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# The Right to Live in a Clean, Healthy, and Safe Environment

Addressing Environmental Governance and Human Rights in Turkey

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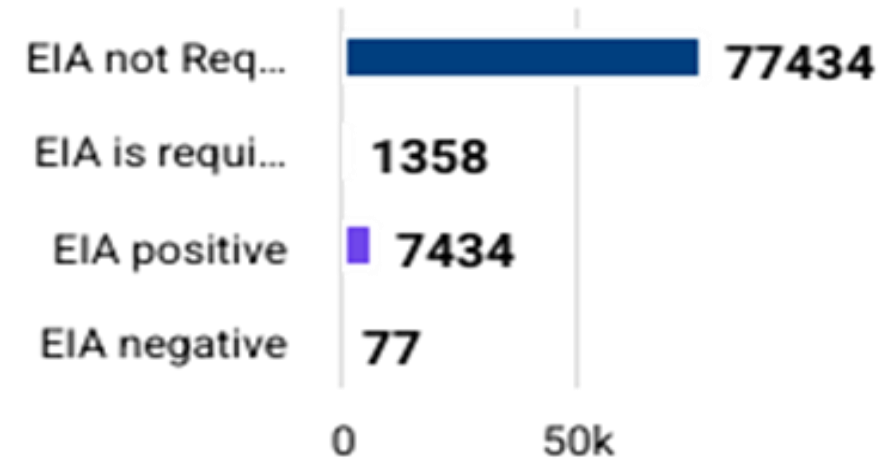
- Turkey's policies in mining, energy, transportation, and urbanization have neglected environmental rights.
- **Main Issues:**
  - Weak legal enforcement
  - legal exemptions for certain investors
  - lack of public participation, and
  - human rights violations.

# Constitutional and Legal Framework

- **Turkish Constitution: Guarantees the right to live in a healthy and balanced environment.**
- **Environmental Law No. 2872: Mandates Environmental Impact Assessments (EIA) for potentially harmful activities.**
- **Challenges:**
  - **Legal loopholes,**
  - **inconsistent implementation, and**
  - **Investor-friendly amendments weaken environmental protections.**

# Failures of the Environmental Impact Assessment (EIA) System

- Statistics: 90% of EIA applications (1993-2023) received "**EIA Not Required**" decisions.
- **Problems:**
  - **Loopholes allow companies to bypass assessments.**
  - **Public participation is minimal or superficial.**
  - **Private consultants hired by project owners create conflicts of interest.**
- **Consequences:** Mining disasters, ecosystem degradation, and human rights violations.



# Violations of the Right to Information

- **Legal Provisions:** Turkish law guarantees public access to environmental information.
- **Reality:**
  - Public institutions frequently deny or ignore requests.
  - Courts affirm the right, but enforcement remains weak.
- **Impact:** Reduced transparency and accountability in environmental decision-making.

# Suppression of Environmental Rights Defenders

## **Challenges Faced:**

- **Intimidation and criminalization.**
- **Accusations of terrorism and foreign collusion.**
- **Smear campaigns by state officials and media.**
- **Strategic Litigation Against Public Participation**
- **Effect: Chilling effect on advocacy and reduced civic engagement in environmental protection.**

# Barriers to Environmental Justice

- **Key Obstacles:**

- Non-implementation of court rulings.
- High legal costs and expert fees.
- Restrictive interpretations of public interest.
- Suppression of media covering environmental issues.

**Result:**

- Limited legal remedies and accountability for environmental harm.

# Our Recommendations

- Ratify and fully implement the Aarhus Convention, the Espoo Convention, and the Optional Protocol to ICESCR by 2027.
- Set-up an independent and participatory **Environmental, Health, and Human Rights Impact Assessments (EHHRIAs)** for all major construction and infrastructure projects.
- **Establish a legal framework ensuring public access to challenge projects** that violate environmental or human rights standards.
- Amend the Legal Aid Law to provide free legal assistance for victims of environmental harm and eliminate excessive judicial fees and ensure courts are accessible to all **affected communities**.
- Repeal or amend laws used to criminalize environmental protests and advocacy.
- Establish an independent mechanism to investigate threats and harassment against environmental defenders, including academics and journalists.
- Require mandatory human rights, health, and environmental due diligence for businesses operating in high-risk sectors.
- Establish a National Action Plan on Business and Human Rights to hold corporations accountable for environmental damage.





## • **Women's Rights & Gender Equality**

- This presentation examines Türkiye's compliance with international human rights standards, focusing specifically on women's rights and gender equality.
- It is prepared by Women's Coalition Turkey comprised of 135 organisations from Turkey, Women for Women's Human Rights (WWHR), Mor Çatı Women's Shelter Foundation, and Association for Struggle Against Sexual Violence.

# Decline in Gender Equality and Women's Rights in Turkey

- The government's 2021 withdrawal from the Istanbul Convention marked an unprecedented setback, undermining protections against violence and disregarding constitutional and parliamentary processes. The withdrawal, justified by discriminatory rhetoric, was unconstitutional and contravenes international law, particularly the Vienna Convention on the Law of Treaties.
- The impact of this withdrawal has been catastrophic. Violence against women has surged, with over 300 women murdered in 2021 alone. Mechanisms previously provided by the Istanbul Convention, such as effective investigations and victim support, are now weakened. Protective measures are inadequately implemented, and shelters lack capacity, leaving women and children vulnerable.

# Women's Rights & Gender Equality

- Gender-based violence remains a pervasive issue. The Turkish Penal Code fails to define femicide or violence against women as distinct crimes, and judicial practices frequently allow perpetrators to benefit from reduced sentences. This culture of impunity is exacerbated by systemic victim-blaming and the absence of effective risk assessments for cautionary measures.
- In addition, systemic obstacles impede women's political participation. The lack of legal frameworks ensuring gender quotas and protections against political violence leaves women underrepresented in politics. Trustee appointments to local governments further undermine women's access to democratic processes, disproportionately affecting Kurdish women.

# RECOMMENDATIONS for URGENT ACTIONS

- **Reinstate and effectively implement the Istanbul Convention** to restore comprehensive protections against gender-based violence.
- **Remove restrictions on peaceful assembly** and ensure accountability for law enforcement abuses.
- **Guarantee judicial independence** and halt judicial harassment of women's rights defenders and independent associations.
- **Implement comprehensive anti-discrimination legislation**, including protections for sexual orientation and gender identity.
- **Increase the capacity of shelters** and improve conditions to provide genuine support for survivors of violence.
- **Introduce gender quotas** in political party laws and electoral frameworks to ensure equal representation.
- **Define femicide as a distinct crime** and end judicial practices that perpetuate impunity.