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**Human Rights Committee****Concluding observations on the second periodic report of Türkiye\***

1. The Committee considered the second periodic report of Türkiye<sup>1</sup> at its 4162nd and 4163rd meetings,<sup>2</sup> held on 23 and 24 October 2024. At its 4179th meeting, held on 5 November 2024, it adopted the present concluding observations.

**A. Introduction**

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation, after its previous review in 2012, on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

**B. Positive aspects**

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) Circular No. 2023/16 of 25 November 2023, which established the Coordination Board for Combating Violence against Women and expanded the capacity of violence prevention and monitoring centres, in 2023

(b) Law No. 7406 of 27 May 2022, amending the Penal Code and the Code of Criminal Procedure, which established stalking as a criminal offence, in 2022

(c) The adoption of the Fourth National Action Plan on Combating Violence against Women 2021-2025, in 2021;

(d) The adoption of a Human Rights Action Plan 2021-2023, in 2021;

(e) Presidential Decree No. 63 of 10 June 2020 on supporting victims of crime, which established the Department of Judicial Support and Victim Services and associated directorates, in 2020;

(f) The establishment of the Human Rights and Equality Institution in 2016.

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\* Adopted by the Committee at its 142nd session (14 October – 7 November 2024).

<sup>1</sup> CCPR/C/TUR/2.

<sup>2</sup> See CCPR/C/SR.4152 and CCPR/C/SR.4153.

4. The Committee also welcomes the acceptance by the State party, in 2017, of the inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

### **C. Principal matters of concern and recommendations**

#### **Constitutional and legal framework within which the Covenant is implemented**

5. The Committee regrets that the State party maintains its declarations and its reservation to article 27 of the Covenant. It also regrets that the State party has not provided additional information on the concrete measures taken to implement the Committee's Views (art. 2 and 27).

**6. In view of the Committee's previous recommendations, the State party should consider withdrawing its declarations and the reservation to article 27. The State party should also take all necessary steps to implement all concluding observations and give full effect to the Committee's Views, through appropriate and effective mechanisms, in accordance with article 2(2) and (3) of the Covenant. It should also consider adopting legislation recognizing the right of authors of communications to whom the Committee has granted any measure of reparation to petition the domestic courts to implement such measures. Additionally, the State party should increase efforts to raise awareness of the Covenant and its domestic applicability among judges, prosecutors and lawyers and ensure that its provisions are considered by the courts.**

7. The Committee considers that the amendments made to the Constitution in April 2017 during the State of Emergency, disproportionately strengthened the powers of the Executive, at the expense of the Parliament and the judiciary, raising justified concerns regarding a lack of accountability and separation of powers in the State party; in particular concerning the enactment of laws bypassing the Parliament and appointments to the Council of Judges and Prosecutors without effective oversight procedures.

**8. The State party should consider revising its legislation to ensure accountability and to strictly adhere to the principle of separation of powers, in particular regarding the judiciary. It should also safeguard, in law and in practice, the full independence and impartiality of the judiciary.**

9. While the Committee takes note of the Human Rights Action Plan 2021-2023 it is also concerned by the lack of effective measures aimed to ensure the independent functioning of the judiciary as well as to prevent the misuse of counter-terrorism legislation against opposition politicians and activists, journalists, lawyers and human rights defenders in the exercise of their human rights. The Committee regrets that the objectives and goals of the Human Rights Action Plan are not implemented nor translated into the State party legislation (art. 2).

**10. The State party should include in its next Human Rights Plan concrete and effective measures to ensure the independent functioning of the judiciary and to prevent the misuse of the counter-terrorism legislation.**

#### **National Human Rights Institution**

11. The Committee takes note that the Human Rights and Equality Institution of Türkiye is accredited with a B status. The Committee is concerned by reports about its lack of independence from the Executive and the lack of diversity of its Board members (art. 2).

**12. The State party should promptly implement the recommendations of the Global Alliance of National Human Rights Institutions to ensure that the Human Rights and Equality Institution complies fully with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate effectively and independently. The State party should ensure transparent, participatory and independent selection and appointment processes and a diverse and plural composition of its Board.**

### Non-discrimination

13. The Committee reiterates its concern that the legal framework in the State party does not offer full protection against discrimination on all grounds covered by the Covenant, including LGBTQ individuals, persons with disabilities and ethnic minorities, such as the Kurdish community. In this regard, the Committee is concerned by the systematic discrimination and violence against LGBTQ individuals and associations, and by the restrictions to their enjoyment of the rights to freedom of association and expression. The Committee notes that while the Law on the Human Rights and Equality Institution of Türkiye provides a comprehensive legal framework prohibiting discrimination, it does not address discrimination based on sexual orientation and gender identity, precluding it from receiving complaints on those grounds. The Committee is also concerned by reports of discrimination and racially motivated violence against the Kurdish community (arts. 2, 3, 6, 25 and 26).

#### 14. The State party should:

**(a) adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination, in both the public and the private sectors and on all grounds prohibited under the Covenant; ensure the effective implementation and application of the legislation and access to effective and appropriate remedies for victims; and amend the Law on the Human Rights and Equality Institution of Türkiye in order to ensure it can address discrimination based on sexual orientation and gender identity;**

**(b) Ensure that all acts of discrimination, hate speech and hate crime are promptly and effectively investigated, perpetrators are brought to justice and, if convicted, punished with appropriate sanctions and that victims are provided with adequate remedies.**

### States of emergency

15. The Committee is concerned about the disproportionate nature of the restrictions imposed by emergency decree-laws and the derogations from the Covenant during the state of emergency in effect between July 2016 and July 2018 following the attempted coup. The Committee is also troubled by reports during this period of violations of Covenant rights that cannot be suspended, such as the principle of legality in criminal law in respect of the lack of clear definition of what constitutes affiliation with a terrorist organization, as well as the lack of: a) strict tailoring of emergency measures, including regarding their material scope and duration and the transposition of State of emergency decrees into ordinary legislation, b) adequate criteria to determine the applicability of the counter-terrorism measures, and c) due process guarantees. (art. 4).

**16. In the light of the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, the State party should strictly respect all of the rights enshrined in the Covenant and systematically comply with all the conditions set forth in article 4 of the Covenant. In particular, the State party should:**

**(a) Guarantee that any measures that restrict human rights in the context of a state of emergency are exceptional, temporary, non-discriminatory, proportionate and strictly necessary and are subject to independent judicial review;**

**(b) Ensure that all allegations of human rights violations committed during the state of emergency are promptly, independently, impartially and effectively investigated, that those responsible are duly tried and punished and that victims receive full reparation.**

### Counter-terrorism measures

17. The Committee reiterates its concern about the lack of compatibility of the legal framework on counter-terrorism with the Covenant, including the Anti-terror Law No. 3713, in particular articles 1 and 2 on the broad definition of 'terrorism' and of a 'terrorist offender'. The Constitutional Court of Türkiye has stressed the need to ensure the clarity and predictability of terrorist offenses and their associated penalties, and to protect the rights of

those prosecuted under article 220/6 of the Criminal Code. The Committee takes note of the March 2024 amendments to article 220/6, however reports indicate that the article still lacks sufficient precision and adequate safeguards against arbitrary arrest and detention, prosecutions and convictions. The Committee is also concerned about Law No. 7262 on the Suppression of the Financing of Weapons of Mass Destruction Proliferation. While the aim of the Law was to combat money laundering and terrorism financing, reportedly it has been used to target civil society organisations, subjecting them to strict supervision and monitoring, freezing of their assets and restrictions of their rights (arts. 2, 4, 6, 7, 9, 14 and 22).

**18. The State party should bring its counter-terrorism legislation, including Law No. 3713, Law No. 7262 and the relevant articles of the Criminal Code, into full compliance with the Covenant and the principles of legality and certainty, in particular by clarifying and narrowing the broad definitions of terrorism-related offences and ensuring that these laws are not misused to target civil society organizations. The State party should also ensure that persons suspected of, or charged with terrorist acts or related crimes are provided, in law and in practice with all appropriate legal safeguards, in accordance with the Covenant.**

#### **Violence against women**

19. The Committee is concerned about the very high number of femicides and deaths in a context of domestic violence and of the so-called honour crimes, as well as by the lack of effective prevention, protection measures, effective investigation and prosecution of perpetrators. The Committee is concerned by reports about the normalisation of violence against women which might have been encouraged by the withdrawal of the State party from the Council of Europe Convention on preventing and combating violence against women and domestic violence, the (Istanbul Convention) in 2021. The Committee expresses its concern about credible reports of violence against women in detention centres, including sexual violence and by the lack of access to medical care of women suspected to be linked to the Gülen movement. The Committee is concerned that women victims of any kind of violence are afraid to lodge complaint given the passivity of the authorities and the risk of stigmatisation and re-victimisation (arts. 2, 3, 6, 7 and 26).

**20. The State party should adopt comprehensive legal and policy reform to prevent, address and eradicate violence against women and girls, that explicitly address all forms of violence against women, including domestic violence and the so-called “honour crimes”. In particular, it should:**

**(a) Ensure that all cases of violence against women and girls, including the so-called “honour” crimes, are promptly and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence;**

**(b) Ensure that victims receive, without discrimination of any kind, the necessary legal, medical, financial and psychological support and have access to adequate remedies and means of effective protection; including access to shelters for them and their children;**

**(c) Reinforce the mechanisms to facilitate and encourage the reporting of cases of violence and harmful practices against women and girls, including by ensuring that all women have access to information about their rights, protection measures and remedies; and avoid the social stigmatization and revictimization of women seeking help;**

**(d) Ensure that judges, prosecutors, law enforcement authorities and health personnel continue to receive appropriate training that empowers them to deal with cases of violence against women effectively and in a gender-sensitive manner, increase the number of female judges, prosecutors and police officers and guarantee their access to specialized units;**

**(e) Increase public education programmes raising awareness among the public about the criminal nature of such acts and combating stereotypes that normalize violence against women.**

#### **Anti-corruption measures**

21. The Committee is concerned by the gaps in the legal framework to combat corruption and echoes the concerns that have been raised at international level by the Group of States against Corruption (GRECO) of the Council of Europe, among others, regarding a lack of transparency in the legislative process, the absence of ethics guidelines for members of parliament and the lack of independence of the judiciary. The Committee is also concerned by the lack of investigations and prosecutions of credible allegations of corruption by government officials and prosecutors and by the failure to pursue foreign bribery cases. The Committee is concerned about reports regarding corruption in the construction industry following the 2023 earthquake; and about the increase in corruption following the expropriation of assets during the state of emergency and their management by Government-appointed trustees (arts. 2 and 25).

**22. The State party should increase its efforts to prevent and eradicate corruption at all levels including in the government and the judiciary, as well as foreign bribery cases. It should increase its efforts to investigate all allegations of corruption, promptly, thoroughly, independently and impartially and ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims are provided with adequate reparation.**

#### **Enforced disappearances and abductions**

23. The Committee is concerned by numerous cases of enforced disappearances in South-East Türkiye, among other serious human rights violations in the region. The Committee is also concerned by allegations of extraterritorial enforced disappearance and other serious human rights violations by Turkish officials, including in areas of Northern Syria. The Committee expresses its concern regarding the lack of information as well as remedies concerning enforced disappearances in Türkiye the 1980s and 1990s. The Committee is concerned by the provisions of Law no. 2937 on the State Intelligence Services and the National Intelligence Agency that grant full immunity from criminal proceedings to its agents, since reports indicate their alleged involvement in incidents of enforced disappearance (arts. 6, 9 and 12).

**24. The State party should elucidate all cases of enforced disappearance and conduct impartial and thorough investigations without delay, while ensuring that the victims and their relatives are informed of the progress and results of the investigation. It should also identify those responsible and ensure that they are prosecuted and if convicted punished with appropriate penalties that are commensurate with the gravity of their crimes and that victims of enforced disappearance and their families are provided with full reparation. It should also abolish provisions granting immunity to National Intelligence agents from criminal prosecution in cases of enforced disappearances. The State party should also consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearances.**

25. The Committee is concerned about reports of extraterritorial abductions and forcible transfers into the State party of more than a hundred persons suspected of being affiliated to the Gülen movement, as well as political opponents or journalists critical of the government, without any judicial extradition procedure. The Committee expresses concern about allegations of misuse of Interpol Red Notices against these same people and about the use of politically motivated extradition processes (arts. 6, 9, 12 and 14).

**26. The State party should ensure that no abductions nor forcible transfers into the State party takes place, that Interpol's Red Notices are not misused and establish adequate safeguards to ensure that extradition processes are not politically motivated and are carried out following due process guarantees.**

### **Prohibition of torture and cruel, inhuman and degrading treatment or punishment**

27. While the Committee takes note of the assurances of the State party about its “zero tolerance” policy toward torture, and the positive step of removing the statute of limitations for such violations, it reiterates its concern and echoes the statement of the Committee Against Torture regarding the generalized manner in which torture and ill treatment takes place in police custody and prisons and the rise in its use over the past years; about the lack of adequate monitoring, as well as of a secure and effective complaint mechanism and impartial, independent and thorough investigations, prosecutions and sanctions commensurate with the gravity of the offence for the perpetrators, leading to a situation of de facto impunity (arts. 2, 7, 9, 10 and 14)

**28. The State party should eradicate torture and ill-treatment. In particular, it should:**

(a) **Conduct thorough, independent and impartial investigations into all allegations of torture and ill-treatment and deaths in custody in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and the Minnesota Protocol on the Investigation of Potentially Unlawful Death, prosecute perpetrators, including law enforcement officers, and, if they are convicted, punish them with sanctions commensurate with the gravity of the crime and provide victims with full remedy and redress, including rehabilitation;**

(b) **Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors, law enforcement officials and forensic medicine and health personnel, including training on international human rights standards, such as the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles);**

(c) **Ensure that all persons deprived of their liberty have access to an independent, secure and effective complaint mechanism for the investigation of allegations of torture and ill-treatment and guarantee the protection of complainants against reprisals.**

### **Liberty and security of person**

29. The Committee remains concerned about prolonged pretrial detention in the State party, including regarding extended periods of detention without charge of political dissidents, judges, prosecutors, journalists, human rights defenders and those facing terrorism related allegations. In this regard, it expresses its concern regarding reported targeting of defence lawyers, difficulties to challenge unlawful detentions, and restrictions to meet with clients, and to access case files, as well as about the lengthy process to appeal (arts. 9 and 14).

**30. In the light of the Committee’s general comment No. 35 (2014) on liberty and security of person, the State party should significantly reduce the use of pretrial detention, including through the wider application of non-custodial measures as an alternative to incarceration, and ensure that all detained persons, including those facing terrorism related allegations are afforded, in practice, all the legal and procedural safeguards from the outset of their detention. In particular, it should:**

(a) **Ensure that persons being held in pretrial detention are informed of their rights, that they have prompt access to counsel, that criminal charges are promptly filed, when relevant, and that trials are held expeditiously and in public;**

(b) **Increase the availability of, and recourse to, alternatives to pretrial detention in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), including by giving due consideration to such alternatives, and promote and ensure an effective access to the right to bail;**

**(c) Ensure that pretrial detention is exceptional, imposed only when necessary and for a period of time that is as short as possible and that statutory limits on detention are strictly enforced;**

**(d) Ensure that pretrial detention is reviewed in a prompt, thorough and impartial manner by the relevant judicial authorities, including through the effective implementation of the right to habeas corpus, and that anyone detained arbitrarily is released without conditions and is adequately compensated;**

**(e) Ensure that the limitations to access case files in terrorism procedures do not entail undue limitations of the right to defence.**

31. While the Committee takes note of the considerable efforts of the State party to increase the capacity of penitentiary system, it is concerned that prisons continue to be overcrowded, and in particular by reports of lack of access to adequate healthcare, drinking water, food, heating, ventilation and lighting, as well as about poor sanitary conditions. It is also concerned by reports of prolonged solitary confinement and harsher conditions of detention for political prisoners. In this regard, the Committee is concerned about reports of discriminatory provisions of Law No. 7242 on the Execution of Sentences, which aims to reduce the prison population, since such law does not treat political prisoners accused of terrorism equally to other inmates regarding access to probation and conditional release (arts. 2, 9 and 10).

**32. The State party should continue with its efforts to reduce overcrowding in prisons and other places of detention, including through the wider application of non-custodial measures as an alternative to imprisonment. It should also:**

**(a) Intensify its efforts to ensure that conditions of detention comply fully with the relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and ensure adequate access to health services, drinking water, food, heating, ventilation and lighting as well as hygiene and sanitation and rehabilitation and reintegration support services;**

**(b) Effectively limit the use of solitary confinement by imposing it only as a measure of last resort and for as short a time as possible and ensure that the use of solitary confinement is subject to judicial review.**

#### **Trafficking in persons**

33. The Committee takes note of the efforts carried out by the State Party in combatting trafficking in persons and of the progress in the finalisation of the Third National action plan for combating human trafficking. However, the Committee is concerned about the reported low conviction rate for traffickers, who are often acquitted or receive lenient sentences. The Committee is also concerned by the lack of sufficient specialized training and resources to prevent and combat trafficking in persons, including to effectively identify victims and to carry out effective investigations. While the Committee acknowledges the steps taken to improve assistance to victims, it is concerned by a lack of sufficient coverage across the country of services or specialized protection and support, including access to safe accommodation and specialized shelters, adequate healthcare and legal protection. The Committee is also concerned by reports about the criminalisation of victims for acts they were forced to commit as a result of being trafficked (arts. 2, 7, 8 and 26).

**34. The State party should further strengthen its efforts to effectively prevent, combat and punish trafficking in persons, including by:**

**(a) Ensuring that cases of trafficking in persons are promptly, thoroughly, effectively and impartially investigated, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence, and that victims receive full reparation, including compensation;**

(b) **Providing victims with adequate protection and assistance all over the country, such as safe and specialised shelters, access to healthcare and legal protection, effective remedies, and rehabilitation and reintegration support services;**

(c) **Increasing prevention and awareness-raising campaigns for the general public and specialized training for all relevant State officials, including the judiciary, prosecutors, law enforcement and border authorities, on standards and procedures for prevention, identification and referral of victims of trafficking;**

(d) **Ensuring that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons, as well as to those providing protection and assistance, including civil society organisations;**

(e) **Redoubling its efforts to identify victims of trafficking in persons among migrants and refugees;**

(f) **Adopting specific legal provisions for the non-punishment of victims for crimes they were forced to commit.**

#### **Freedom of movement**

35. The Committee is concerned about the mass cancellation of passports, travel bans, or the obligation to request a permit to be allowed to leave the territory that was imposed on civil servants, academics and students suspected of having taken part in the attempted coup of 2016 or because of their alleged links to the Gülen movement (art. 12).

**36. The State party should guarantee freedom of movement and avoid restrictions incompatible with the Covenant, including article 12 thereof, and the Committee's general comment No. 27 (1999) on freedom of movement, such as those based on unjustified or discriminatory grounds; and ensure that an independent and impartial appeal process is available for those cases.**

#### **Treatment of migrants, refugees and asylum seekers**

37. While welcoming the considerable efforts of the State party in responding to refugee crises in the region, the Committee reiterates its concern regarding the geographical limitation imposed on the Convention relating to the Status of Refugees (the 1951 Refugee Convention), restricting its application to refugees originating from Europe. The Committee is also concerned about reports of violations of the principle of non-refoulement and collective expulsions to countries such as Afghanistan and Syria, and by the lack of clarity in the determination of the "safe country" list. The Committee is also concerned by reports about several cases of forced deportation, including to conflict zones such as Syria, of people who are coerced, under threat of ill-treatment or indefinite detention, to sign "voluntary" return documents. The Committee is also concerned about cases of hate speech and anti-immigrant propaganda, particularly against Syrians; the inhuman and degrading living conditions in detention centres for asylum-seekers and about the vulnerability to trafficking in persons of Syrian and Afghan migrants, due to their extremely precarious situation (arts. 7, 9, 12 and 13).

**38. In view of the Committee's previous recommendations, the State party should ensure that all persons in need of international protection, regardless of their place of origin, have unfettered access to the national territory and to fair and efficient procedures for the individual determination of refugee status or of international protection in order to ensure respect for the principle of non-refoulement. In that perspective, the State party should consider withdrawing its declaration restricting the geographical applicability of the Convention relating to the Status of Refugees (the 1951 Refugee Convention). The State party should also:**

(a) **Ensure compliance with due process standards and the principle of non-refoulement in expulsion proceedings and establish effective safeguards to prevent coercion in processes of voluntary return;**

(b) **Ensure that the detention of migrants and asylum-seekers is used only as a measure of last resort and for the shortest possible period of time, increase the use of**



**alternatives to detention that are respectful of human rights and ensure that their living conditions and treatment in detention are in conformity with international standards;**

**(c) Condemn and combat hate speech against migrants, asylum-seekers and refugees, and conduct awareness-raising campaigns to foster a culture of respect.**

**Access to justice, right to a fair trial and the independence of the judiciary**

39. The Committee is concerned about reports indicating that following the adoption of Law No. 6524 in 2014 and the constitutional amendments of 2017, the control of the executive over the judiciary dramatically increased, despite the provisions of article 138 of the Constitution and article 4 of Law No. 2802, about the independence of the judiciary. The reports indicate the lack of independence of the Council for Judges and Prosecutors of Türkiye from the executive and legislative branches. The Committee is concerned that following legislative amendments in 2020 in the organisation of the Turkish Bar, multiple Bar associations can be established in the provinces. While the State party notes that this measure allows lawyers to perform better their profession, the Committee is concerned that this creates a risk of politicization of the legal profession and of silencing Bar Associations that criticise the state of the rule of law and human rights. The Committee is also concerned by the very high number of lawyers that have been investigated, detained or remanded in custody, particularly during the State of emergency, on suspicion of “membership to an armed terrorist organization” under Article 314(2) of the Penal Code, simply for exercising their legal profession (arts. 2, 9 and 14).

**40. The State party should take immediate measures in law and in practice, to ensure the full independence and impartiality of the judiciary and the functional autonomy of the prosecution service, and guarantee they are free to operate without any type of undue pressure or interference by the legislative and executive branches. In particular, it should:**

**(a) Take all measures necessary to ensure the full independence of the Council for Judges and Prosecutors of Türkiye from the executive authority, including by ensuring that not less than half the members of the Council should be judges and prosecutors chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary;**

**(b) Take into account the Covenant and the 1990 Basic Principles on the Role of Lawyers and revise its regulations and practices regarding the monitoring of lawyers’ work with a view to ensuring the full independence of associations of lawyers and their effective protection against any form of undue interference or retaliation in connection with their professional activity, including arbitrary detention, prosecution and imprisonment;**

**(c) Refrain from resorting to unjustified counter-terrorism accusations to hamper the work of lawyers and their associations.**

41. The Committee is concerned that following the attempted coup of 2016, thousands of judges and prosecutors were summarily dismissed without due process guarantees, for their alleged link with the Gülen movement. The Committee is also concerned by the arrests, prosecution and disciplinary measures against judges after a large-scale corruption investigation in 2013 that implicated high ranking government officials and their relatives. Following the mass dismissal of judges and prosecutors, thousands of new judges and prosecutors were recruited in a process reportedly controlled by the executive. While the process of appointment is regulated in articles 7 and subsequent of Law No. 2802 on judges and prosecutors, the Committee received reports that the process lacked transparency and was based on political criteria. The Committee is also concerned about reports of forced reassignments or removals of judges without a clear and transparent criteria and as a form of disciplinary sanction (arts. 2, 9 and 14).

**42. The State party should ensure that the rules and procedures for the selection, appointment, promotion, discipline and removal of judges and prosecutors are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the**

**Guidelines on the Role of Prosecutors. It should also ensure that their appointments are strictly based on their merits and their capacity. It should take all measures necessary to ensure that victims of dismissals have access to effective remedies through independent and impartial mechanisms, including judicial review, and receive full reparations accordingly.**

43. While the Committee takes note of the provisions of the Criminal Code of Procedure regarding the rights of the persons involved in criminal proceedings, it is concerned about reports of systematic denial of the right to a fair trial in terrorism-related cases, including involving government critics, human rights defenders, peaceful protesters, and journalists. In this regard, the Committee is concerned about restrictions to the right of defence in the Criminal Code of Procedure in terrorism-related cases, such as article 153.2 which restricts the examination of the content of the file by the defendants; as well as article 154.2 that restricts detainee's access to a lawyer for up to 24 hours, increasing the risk of torture or ill-treatment. The Committee further regrets that the State party has not executed the binding rulings of the European Court of Human Rights regarding Osman Kavala, Selahattin Demirtaş and Figen Yüksekdağ (arts. 7, 9, 14, 19, 21 and 22).

**44. The State party should ensure that persons suspected of or charged with terrorism-related offences are provided, in law and practice, with all appropriate legal and procedural safeguards in accordance with the Covenant; and amend the legislation accordingly. It should also review convictions in terrorism-related cases and provide effective remedies to those who did not enjoy fair trial guarantees.**

45. The Committee is concerned by the reported lack of due process regarding the dismissal of tens of thousands of State officials, including civil servants, judges, doctors, military personnel, police officers and teachers and academics, due to their presumed links with the Gülen movement, after their names appeared on lists appended to the emergency decree laws. The Committee is concerned that these summary and mass dismissals were not based on an individualised investigation, nor verifiable evidence and were carried out without effective judicial oversight. The Committee takes note of the establishment of the Commission of Inquiry on State of Emergency Measures, to review and decide on complaints about measures taken under the state of emergency and related decrees, as well as the State party's assertion that the Commission provided individualized and well-reasoned decisions. However, it is concerned by reports indicating the lack of independence of the Commission, the lengthy review procedures, and the absence of sufficiently individualized criteria and proper means of defence. The Committee notes that the large majority of the claims filed with the Commission were rejected, and reports indicating that many decisions lacked justification or were based on unlawful grounds. The Committee is therefore concerned that those dismissed have not had access to an independent, impartial and effective remedy (art. 14).

**46. The State party should ensure that all individuals who were dismissed from civil service and the private sector have their cases reviewed by an independent and impartial judicial body in accordance with international standards and provide reparation and compensation in cases where the dismissal is found to be arbitrary.**

#### **Right to privacy**

47. While the Committee takes note of the establishment of the Personal Data Protection Authority in 2016, it is concerned about the lack of adequate data protection legislation. In this regard, it is concerned about the amendments made to Law No. 6532 Amending the Law on State Intelligence Services and the National Intelligence Agency, in 2014, which significantly expanded the powers of the National Intelligence Agency and provided unrestricted access to personal data, without safeguards, including judicial review, to prevent abuse. The Committee is also concerned about the large-scale surveillance of mobile phone communication as well as about the State party's requirement for mandatory SIM card registration, without an adequate data protection legislation. The Committee regrets not having received information on the use of mandatory identity cards (art. 17).

**48. The State party should take all measures necessary to guarantee the full enjoyment by everyone of the right to privacy. It should also:**

(a) **Bring its legislation on data protection and surveillance activity and any other kind of interference with privacy into full conformity with the Covenant, in particular article 17, and with the principles of legality, proportionality, necessity and transparency; and ensure that the surveillance and interception of communications is subject to prior and ongoing judicial review. In this regard, it should amend or repeal existing laws that constitute undue interference with the right to privacy, including but not limited to Law No. 6532 and establish strict safeguards and effective oversight; as well as stringent requirements for obtaining consent over the usage of personal data.**

(b) **Ensure that the management of the database for SIM card registration is subject to appropriate safeguards in order to prevent hacking, data leaks and unauthorized access by private entities and State authorities, including by establishing appropriate judicial or legislative authorization requirements.**

(c) **Provide victims with access to effective complaint mechanisms and effective reparations.**

#### **Freedom of religion or belief**

49. The Committee continues to regret that the State party does not recognise the right to conscientious objection to compulsory military service, that there is no provision of alternatives to it and that conscientious objectors face administrative and judicial fines and imprisonment. It is of concern that the refusal to perform the military service is regarded as a continuing offence, with no limit to the number of sanctions which may be imposed on an individual objector. The Committee continues to be concerned that objectors are in practice deprived of some of their civil and political rights. The Committee is also concerned that criticism of compulsory military service is criminalised under article 318 of the Criminal Code (arts. 2, 18, 19, 26 and 27).

**50. The State party should recognize the right to conscientious objection to compulsory military service and allow conscientious objectors access to alternative civilian services of a non-discriminatory and non-punitive nature. It should also consider repealing or amending article 318 of the Criminal Code.**

51. The Committee continues to be concerned about the restrictions to practice faith without discrimination imposed on non-Muslim religious communities that are not covered by the 1935 Law on Foundations, including restrictions to registration and to buy or hold title to property. The Committee is concerned about reports of Protestant congregations and Jehovah's Witnesses facing discrimination and bureaucratic difficulties when seeking to register their places of worship. The Committee is also concerned about allegations of entry bans, non-renewal or revocation of residence permits, and deportations of non-Turkish members of Protestant and Jehovah's Witnesses communities, as well as that the Alevi worship is not officially recognised (arts. 2, 12, 18, 19, 26 and 27).

**52. In accordance with article 18 of the Covenant, the Committee's general comment No. 22 (1993) on the right to freedom of thought, conscience and religion and the previous concluding observations, the State party should ensure respect for freedom of thought, conscience and religion for all and prevent, combat and address all forms of discrimination against religious minorities. In this regard, it should repeal or amend all legislation, policies and practices that discriminate against religious minorities, including the 1935 Law on Foundations, and regarding places of worship and freedom of movement of foreign members of religious communities.**

#### **Human Rights Defenders**

53. The Committee is concerned by reports of persecution, harassment, intimidation, and reprisals against human rights defenders, journalists, lawyers, Kurdish activists, environmental defenders, opposition politicians, academics and any member of civil society perceived as critical of the government. In this regard, the Committee is also concerned about the alleged use of arbitrary detentions and politically motivated prosecutions in order to suppress their activities. The Committee is concerned that the climate of intimidation and persecution faced by human rights defenders and other civil society members has led to the

closure and curtailment of activities of some organizations and individuals have been forced to resort to self-censorship and exile (arts. 19, 21, 22 and 26).

**54. The State party should ensure, in law and in practice, a safe and enabling environment for human rights defenders, journalists, lawyers, Kurdish activists, environmental defenders, academics and all members of civil society and their organizations. In particular, it should:**

**(a) Combat and prevent all forms of persecution, harassment and intimidation against human rights defenders, journalists, lawyers and academics and other civil society actors and take all measures necessary to guarantee their effective protection, so as to ensure that they are free to carry out their work, including cooperating with international and regional organizations, without fear of becoming victims of any kind of reprisals, including arbitrary detention or prosecution;**

**(b) Ensure that all human rights violations and attacks against human rights defenders are thoroughly, impartially and independently investigated, perpetrators brought to justice, and, if found guilty, duly punished, and that victims receive adequate reparation;**

**(c) Develop comprehensive legislation and policies to protect human rights defenders, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.**

#### **Freedom of expression**

55. The Committee is concerned by multiple reports about the arbitrary detention and prosecution of journalists, political opponents, human rights defenders, academics and members of civil society groups, in particular those expressing criticism of the government, for exercising their right to freedom of expression under various provisions of Türkiye's Criminal Code, such as article 217/a on criminalising dissemination of misleading information, article 299 on insulting the President, article 301 on insulting the Turkish nation and article 314(2) on membership of an armed organisation; as well as under provisions of the anti-terrorism Law 3713. The Committee is also concerned by multiple reports indicating that Law No. 5651 on the regulation of publications on the internet and suppression of crimes committed by means of such publication, and Law 6112 on the establishment of radio and television enterprises and media services, have been invoked to block and shut down more than 260,000 websites and tens of thousands of Twitter/X accounts, tweets, YouTube videos as well as content on Facebook and Instagram, including during the 2023 elections, or content related to criticism of the government's response to the 2023 earthquake (art. 19).

**56. The State party should take all measures necessary to guarantee that everyone can exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011), and that any restriction complies with the strict requirements of article 19 (3) of the Covenant. In particular, the State party should:**

**(a) Consider decriminalizing insult and any form of defamation set in the Criminal Code, and ensure that criminal laws and counter-terrorism legislation are not applied to suppress the expression of critical and dissenting opinions;**

**(b) Revise and amend legislation unduly restricting freedom of expression and cease the blocking of websites, communication platforms and online resources, as well as Internet shutdowns.**

57. The Committee is concerned by allegations that the number of media outlets closed following the 2016 attempted coup far exceeds the official figures and that the great majority of these outlets remain shut. The Committee appreciates that the Radio and Television Supreme Council has created procedures for media outlets to apply for the restoration of assets and compensation. However, reports indicate that notwithstanding the decision of the Constitutional Court of 8 April 2021 to invalidate the provision of Law 6755 on the Amendment and Adoption of the Decree Law on the Measures to be Taken within the Scope of the State of Emergency and the Regulation of Certain Institutions and Organizations,

which authorised the closure of media outlets that “posed a threat to national security”, reports indicate that those outlets remain closed. The Committee is also concerned by the large-scale cancellation of press cards, including those of international media and journalists critical of the executive (art. 19).

**58. The State party should establish an independent and impartial process for thoroughly and promptly reviewing, with all due process guarantees, decisions to close media outlets and ensure that the process fully complies with the strict requirements of article 19 (3) of the Covenant. The State party should ensure in law and in practice that media outlets and journalists with views critical of the executive can operate freely, without undue control or interference and without fear of retribution for exercising their right to freedom of expression.**

#### **Freedom of peaceful assembly**

59. While the Committee takes note that freedom of assembly is safeguarded by article 34 of the Constitution, it is concerned by legislative provisions that prescribe broad and vague grounds to restrict assemblies, such as some of the provisions in Law No. 2911 on the regulation on the implementation of law on meetings and demonstrations. The Committee is also concerned that during the period under review authorities have banned or imposed multiple restrictions on peaceful assemblies organised by people perceived as critical to the government, and on LGBTQ marches and events, vigils of Saturday Mothers and International Women’s Day marches. The Committee is also concerned by the excessive use of force applied to break up some protests and by arbitrary arrest of participants, such as in the case of the Gezi Park protests (art. 21).

**60. In the light of article 21 of the Covenant and the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should:**

**(a) Take concrete steps to facilitate the right of peaceful assembly and ensure that any restriction complies with the strict requirements of article 21 of the Covenant and the principles of proportionality and necessity;**

**(b) Ensure that all allegations of excessive use of force or arbitrary arrest or detention in the context of peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are brought to justice and, if found guilty, punished with appropriate sanctions and that victims obtain full reparation;**

**(c) Provide appropriate training to judges, prosecutors and civil servants on the right of peaceful assembly, and to law enforcement officials on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

#### **Freedom of association**

61. The Committee is concerned about credible reports indicating that during the state of emergency more than 1,700 associations and foundations were permanently closed, including trade unions, human rights organisations, lawyer’s associations and educational institutions. The Committee is concerned that the closures were carried out under vague criteria in state of emergency decrees laws without effective judicial oversight or due process guarantees. Despite the authority of the Commission of Inquiry on State of Emergency Measures to reopen organizations and restore their assents, a large majority of organizations remain closed. The Committee is concerned about provisions of Law No. 7262 that grant the Ministry of Interior broad discretion to restrict the activities of independent organizations, audit them based on vague risk assessment criteria and weak evidentiary standards and suspend board members, thus creating a chilling effect that deters individuals from serving on executive boards or becoming members of these organizations (art. 22).

**62. The State party should bring its legislation and practice governing the operation of associations into full compliance with the Covenant and ensure that any restrictions imposed are in conformity with article 22 of the Covenant. It should also create an enabling environment for civil society organisations -- including human rights organisations, trade unions, lawyers’ associations and educational institutions -- and**

**ensure that they can operate without fear of harassment or reprisals for their legitimate activities and free from unnecessary or unduly restrictive administrative hurdles.**

#### **Participation in public affairs**

63. While the State party indicates that the Parliamentary immunity may be lifted on request of a judge if a criminal procedure is followed against a member of the Parliament, the Committee is concerned about the negative impact that the lifting of the immunity may have on several fundamental rights, such as the right to stand in free elections and freedom of expression of Parliamentarians. In this regard, the Committee is concerned by reports that several members of the Parliament, speaking out in their official capacity on issues such as enforced disappearances and Kurdish related human rights issues, have had their immunity lifted and have been arrested, prosecuted or sanctioned for those remarks (arts. 2, 19, 21, 25 and 26).

**64. In accordance with article 25 of the Covenant and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote, the State party should ensure the full enjoyment of the right to participate in public affairs as well as the right of persons holding public service to freedom of expression, including the freedom to debate public affairs and to criticize and oppose. It should bring the provisions on Parliamentary immunity into line with the provisions of the Covenant. The State party should also consider fully reinstating those members of Parliament whose immunities have been revoked and put an end to any criminal proceedings relating to remarks made in the course of their parliamentary duties.**

65. The Committee is concerned about the disenfranchisement of persons convicted of intentional offences regardless of the severity of the crime and the duration of the sentence. The Committee is also concerned about the lack of adequate conditions to conduct fair and free elections in the State party, including, among others: the weak rule of law, the lack of protection of civic space, the restrictions on freedoms of expression and assembly, the suspension or dissolution of associations or political parties, the prosecutions of opposition politicians and the lack of independence of the judiciary, and the lack of effective redress for electoral disputes, since the decisions of the Supreme Electoral Council are not subject to judicial appeal (arts. 2, 9, 14, 18, 19, 21, 22, 25 and 26).

**66. The State party should ensure the enjoyment of the right to participate in public affairs and should bring its electoral regulations and practices into compliance with the Covenant, including article 25 thereof, and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote. It should also take the necessary measures to:**

(a) **Ensure transparent, fair and free elections; promote genuine political pluralism and debate; and ensure the freedom to engage in political activity individually or through political parties and other organizations, including those representing options critical with the government, in an environment free of intimidation and fear of reprisals;**

(b) **Ensure that the Supreme Electoral Council operates with complete independence and impartiality from the executive and provide effective remedies for electoral redress, including through access to judicial appeal;**

(c) **Revise legislation denying all convicted prisoners the right to vote in the light of the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote (para. 14).**

#### **D. Dissemination and follow-up**

67. **The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should**

ensure that the periodic report and the present concluding observations are translated into the official language of the State party.

68. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation of the recommendations made by the Committee in paragraphs 42 (independence of the judiciary), 44 (right to a fair trial in anti-terrorism procedures) and 62 (freedom of association) above.

69. In line with the Committee's predictable review cycle, the State party will receive in 2030, the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

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