreme Court has even gone so far as to say that it does not recognize the decisions of the Constitutional Court that bind it.<sup>9</sup>

The fact that local courts and the Supreme Court do not recognize the Constitutional Court's judgments and ignore violations of rights reveals that there are many more issues must be corrected in Türkiye's judiciary.

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<sup>9</sup><https://tr.euronews.com/2024/01/03/yargitay-aymnin-can-atalay-hakkindaki-ikinci-hak-ihlali-kararini-tanimadi>



#### **4. Strengthening fight against Racial Discrimination and Hate Speech**

(Strengthening fight against racial discrimination and hate speech and adequately investigating and effectively prosecuting racist hate speech and discriminatory statements directed at minorities)

"Hate speech and racial discrimination remain pervasive issues in societies around the world, undermining social cohesion and perpetuating inequality. These harmful expressions of intolerance target individuals based on their race, ethnicity, or background, often resulting in psychological harm, social exclusion, and even violence. In an era where digital platforms amplify voices, the spread of hate speech has become more insidious, reaching global audiences and exacerbating tensions. Addressing the intersection of hate speech and racial discrimination is critical to fostering inclusive societies that uphold the dignity and rights of all individuals. Unfortunately, hate speech and racial discrimination are also frequently practiced in Türkiye, mainly by public officials and government officials.

First, if we look at the place of hate speech and discrimination in Turkish law, we see that the crime of hate and discrimination is included in Article 122 of the Turkish Penal Code. However, unfortunately, as in many other places, we see that the law is not applied to everyone, but only to certain individuals and institutions. From a pro-government perspective, hate speech and discrimination are not investigated, while discriminatory speech against the government and its policies, or against its employees and supporters, is immediately investigated. For example, according to a report published in 2021 by the KAOS GL association, which conducted research on LGBT members who were subjected to hate speech and discrimination, only 12% of those who complained to the police about hate crimes stated that the police were sensitive and concerned. In the same report, many victims also stated that they did not apply to the police for a complaint because they thought it would be useless.<sup>10</sup>

Another example is the increasing hate speech against refugees in Türkiye in recent years. As one of the most vulnerable groups, refugees, together with society and politicians, are one of the most important subjects of hate crime. Unfortunately, until now, state mechanisms, for political reasons, have not paid enough attention to these hate and discrimination crimes. In fact, hate crimes are committed not only against refugees but also against civil society organizations working with them. According to the research conducted by the Memory Center,

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<sup>10</sup><https://kaosgldernegi.org/images/library/nefret-suclari-raporu-2020-1.pdf>

NGOs working with refugees are also subjected to hate crimes and try to carry out their work in an “invisible” way.<sup>11</sup>

Hate speech and discrimination in Türkiye is found not only in these areas but also in the rhetoric of politicians against each other, especially during elections. Erdogan’s racist actions and statements against Kurdish candidates, and the emphasis on Turkishness while denigrating other nationalities, especially Armenians, are examples of populist actions to win elections.<sup>12</sup>

The HrantDink Foundation has made several recommendations for dealing with hate speech. These include pluralism in the media, recognizing and challenging intolerance and institutional alliances.<sup>13</sup>

Hate speech and discrimination have become a tool that politicians, and especially the parties that formed the government coalition, constantly use in order not to lose votes from their own base. The number of victims of this crime is increasing day by day and, as mentioned above, the crimes of hate and discrimination cannot be prevented due to the indifference of the justice mechanism to these crimes.

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<sup>11</sup><https://hakikatadalethafiza.org/haberler/multecilerle-calisanlar-nefret-yuzunden-gorunmez-olmaya-calisiyor>

<sup>12</sup><https://www.indyturk.com/node/624186/haber/siyasette-ayrimci-ve-irkci-retorik...-turkdogan-nefret-soylemi-vasaklanmalı>

<sup>13</sup>[https://hrantdink.org/attachments/article/3731/Tum\\_yonleriyle\\_nefret\\_soylemi.pdf](https://hrantdink.org/attachments/article/3731/Tum_yonleriyle_nefret_soylemi.pdf)

## 5. Lack of Investigation

(Establishing independent mechanisms for reporting and investigating allegations of unlawful detention, torture and inhumane treatments at the hand of the police and security officers; and ensuring that all allegations of arbitrary detentions are duly investigated.)

Creating independent mechanisms for reporting and investigating allegations of unlawful detention, torture, and inhumane treatment by the police is crucial for ensuring accountability and protecting fundamental human rights and essential for strengthening of rule of law.

Crimes of ill-treatment and torture perpetrated by public officials are not properly examined and investigated. One of the most important reasons for this is that the government turns a blind eye to the unlawful behavior of public officials. In Türkiye, there has been a significant increase in recent years in the number of applicants claiming to have been subjected to ill-treatment or torture in detention or in prisons. According to the Human Rights Foundation of Türkiye's 2023 report, 7548 people have applied for torture in the last ten years and 67% of them are Kurdish-speaking people. <sup>14</sup>

However, torture and ill-treatment are not only a difficult crime to prove, but also, as mentioned above, the state does not carry out effective work in this field, does not have legislation in line with the OPCAT and the allegations are not addressed. Files on torture crimes are closed on the grounds that there are no grounds for prosecution even before sufficient investigations are carried out at the stage of the criminal complaint, but it should not be forgotten that the crime of torture is in the category of crimes against humanity and is not subject to statute of limitations.

Again, in a report by the Lawyers for Freedom association, it was mentioned that there were women who were subjected to forced strip searches in Van T-type closed penal execution institution and the report presented excerpts from interviews with women. <sup>15</sup>

The political power's polarizing policies, which treat every issue as a security issue, exclude those with different political views, beliefs, ethnic identities, genders and sexual orientations, fueling discrimination and hatred in society. This has led to an increase in hateful attacks, particularly against Kurdish citizens and members of the Gülen Movement, and weakened the will for peaceful coexistence.

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<sup>14</sup><https://tihv.org.tr/tedavi-ve-rehabilitasyon-raporlari/2023-tedavi-ve-rehabilitasyon-merkezleri-raporu/>

<sup>15</sup><https://ozgurlukicin hukukcular.org/tr/detay/%E2%80%8B-van-t-tipi-kapali-ceza-infaz-kurumu-ciplak-arama-raporu>

There have also been several cases of enforced disappearances in recent years, where people suspected of being members of terrorist organizations have been abducted in vehicles belonging to public officials and subjected to torture.<sup>16</sup>

According to the rapport of HRW, Human Rights Watch has documented cases of enforced disappearances of Turkish nationals in Türkiye, reporting on five cases in 2017, and eight cases in 2019-20, as well as documenting cases of Turkish nationals being abducted and forcibly disappeared from countries around the world and removed to Türkiye where they resurface in custody. The majority of these cases concern men accused of links with the group the Turkish authorities refer to as the Fethullahist Terrorist Organization/Parallel State Structure (FETÖ/PDY) and hold responsible for the military coup attempt.<sup>17</sup>

It is unlikely that a state that carries out enforced disappearances and tortures afterwards will be able to combat torture in the public sector.

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<sup>16</sup><https://boldmedya.com/2019/06/14/ankaradaki-iskence-merkezinde-6-ay-iskence-goren-ayten-ozturk-herseyi-anlatti/>

<sup>17</sup>[https://www.hrw.org/sites/default/files/media\\_2024/07/Human%20Rights%20Watch%20Submission%20to%20the%20UN%20Committee%20Against%20Torture%20on%20Türkiye.pdf](https://www.hrw.org/sites/default/files/media_2024/07/Human%20Rights%20Watch%20Submission%20to%20the%20UN%20Committee%20Against%20Torture%20on%20Türkiye.pdf)

## 6. Conclusion

In the aftermath of the 2016 coup attempt, Türkiye has witnessed a significant deterioration in the regard for human rights and fundamental liberties, notably concerning freedom of speech, academic freedom, and the autonomy of the criminal justice system. Under the leadership of President Erdoğan, the government has used the coup as a justification to enforce authoritarian policies that have gradually undermined democratic principles and methodically suppressed expressions of opposition. The declaration of a state of emergency following the coup enabled the government to halt civil rights, terminate the employment of tens of thousands of public sector workers, and implement strict restrictions on the actions of journalists, academics, and opposition politicians.

Türkiye's legal and political structure, including its comprehensive anti-terrorism legislation, has been extensively used to rationalize large-scale terminations and detentions. The dismissal of more than 130,000 public sector employees, including civil officials, academics, and military personnel, occurred without proper legal procedures, resulting in legal uncertainty for many. Travel restrictions and forfeiture of assets further compounded this. Human rights organizations have documented that the Turkish government's extensive purge of the judiciary, resulting in the dismissal or detention of numerous judges and prosecutors, has significantly undermined the autonomy of the judiciary and the principles of legal governance in Türkiye (Human Rights Watch, 2021b; Amnesty International, 2021a).

Indeed, academia, which has long been a domain for analytical thinking and discussion, has been especially severely impacted. Considerable numbers of scholars have been terminated from their positions, and institutions have been subjected to direct state authority. The closure of more than 15 private universities believed to be associated with the Gülen movement strengthened government authority over higher education, leading to a substantial exodus of highly skilled individuals as many academics sought sanctuary overseas to pursue their studies (Aydin et al., 2021). Türkiye's academic independence has been classified as one of the lowest in Europe, indicating the extent of government intervention in intellectual investigation (European University Association, 2023).

The freedom of the press has been significantly curtailed, resulting in the closure of more than 150 media organizations and the frequent prosecution of journalists on allegations of defamation or terrorism. The Press Advertising Board (BİK) has been utilized to financially suppress independent media, further restricting public availability of a wide range of

information sources. Consequently, the prevalence of pro-government narratives, which effectively marginalize or completely stifle opposing viewpoints, characterizes the media environment (Freedom House, 2023a).

Following the official termination of the state of emergency in 2018, the use of emergency decrees to restrict human rights continued. Many emergency powers were codified into enduring legislation, enabling the government to persist in its oppressive actions while masquerading as ordinary law. The prevailing climate of fear and self-censorship has resulted in a notable reluctance among civil society organizations, political opposition groups, and ordinary citizens to voice their disagreement due to the prospect of facing reprisals (Human Rights Watch, 2021b).

The deliberate single-outing of Kurdish politicians and communities has exacerbated the existing political and social rifts in Türkiye. The government has escalated its military activities in Kurdish areas, resulting in the displacement of tens of thousands of individuals and the prosecution of citizens affiliated with the Peoples' Democratic Party (HDP) on allegations linked to terrorism. Aydın and Avincan (2020) argue that the current crackdown has successfully rendered the HDP ineffective as a political entity and has dramatically weakened the potential for democratic pluralism in Türkiye.

Ultimately, widespread infringements upon human rights, such as widespread terminations of employment, capricious imprisonments, acts of torture, and the gradual weakening of judicial autonomy, mark the time after the failed coup attempt in Türkiye. In defiance of international censure and multiple verdicts from the European Court of Human Rights, the Turkish government has persisted in its authoritarian path, establishing a culture of impunity. The enduring ramifications of these acts are expected to be significant, not just for Türkiye's democratic framework but also for its societal structure, as the repression of opposition has intensified political division and distrust. Going ahead, Türkiye must promptly overhaul its legal and political structures to reinstate regard for human rights and conform to its responsibilities under international human rights agreements, namely the International Covenant on Civil and Political Rights.

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