

UPR 35 cycle Turkey



Anti-terror Law

l) The most common charges against HRDs are falling under the Turkish Penal Code , articles 125, 216, 220§6-7, 299, 301 under the law no. 3713 (Anti-terror law) articles 6 and 7§1-2, and the Law on Meetings and Demonstrations.

The definition of terrorism in the Turkish Penal Code should be revised to comply with international conventions Turkey is a party to and they should be redrafted so as to incorporate the points put forth in the UN Security Council Resolution No. 1566 (2004).

Recommendations:

Turkish Penal Code should be amended and be in harmony with the relevant international human rights instruments;

Article 7/2 of the Anti-Terrorism Law (making propaganda for a terrorist organization) should be amended to ensure that only advocacy of incitement to violence is prohibited.



Anti-terror Law

V) Ensuring that the Anti-terror Law, Law on Meetings and Demonstrations and the Law on Provincial Administration are revised to comply with international standards and is implemented without curtailing freedom of assembly and association and ensure proportionality and equality before the law.

Recommendation:

All due process guarantees in accordance with Article 14 of the ICCPR should be ensured for all detained persons. All human rights defenders and civil society activists detained for exercising their freedom of assembly, association, or expression should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment including administrative measures hampering their basic rights;



Anti-terror Law

VI) Ensure the provisions of public order, public health and public moral are not used against HRDs in a manner that violates their right to assembly and association

Recommendation:

The definition of terrorism in Article 1 of the Anti-Terror Law should be amended in line with the principles set forth by the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism in order to prevent misuse and wide interpretation of anti-terror laws to unjustly prosecute human rights defenders.



Law on Freedom of Assembly and Association

II) Law No. 7145 on the Amendment of Some Laws and Decree Laws that went into effect on 31 July 2018 after the lifting of the SoE introduced amendments that would enable the continuation of some SoE practices for another three years. The SoE has virtually been rendered permanent and extended for another three years with the extension of custody periods for up to 12 days, granting of power to governors to declare curfews for 15 days, enabling public institutions to dismiss personnel from their posts by way of a special commission for three more years and restrictions on peaceful assemblies and protests. All the amendments introduced by Law No. 7145 such as these should absolutely be repealed *Provisions preventing the rights to freedom of expression and association, to political participation, to peaceful assembly and demonstration should be removed from the legislation. Law No. 7145 must be abolished.*

Recommendation:

Law No 7145 must be abolished so as to eliminate State of Emergency' impact on daily life of all the citizens



Human Rights Defenders & Turkish Penal Code

III) Civil society members and human rights defenders should be provided a safe and secure environment to carry out their work. Ensure a more safe and enabling environment for HRDs and WHRDs , acknowledge their role in promoting and protecting human rights, democracy, and rule of law.

Recommendation:

Civil society members and human rights defenders should be provided a safe and secure environment to carry out their work. All instances of violations of their rights should be independently investigated;

IV) Ensure that critical provisions , in particular terror related crimes and articles on “insulting the President” and “degrading Turkishness”, are not used as a mean of putting pressure on critical voices



Recommendations

- Ensure that people can gather and protest peacefully, including by lifting blanket bans issued by governors across the country;
- Amend the definition of “terrorism” in Article 1 and “terrorist” offender in Article 2 of the Anti-Terrorism Law in line with international human rights law and standards
- All due process guarantees in accordance with Article 14 of the ICCPR should be ensured for all detained persons. All human rights defenders and civil society activists detained for exercising their freedom of assembly, association, or expression should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment including administrative measures hampering their basic rights



Recommendations (Cont.)

- Civil society members and human rights defenders should be provided a safe and secure environment to carry out their work. All instances of violations of their rights should be independently investigated
- Invite the UN Special Rapporteur on Human Rights Defenders to visit the country
- Accept the request for visit of the UN Special Rapporteur on the Right to freedom of peaceful assembly and of association received in 2017

“The recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure the exercise of the right. This requires States to allow such assemblies to take place with no unwarranted interference and, whenever it is needed, to facilitate the exercise of the right and to protect the participants.” General Comment no. 37, Revised draft prepared by the Rapporteur, Mr. Christof Heyns, draft as adopted on First Reading during the 127th Session of the Human Rights Committee (14 October – 8 November 2019).



Thank you for your attention

Opportunity for bilateral meetings today between 3 pm and 4 pm at room Concordia 3

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