



**BROKEN
CHALK**

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE
142ND SESSION, 14 Oct 2024 - 07 Nov 2024, LIST OF ISSUES PRIOR TO
REPORTING

Country Report: Turkiye

Submitting Organization: **BROKEN CHALK**

September 2024

By

Nora Saab

Claire Heydacker

Jade Brunton

Harmonielaan 63, 1111 PE

Diemen, Netherlands

+31687406567

upr@brokenchalk.org

www.brokenchalk.org

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Broken Chalk is an Amsterdam-based NGO established in 2020 that monitors and minimises worldwide human rights violations in education. We aim to promote universal and equal access to education for all.

We encourage and support achieving societal peace with our international sponsors and partners by advocating for intercultural tolerance, preventing radicalism and polarisation, and tackling educational inequalities.

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1. Broken Chalk provides the below information to the UN Human Rights Committee (the Committee) ahead of the adoption of the List of Issues Prior to Reporting for the Türkiye at its 142nd session.
2. this submission also raises concerns
 - Prohibition of torture and cruel, inhuman or degrading treatment or punishment
 - Right to enter public service
 - Freedom of Expression, Peaceful Assembly and Association
 - Violence against women

Prohibition of torture and cruel, inhuman or degrading treatment or punishment – Articles 2, 7, 9, 10, 12 and 14

Introduction

3. In the last seven years, Turkey has witnessed a worrying resurgence of the charges of torture and cruel treatment in detention, with a notable surge following the unsuccessful coup that took place on July 15, 2016.¹ There are many documented instances of such torture charges that took place in 2022, such as the cases of Savaş Çelik², Ferhat Yılmaz³, Elif Kaya⁴, Kemal Mutlum⁵, Hacer Karaşal⁶, Şehmuz Emen⁷, as well as the case of the following inmates: Coşkun Ağaca, Abdülmenav Çetin, Halil Kasan, Tolga Okçu, Orhan Hacıoğlu, H. Masal, Ali, Serhan Yılmaz and another inmate whose name was not disclosed.⁸ All those mentioned have suffered cruel and inhumane treatment, such as beatings, strip searches, and other forms of torture, in Turkish prisons, and their stories have been reported by human rights activists and the Stockholm Center for Freedom.
4. Notwithstanding the constitutional safeguards for human rights and Turkey's obligations under various international conventions, these measures have been eroded in the main. The failure of effective

¹ Stockholm Center for Freedom, 'Torture, Inhuman Treatment, and Conditions in Turkish Prisons: 2022 in Review' (Stockholm Center for Freedom, 25 January 2023) <<https://stockholmcf.org/torture-inhuman-treatment-and-conditions-in-turkish-prisons-2022-in-review/>> accessed 24 July 2024.

² SCF, 'Man captured by MIT abroad over terrorist links claims he was tortured in Turkey for 87 days' (Stockholm Center for Freedom, April 12, 2022). Retrieved from <<https://stockholmcf.org/man-captured-by-mit-abroad-over-terrorist-links-claims-he-was-tortured-in-turkey-for-87-days/>> accessed on 28 July, 2024.

³ SCF, 'Images of inmate who died in Silivri Prison show signs of severe beating and mistreatment' (Stockholm Center for Freedom, April 13, 2022). Retrieved from <<https://stockholmcf.org/images-of-inmate-who-died-in-silivri-prison-show-signs-of-severe-beating-and-mistreatment/>> accessed on 28 July, 2024.

⁴ Turkish Minute, 'European rights court fines Turkey for unlawful strip-search in prison' (Stockholm Center for Freedom, January 20, 2022). Retrieved from <<https://www.turkishminute.com/2022/01/20/european-rights-court-fines-turkey-for-unlawful-strip-search-in-prison/>> and <<https://stockholmcf.org/european-rights-court-fines-turkey-for-unlawful-strip-search-in-prison/>> both accessed on 28 July, 2024.

⁵ SCF, 'Former general serving life sentence on coup charges dies in prison' (SStockholm Center for Freedom, November 24, 2022). Retrieved from <<https://stockholmcf.org/former-general-serving-life-sentence-on-coup-charges-dies-in-prison/>> accessed on 28 July, 2024.

⁶ SCF, 'Wife of former officer claims she suffered miscarriage after police beating' (Stockholm Center for Freedom, January 27, 2022). Retrieved from <<https://stockholmcf.org/wife-of-former-officer-claims-she-suffered-miscarriage-after-police-beating/>> accessed on 28 July, 2024.

⁷ SCF, 'Guards mistreat inmate in Turkish prison, video shows' (Stockholm Center for Freedom, July 04, 2022). Retrieved from <<https://stockholmcf.org/guards-mistreat-inmate-in-turkish-prison-video-shows/>> accessed on 28 July, 2024.

⁸ SCF, '2 inmates die by suicide in Silivri Prison after alleged mistreatment' (Stockholm Center for Freedom, April 12, 2022). Retrieved from <<https://stockholmcf.org/2-inmates-die-by-suicide-in-silivri-prison-after-alleged-mistreatment/>> accessed on 28 July, 2024.

condemnation from senior officials and the attempt to bury the allegations rather than to check them have set grounds for a culture of impunity among the security forces.⁹ For instance, following the coup attempt of 2016, President Erdogan and other government leaders either dismissed or played down evidence of torture and mistreatment, or accused those who reported it of being supporters of terrorist groups or of propaganda. This can be seen from the government's disregard of the reports from human rights organizations like Amnesty International¹⁰ and Human Rights Watch that highlighted many cases of torture and dehumanization in the detention facilities.¹¹

5. This research aims to analyse human rights abuses and the general problems in the Turkish prison system as well as to draw a comparison between Turkish laws and the practice in the country. The study uses data from the United Nations, Council of Europe, Human Rights Watch, and other international and national human rights organizations, together with case studies of instances of torture and ill-treatment in Turkey to offer a systematic account of the use of torture in the country's prisons at the present time. Thus, this research deploys qualitative data collected from these reports, interviews and case studies to evaluate the situation systematically.

Background and Context

6. Human rights abuses have been on the rise in Turkey especially after the failed coup d'état on the 15th of July 2016.¹² Superiors have not always provided sufficient measures against such incidences hence creating a culture of impunity. For instance, incidences like the one that happened in 2017, where Gökhan Açıkkollu -a teacher- died of torture while in detention, show that officials did not bring the culprits to book. None of the security forces implicated in his death was brought to trial, and Açıkkollu was posthumously charged with terrorism.¹³ Nevertheless, Amnesty International and Human Rights Watch stated that after the coup attempt, the Turkish officials including Erdoğan pledged to end torture saying 'zero tolerance' but did not act on numerous credible cases of torture. These reports were often labelled by the government as being politically motivated or biased especially those that implicated individuals who were affiliated with the Gülen movement, whom the government accused of being behind the coup. For instance, in July 2016 the government dismissed a report by Amnesty International presenting cases of torture, as propaganda.¹⁴

7. This has led to the "desensitization" of the security forces whereby torture and other forms of inhumane treatment have become normalised. The Human Rights Watch has also recorded several cases where the detainees are tortured through severe beating, stress positions, sleep deprivation, and even sexual assault. For instance, during interrogations, detainees were often threatened with rape, or harm of their family members as a Pressure/Coercive Tactic. These abuses have been made possible by

⁹ *ibid.*

¹⁰ Amnesty International, "Scars of Torture in Post-Coup Turkey," 2018.

¹¹ Human Rights Watch, "A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture," October 2016.

¹² Amnesty International, "Turkey: Scars of Torture in Post-Coup Crackdown," 2018.

¹³ Human Rights Watch, "Turkey: Emergency Decrees Facilitate Torture," 2017. Retrieved from <<https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture>> accessed on 01 August 2024.

¹⁴ Human Rights Watch, "A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture," October 2016. Retrieved from <<https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>> accessed on 01 August 2024.

the state of emergency decrees which stripped such critical rights as the right to access a lawyer and judicial control over detentions extending beyond a certain period.¹⁵

8. Also, while Turkey has certain legal frameworks that aim at safeguarding the rights of the people, there is a significant difference between the existing laws and societal conditions. For instance, the European Committee for the Prevention of Torture has pointed out over crowdedness of prisons, lack of proper hygiene and inadequate medical services as ongoing problems, although there are laws that prohibit inhumane treatment.¹⁶ This shows a clear gap between the attitude of the Turkish law towards the protection of detainees and the situation on the ground.

International Obligations and Disregard

9. Turkey is a signatory to a wide range of international agreements that are overseen by the United Nations and the Council of Europe, such as the European Convention on Human Rights and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; both of which oblige the country to prevent and punish acts of torture and inhumane treatment.¹⁷ Even though Turkey has made these commitments, the recent events in the country show that the Turkish government has not been fully compliant with these obligations.

10. The reports from the Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) have documented ongoing issues in Turkish prisons.¹⁸ These reports detail instances of physical abuse, including beatings and stress positions, as well as the failure of medical screenings to identify and document injuries resulting from torture. For example, detainees often undergo medical examinations in the presence of law enforcement officials, undermining the confidentiality and integrity of these evaluations. Additionally, healthcare personnel may not report the symptoms of abuse owing to fear of repercussions.¹⁹

11. The situation is exacerbated by severe overcrowding in prisons, with facilities operating at 15.9% over their intended capacity, according to recent statistics. This overcrowding results to poor accommodation, poor medical facilities and health care, and high levels of hostility and violence among inmates thus worsening the standard of detaining and treating prisoners.²⁰

Strip-Searches and Denial of Medical Treatment

12. In addition to torture, strip-searches remain a persistent issue in Turkish prisons. The European Court of Human Rights has ruled that these searches are degrading when not warranted by compelling security reasons. Unfortunately, they are frequently used against individuals suspected or convicted of political crimes. Furthermore, authorities have faced criticism for failing to release seriously ill prisoners,

¹⁵ VOA News, "Human Rights Watch Report Accuses Turkish Police of Torture," October 2016. Retrieved from <<https://www.voanews.com/a/rights-group-torture-rampant-in-post-coup-turkey/3565035.html>> accessed on 02 August 2024.

¹⁶ European Committee for the Prevention of Torture, "Report to the Turkish Government on the Visit to Turkey," 2019.

¹⁷ United Nations, "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," 1984; Council of Europe, "European Convention on Human Rights," 1950.

¹⁸ Council of Europe, 'CPT Report to the Turkish Government on the Visit to Turkey' (Various Reports). Retrieved from <<https://www.coe.int/en/web/cpt/turkey>> accessed on 06 August 2024.

¹⁹ *ibid.*

²⁰ *ibid.*

denying them access to proper medical care. Alarming, 73 inmates died in Turkish prisons in 2022, with 34 of those deaths attributed to suicide.²¹

Recent Reports and Concerns

13. A report by Sezgin Tanrikulu, a lawmaker from the main opposition Republican People's Party (CHP), documented 5,361 cases of torture or maltreatment in 2022, including incidents involving 80 minors.²² The Parliamentary Assembly of the Council of Europe has also raised alarm over the increasing number of torture allegations coming from Turkey in recent years.²³ These findings highlight the urgent need to address this serious issue.

14. In conclusion, this research paper seeks to explore the allegations of torture during custody in Turkey, focusing on data from 2022 to 2024. By highlighting this troubling trend, we aim to foster a more informed and empathetic discussion on human rights violations.

National Report Compilation:

15. The government of Turkey submitted a national report which provided general information about the human rights situation in the country with an emphasis on different aspects of the problem such as torture and inhuman treatment in custody. It was meant to present the government's position on the human rights condition and the actions it has taken to address the issues that have been raised especially after the 2016 coup.²⁴

Turkey's Progress

16. Turkey has implemented a "zero tolerance against torture" policy since 2003 to prevent, investigate and punish torture and ill treatment.²⁵ Torture was removed from the statute of limitations in 2013 and became a reason for dismissal from public service in 2017.²⁶ Allegations are prosecuted before judicial and administrative forums and investigations are given high priority and overseen by high-ranking prosecutors.²⁷ Turkey has also enhanced the ability of judges and prosecutors through different programs, among which there is a project "combating torture and impunity" for the years 2017- May 2019.²⁸ This chapter also shows that penitentiary institutions are closely supervised, and a significant number of employees are subjected to disciplinary and criminal actions for torture.²⁹ After the coup attempt in 2016, the Ministry of Justice created a unit whose responsibility was to monitor and

²¹ *ibid.*

²² Stockholm Center for Freedom, '5,361 Including 80 Minors Mistreated or Tortured in Turkey in 2022: Report' (Stockholm Center for Freedom, 22 July 2023) <<https://stockholmcf.org/5361-including-80-minors-mistreated-or-tortured-in-turkey-in-2022-report/>> accessed 21 July 2024.

²³ Turkish Minute, 'PACE Expresses Concern about Increase in Torture Allegations in Turkey' (Turkish Minute, 26 January 2024) <<https://www.turkishminute.com/2024/01/26/pace-express-concern-about-increase-torture-allegations-in-turkey/>> accessed on 21 July 2024.

²⁴ United Nations General Assembly, 'National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Turkey' (28 August 2019) UN Doc A/HRC/WG.6/35/TUR/1 <<https://documents.un.org/doc/undoc/gen/g19/324/55/pdf/g1932455.pdf>> accessed 02 August 2024.

²⁵ United Nations Human Rights Council, 'National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Turkey' (28 August 2019) UN Doc A/HRC/WG.6/35/TUR/1, pp 11 §93. Retrieved from <https://upr-info.org/sites/default/files/documents/2019-12/a_hrc_wg.6_35_tur_1_e.pdf> accessed on 29 July 2024.

²⁶ *ibid.*, p 11 § 94-95.

²⁷ *ibid.*, §96-97.

²⁸ *ibid.*, §99.

²⁹ *ibid.*, §100.

counter media allegations of torture.³⁰ These include enhancing the welfare of prisoners through better prison conditions, training of staff and engaging in international cooperation.

17. Other than judicial and administrative systems, the Ombudsman Institution and the Human Rights and Equality Institution of Turkey (HREIT) also examine and intervene complaints regarding torture and ill-treatment and oversee the places where people are detained. HREIT which acts as the NPM conducts the visits without prior notice while the institution of the Ombudsman notifies the authorities. In 2018, HREIT made 27 field trips and developed 19 reports. In the same year, the Ombudsman Institution conducted the consultations with the public institutions and NGOs, the inspections of several penitentiary institutions with the intention of conducting a workshop and a special report on the prison management.³¹ Parliamentary and local Human Rights Boards also monitor these institutions on regular basis.

18. After the 2016 coup, a unit of the Ministry of Justice was established to assess and investigate torture cases reported by the media. The current efforts involve enhancement of the prison standards; all substandard facilities are being shut down and new ones constructed to meet the international standards. Also, in-service staff training sessions have been provided, with about 65,000 staff being trained on the rights of the convicts since 2016. Last but not the least, Turkey has been quite involved in the international cooperation on prison training and provides provisions for the suspension of the sentences of the prisoners who are sick or disabled.³²

19. Thus, the report³³: 'National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Turkey' (28 August 2019), indicates that Turkey has come a long way in responding to the allegations of torture and ill-treatment, inter alia, though its "zero tolerance approach", the repeal of the statute of limitations for torture and the creation of the Ombudsman Institution and HREIT. This is especially regarding detention facilities where these institutions play an active role in investigating and overseeing.

20. Whilst the report highlighted the significant efforts made by Turkey to address such allegations, it did not explicitly include the effectiveness of this reform strategy nor explain the ongoing challenges that persist, such as the problems faced during the application of the reforms (implementation obstacles) and the requirement of further development in the aspects of prison and personnel (need for enhancement).

21. For the last UPR cycle concerning Turkey which was held in January 2020, the United Nation Human Rights Council (UNHRC) expressed concerns on torture and ill treatment in custody. The review identified a trend in the use of such practices, especially after the failed coup attempt in 2016, when the state of emergency and further legal measures led to the enabling environment for abuse. Some of the member states and human rights bodies argued on the fact that there were no adequate measures to address these violations and the protection of detainees.³⁴

22. The UN Committee against Torture (CAT) said that it was deeply concerned with the reports of torture and other forms of inhuman and degrading treatment by the Turkish police and intelligence services. These reports involve severe physical abuses such as beating, sexual harassment, and other forms of pressure to get confessions or punish the detainees especially the ones believed to be linked

³⁰ *ibid.*, §102.

³¹ *ibid.*, §103-105.

³² *ibid.*, §106-111.

³³ *ibid.*

³⁴ UN Human Rights Council, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Turkey," A/HRC/WG.6/35/TUR/1.

with Gülen movement. The CAT further observed that these abuses were not spur of the moment incidents but formed part of a systemic pattern of human rights abuses.³⁵

23. It was noted in the UPR that the Turkish authorities have not conducted proper and independent investigations into such cases. The CAT noted that most of the complaints of torture were either ignored or mishandled, especially under the pretext of the national security, especially in the aftermath of the coup attempt where the state of emergency was declared. This lack of investigation and prosecution of those responsible has in turn created a culture of impunity within the security forces.³⁶

24. Also, the UPR process highlighted the situation of the independence of the judiciary in the country which has also hampered the investigation of torture cases. This has occurred in the aftermath of the 2016 coup attempt, where there was a mass removal of judges and prosecutors from their positions and this has left the judiciary having to succumb to political pressure thereby unable to perform its role of checking the executive power and defending human rights.³⁷

25. Specific recommendations were made to Turkey; the government was called upon to make certain that all allegations of torture are thoroughly and impartially investigated, to reinstate measures that had been eroded under the state of emergency and for the independent monitoring of detention facilities. Although, Turkey has signed and ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopts a “zero tolerance” approach to torture, the UN and other agencies pointed out that there were still difficulties in ensuring the implementation of this policy in practice, especially in the context of the post-coup crackdown, where the reports of torture were often ignored by the authorities.³⁸

26. It urged Turkey to conform to international human rights standards and standards of the Council of Europe, including allowing visits of international monitoring bodies such as the European Committee for the Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment and the UN Special Rapporteur on Torture, whose visits to Turkey were postponed.³⁹

27. Thus, the UN has called on Turkey to act in the following ways: to restore the autonomy of the judiciary and that all cases of torture should be investigated without any delay and impartiality and the perpetrators be brought to justice as provided in the international human rights laws. By the UPR recommendations Turkey should re-Confirmation of its adherence to the absolute prohibition of torture and act urgently to ensure compliance with the legal framework of the international instrument.⁴⁰

Impunity and Lack of Accountability:

28. Torture is also prohibited under the Turkish law and yet, there is a serious problem that concerns impunity within the security forces and the law enforcement agencies. Most of the complaints of torture are not pursued or are ignored or swept under the carpet. This problem is further compounded by the

³⁵ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018) <https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations> accessed 04 August 2024.

³⁶ *ibid.*

³⁷ Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020). Retrieved from <<https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey>> accessed on 04 August, 2024.

³⁸ Human Rights Watch, "Turkey: Emergency Decrees Facilitate Torture," 2017.

³⁹ UN Human Rights Council, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Turkey," A/HRC/WG.6/35/TUR/1.

⁴⁰ Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020) <https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey> accessed on 04 August 2024.

political context which sometimes sees officials avoiding prosecution of law enforcement officers, therefore creating a culture of impunity.⁴¹

29. The UN Committee Against Torture has voiced concerns, inter alia, about the lack of proper investigation of torture allegations by the Turkish government. The Committee also said that most of the complaints are not entertained or not properly addressed which is especially so after the failed coup of 2016. This is because there are no legal consequences for any action that is taken regardless of whether it is right or wrong and thus leads to torture.⁴²

Erosion of Judicial Independence:

30. The independence of the judiciary in Turkey is weak especially after the 2016 coup attempt where judges and prosecutors were among the people who were sacked. This has led to the emergence of the political influence over the judiciary, which affects the processes of investigation and prosecution of torture cases. Thus, when the judiciary is not independent, it cannot check the executive or the security forces and thus fail to protect human rights.⁴³

31. The UN Committee Against Torture noted that the large scale dismissal of judges and prosecutors after the coup has led to the weakening of the capacity to investigate and prosecute allegations of torture. This has been so because the political leadership over the judiciary through the executive arm of government has ensured that many cases are either not pursued or where they are, the state ensures that they are decided in its favour rather than in favour of justice for the victims of torture.⁴⁴

Weak Legal Safeguards and Oversight:

32. Some of the legal safeguards that are supposed to obtain for detainees including the right to a lawyer and right to the judiciary have been diluted especially during times of emergency. The state of emergency declared after the coup attempt in 2016 has facilitated activities of law enforcement agencies, which can detain people without proper judicial warrants for longer periods of time, which makes torture and ill-treatment likely. Also, the organizations that are supposed to oversee the situations in the detention centers like the National Preventive Mechanism has been accused of not being independent and efficient.⁴⁵

33. The UN Human Rights Committee and the Committee Against Torture have also expressed concern on the issue of extended detention periods without any form of judicial review, inability to access legal representation and the absence of independent medical assessment. These loopholes have

⁴¹ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018). Retrieved from <<https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations>> accessed on 06 August, 2024.

⁴² Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020). Retrieved from <<https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey>> accessed on 06 August, 2024.

⁴³ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018). Retrieved from <<https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations>> accessed on 07 August, 2024.

⁴⁴ Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020). Retrieved from <<https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey>> accessed on 07 August, 2024.

⁴⁵ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018). Retrieved from <<https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations>> accessed on 10 August, 2024.

thus led to a situation where detainees are at the mercy of their captors and there is no justice system to turn to for help.⁴⁶

Recommendations

34. Based on the identified challenges, the following recommendations could be proposed for Turkey to address allegations of torture in custody:

1. Strengthening the Rule of Law and Accountability and Putting an End to Impunity:

35. Turkey needs to set up independent and neutral bodies to probe into torture and other forms of abuse by its police and other security organisations. This may involve the creation of a special independent prosecutor's office to deal with such matters, and make sure that all the allegations are properly examined, and if guilty, the perpetrators are brought to book.⁴⁷

36. The issue of impunity needs to be busted so that security forces do not work outside the ambit of the law. This way the public confidence in the justice system can be gained back and the victims can achieve justice.⁴⁸

2. Restoring Judicial Independence:

37. Consequently, the Turkish government must reverse the mass dismissal of judges and prosecutors and guarantee the judiciary's independence from political meddling. This could involve enshrining certain amendments in the constitution such as preventing interference with the judiciary and enhancing the legal checks and balances.⁴⁹

38. An independent judiciary is very vital in the handling of torture cases and in promoting and upholding the principles of the rule of law. This means that where there is no independence of the judiciary then it becomes difficult for the justice system to ensure that perpetrators of torture are brought to book.⁵⁰

3. Strengthening the Legal Protections and Regulatory Frameworks:

39. Turkey should also enhance legal protection of detainees through provisions that would include the right to have a lawyer in the first moment of detention, right to medical check ups by independent doctors and judicial control of detention from the onset. Also, the National Preventive Mechanism (NPM) should be strengthened with a view of enhancing its freedom and efficiency in monitoring the conditions of detentions.⁵¹

⁴⁶ United Nations Human Rights Council, 'Universal Periodic Review of Turkey: Summary of Findings' (2024). Retrieved from <<https://www.ohchr.org/en/hr-bodies/upr/tr-index>> accessed on 10 August 2024.

⁴⁷ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018). Retrieved from <<https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations>> accessed on 13 August, 2024.

⁴⁸ Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020). Retrieved from <<https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey>> accessed on 13 August, 2024.

⁴⁹ Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020). Retrieved from <<https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey>> accessed on 14 August, 2024.

⁵⁰ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018). Retrieved from <<https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations>> accessed on 14 August, 2024.

⁵¹ United Nations Human Rights Office of the High Commissioner, 'Turkey: UN Expert Says Deeply Concerned by Rise in Torture Allegations' (27 February 2018). Retrieved from <<https://www.ohchr.org/en/press-releases/2018/02/turkey-un-expert-says-deeply-concerned-rise-torture-allegations>> accessed on 14 August, 2024.

40. It is equally important to enhance the legal protection and supervision to avoid torture and other inhuman treatments in the custody. The use of independent monitors can help to prevent corruption and enhance the accountability of the system whilst the right to seek legal advice and medical treatment can prevent mistreatment of detainees.⁵²

4. Increasing the Transparency and Accountability to the Public:

41. The Turkish government should provide further information, by publishing detailed reports, on the findings of investigations into allegations of torture and ill-treatment. This encompasses publicising the National Preventive Mechanism and other related monitoring bodies' reports and carrying out dialogues with civil society actors in relation to other ongoing human rights issues.⁵³

42. In order to promote human rights and to ensure that the government is meeting its obligations to protect human rights, it is crucial for the government to be transparent. Reporting about investigations and their results may prevent further occurrences of violations and demonstrate the authorities' willingness to protect human rights.⁵⁴

Right to enter public service – Articles 2, 3, 19, 21, 25 and 26 & Freedom of Expression, Peaceful Assembly and Association – Articles 19, 21 and 22

Background Context

43. After the attempted coup d'état on the 15th of July 2016 in Turkey, the Turkish government closed around 1,000 secondary schools and 15 universities (Reuters 2016). In the months following the coup 28,000 teachers were dismissed and 9,500 education staff suspended after the ministry of education accused them of links to the Gülen movement, the outlawed Kurdistan Workers' Party (PKK) or other alleged terrorist groups. It has been reported that 41,000 education staff have been dismissed as of 2018 (Stockholm Center for Freedom 2018). This is of particular concern as Turkey is currently ranked in the bottom 10% of all countries in the Academic Freedom Index (AFI) of 2024 (Kinzelbach K., Lindberg S. and Lott L. 2024).

Ilo Reports Of The Two Committees Set Up To Examine The Representation Alleging Non-observance By Turkey

44. The Action Workers' Union Confederation (Aksiyon-Is) submitted communications in 2017 to the ILO alleging that the government of Turkey had infringed on the Freedom of Association and Protection of the Right to Organise Convention of 1948 (No. 87), and the Termination of Employment Convention of 1982 (No. 158); Conventions that Turkey has ratified. The ILO set up two Committees to examine the alleged non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158) in 2021.

⁵² United Nations Human Rights Council, 'Universal Periodic Review of Turkey: Summary of Findings' (2024). Retrieved from <<https://www.ohchr.org/en/hr-bodies/upr/tr-index>> accessed on 15 August 2024.

⁵³ United Nations Human Rights Council, 'Universal Periodic Review of Turkey: Summary of Findings' (2024). Retrieved from <<https://www.ohchr.org/en/hr-bodies/upr/tr-index>> accessed on 15 August, 2024.

⁵⁴ Human Rights Watch, 'Adoption of the Outcome of the Universal Periodic Review of Turkey' (29 September 2020). Retrieved from <<https://www.hrw.org/news/2020/09/29/adoption-outcome-universal-periodic-review-turkey>> accessed on 15 August, 2024.

Regarding The Right to Organise Convention, 1948 (No. 87)

45. The complainant alleged that even though the unions within Aksiyon-Is condemned the coup attempts, that the Turkish government closed, dissolved, and confiscated the Confederation. As a result, its members employed in the education field, approximately 24,002 members, became unemployed and their teaching certificates cancelled. Many trade union members were fired without any trial, in direct violation of their rights to severance and notice pay. The complainant voiced that the Government took advantage of the state of emergency to violate human rights as the fear spread by the State in imprisoning union leaders and listing many as terrorists on the Official Gazette inhibited people from claiming their fundamental rights.

46. In its response communication to the ILO's the Turkish Government highlighted that Aksiyon-Is and its affiliated trade unions had not made use of the available domestic channels and remedies as they should have filed an application for review of the dissolution to the Inquiry Commission. While the government did acknowledge that the Decree issued during the state of emergency could have limited rights and freedoms within the framework of article 15 of the Turkish Constitution and Article 15 of the European Convention on Human Rights, the Government voiced that these restrictions should be in conformity with the principle of proportionality.

47. The ILO Committee concluded that while the Government justified its actions regarding the unions' alleged ties to FETÖ/PDY, accused of orchestrating the coup, the administrative dissolution without judicial oversight, especially during the emergency, was a clear violation, criticizing the lack of proper judicial review and justification for dissolutions and subsequent worker dismissals. The Committee recommended that the Government subject these dissolutions to normal judicial procedures and potentially restore union properties, compensate affected workers, and ensure fair trials for imprisoned unionists.

Regarding The Termination of Employment Convention, 1982 (No. 158)

48. Aksiyon-Is alleged that, prior to and following the attempted coup, the Turkish government dismissed individuals on the grounds that they were members of the trade union confederation. Many were not informed of the dismissals as the Government only published these terminations via the Official Gazette which labeled them as terrorists, thus rendering both unable to be heard as well as present a defense prior to their dismissal. The complainant specified that many of its members did not receive compensation or the right to appeal their dismissals, losing their accrued pension and healthcare rights and benefits, even after contributing to those benefits. While many of the dismissed workers filed cases in Turkish courts challenging their dismissals, the courts declined to examine these cases.

49. The Turkish government in its reply to the ILO, indicated that the main ground for the dissolution of Aksiyon-Is was its affiliation to the Fethullahist Terrorist Organization (FETÖ/PDY), the organization that the Government had identified as behind the coup attempt. The government recalled that Aksiyon-Is and its affiliated trade unions should have applied to the Inquiry Commission for a review of their dissolution. The Government states that the unions concerned were in violation of national law as they acted against the purpose for which they were established.

50. The Committee of the ILO concluded that the Turkish government in dismissing thousands of workers, including the 29,579 union members, without due process or prior investigation, was in violation of Convention No. 158. The dismissals, which occurred before and after the 2016 coup attempt, were allegedly based solely on union membership and involved workers being labeled as terrorists without the chance to defend themselves, appeal, or receive compensation. The Committee

noted that despite the Inquiry Commission's review process, many applications were rejected, and workers faced severe repercussions, including blacklisting and loss of benefits. The Committee emphasized the need for due process and fair judicial review, urging the Government to ensure that dismissed workers can present their defense and receive fair consideration. The Committee recommended a comprehensive and impartial review of each case and compensation for unjustified dismissals, stressing the importance of upholding workers' rights even during states of emergency.

ILO Committees Conclusions and Recommendations

51. The International Labor Organization (ILO) Board of Directors decision GB.341/INS/13/5/ on March 24, 2021, concluded that the dismissals and closure of institutions through the Decree-Laws in Turkey was contrary to the International Conventions No. 158 and No. 87 and was thus required to amend the unlawfulness it caused.

52. The committee set up to examine the alleged non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) recommended that the government of Türkiye "(a) approve the present report; (b) request that the Government, in the context of the application of Convention No. 87, take into account the observations made in paragraphs 17–31 of the Committee's conclusions and in particular, in paragraph 31, wherein the Committee urged the Government that a full, independent and impartial review be made with regard to all those workers who suffered from reprisals and retaliatory acts for their membership in the dissolved unions; (c) invite the Government to provide information in this respect for examination by the Committee of Experts on the Application of Conventions and Recommendations; and (d) make this report publicly available and close the present representation procedure."

53. The committee set up to examine the alleged non-observance by Turkey of the Termination of Employment Convention, 1982 (No. 158) in 2021 recommended that the government of Türkiye "(a) approve the present report; (b) request that the Government, in the context of the application of Convention No. 158, take into account the observations made in paragraphs 34 and 35 of the Committee's conclusions; (c) invite the Government to provide information in this respect for examination and further monitoring, as appropriate, by the Committee of Experts on the Application of Conventions and Recommendations; and (d) make this report publicly available and close the present representation procedure."

Current Situation

54. Broken Chalk believes it is critical to continuously collect and monitor information regarding the current situation. Since the ILO made the aforementioned recommendations to the government, there have been no changes or fulfillment of the requirements (Albayrak 2022). As of mid-2024, it seems that no further data or information has been collected regarding the current situation that Teachers with Revoked Licenses face.

55. Broken Chalk had the opportunity to interview impacted teachers to inquire on their status which can be found in the Challenges part of this report. In brief, after interviewing with a former teacher, it can be observed that it is clear that the government of Türkiye has not rectified any of its actions, and that the teachers continue to face many challenges regarding their inability to obtain a job as a teacher and their fear of experiencing further injustice by revealing they were teachers. A series of recommendations was thus drafted taking into consideration the information collected during the interview.

Violation of Human Rights

56. The first major challenge is the violation of teachers' fundamental human rights. The ILO's findings highlighted infringements on the right to form and join trade unions, as well as protection against unemployment. However, beyond these recognized violations, it is likely that additional rights have been, and continue to be, compromised. The Turkish government's actions, including the dismissal of thousands of educators without due process and the lack of judicial oversight, reflect a broader disregard for basic human rights, especially in the context of freedom of association and the right to a fair trial.

Employment Status and Government Accountability

57. The second challenge revolves around the current employment status of dismissed teachers and the government's failure to rectify these unlawful dismissals. Many of the affected educators have been unable to return to their teaching positions or secure new roles in the education sector. The government's non-compliance with the ILO's recommendations, including the lack of judicial review and the stigmatization of dismissed teachers as terrorists, has exacerbated the situation. As a result, many educators are forced to take up low-paying jobs outside their field of expertise, often concealing their previous profession due to fear of further persecution.

Lack of Compensation

58. The third significant challenge is the absence of compensation for the affected teachers. Many educators were informed of their dismissals indirectly through publications in the Official Gazette, which labeled them as terrorists, denying them the opportunity to defend themselves or appeal their dismissals. The lack of compensation associated with these dismissals has left these teachers in precarious financial situations, stripping them of accrued pension and healthcare benefits. Despite the ILO's call for a comprehensive review and fair compensation, the Turkish government has yet to provide adequate redress, leaving many teachers without the means to rebuild their lives or pursue alternative careers.

59. After identifying these challenges, a series of questions were drafted and sent to the interviewee. The exact questions can be found in the appendix of this document.

Summary of Interview

60. The first set of questions was sent to the interviewee, who remains anonymous for their security.

61. The interviewee first summarized what he and his wife experienced back in 2016. "After July 15, our school was closed, and our work licenses were revoked", and they were only aware of this through the media, which reported that the school was closed under Decree Law 667 and that their licenses were canceled. They emphasized that they received no direct notification, and that on "July 22nd, we were dismissed". The interviewee specified that they "could not even receive our last salary because the bank where our last salary was paid was seized." The interviewee further specified that "no compensation was paid."

62. The interviewee also explained that while they had paid in advance "next year's tuition" using credit card installments for their child's college, the services were never provided nor was their money returned.

63. While the interviewee and his wife were members of the "Pak Education Workers Union", when asked about the Reports Of The Two Committees Set Up To Examine The Representation Alleging Non-observance By Turkey, the interviewee responded that they were "not familiar" with the case.

64. A second set of questions was sent for additional clarification.

65. The interviewee disclosed that since their school was shut down, they "couldn't work as a teacher anywhere" and that between 2017 and 2023, they had "worked in various factories for minimum wage", specifying that they had to hide their previous teaching profession. After both the interviewee and his spouse's licenses were revoked, they were unable to work for an initial "7-8 months," leading them to move into the interviewee's mother's house due to financial difficulties. The family "went through a tough period," struggling to meet basic needs for shelter, food, and other essentials, especially as their "savings and salaries were confiscated."

66. The interviewee expressed concern about their inability to find work in other fields due to a "lack of experience, skills, and education." They also worry that their children will be ostracized and face difficulties in finding jobs because of their parents' situation and previous teaching profession.

67. Reflecting on the broader impact, the interviewee noted that "some of the colleagues I worked with are still in prison." They feel that "the government is not making any effort to improve our situation," adding that "on the contrary, it is putting up obstacles to make our situation worse." For example, even "helping" and "making phone calls" to other teachers is considered a crime.

Observations

68. The testimony of the interviewee, alongside the broader data on the challenges faced by dismissed teachers, paints a grim picture of ongoing human rights violations, professional marginalization, and financial hardship. The challenges of human rights violations, employment status, and lack of compensation are intertwined, creating a cycle of disenfranchisement for these educators. Despite the ILO's clear recommendations, the Turkish government's failure to act has left these teachers in a precarious position, with little hope for redress or recovery.

Recommendations

69. The information gathered during the extended interviews raises significant concerns about the human rights situation of teachers whose licenses have been revoked, as well as the impact on their families. In light of the International Labour Organization's decision that the dismissals and institutional closures in Turkey under the Decree-Laws violated International Conventions No. 158 and No. 87, it is imperative to address the injustices caused by these government actions. Accordingly, the following recommendations are proposed:

1. On the Lack of Information Regarding the Current Status of Affected Teachers

70. Broken Chalk recommends the United Nations and its relevant entities to initiate continuous data collection and analysis to better understand the challenges faced by these teachers. This initiative would increase awareness of their situation while providing adequate support to those who may not feel safe enough to speak out.

71. Broken Chalk recommends that the United Nations through its human rights bodies, advocate for stronger international safeguards to protect academic freedom in Türkiye and elsewhere, emphasizing the protection of educational institutions from political interference. The closure of schools and universities following the coup attempt is an attack on academic freedom. We must work to promote international standards that prevent such actions and protect the independence of educational institutions.

2. On the Teachers with Revoked Licenses and Their Inability to Resume Their Teaching Careers

72. Broken Chalk recommends that Türkiye acknowledges the findings of the ILO's committees, which examined the allegations of non-compliance by the Turkish government. It is essential that Türkiye reinstates the revoked licenses of these teachers, allowing them to resume their careers in education.

Additionally, measures must be put in place to ensure that these individuals do not face discrimination or prejudice due to the previous suspension of their licenses. Restoring these teachers to their rightful positions will enable those who have been forced into unrelated jobs to return to their profession, utilizing their education and skills.

73. Broken Chalk recommends that the government of Türkiye engage in dialogue with affected educators and their representatives, facilitated by the UN or other legitimate bodies, to address grievances and explore pathways for reconciliation. Open dialogue could help address some of the underlying issues and lead to constructive solutions.

Conclusion

74. While many additional recommendations could be made, Broken Chalk emphasizes the critical importance of first raising awareness of the situation and addressing the immediate challenges faced by these teachers. These initial steps aim to bring about meaningful change, enabling teachers with revoked licenses to return to their profession and continue contributing to the field of education.

Violence against women – Articles 2, 3, 6, 7 and 26

Introduction

75. This report was drafted by Broken Chalk to contribute to the call for inputs by the UN for the Universal Periodic Review on Turkey. In the previous report issued by Broken Chalk in June 2022, the organisation dedicated part of its research to the condition of pregnant women and mothers in Turkish prisons, noting significant breaches of human rights law. This included the death of women in prisons due to lack of medical treatment, chronic diseases, harassment, violence, abuse, torture and suicide⁵⁵.

76. Amongst other targeted women, Broken Chalk noted a significant number of pregnant women and their babies losing their lives due to poor conditions in prison. Broken Chalk remains concerned with the increase of women prisoners dying in Turkish prisons due to abuse and violence. International human rights standards require special and improved care for women prisoners with children while pregnant women require access to intensive and regular medical services to ensure their health. Imprisoned women with children and pregnant women face specific issues not known to other prisoners serving their sentences.

77. In a previous report published by Broken Chalk in June 2022, the organisation had already dedicated a section to pregnant women and mothers in Turkish prisons. The report highlighted the high number of children detained with their mothers. However, the precise figures remain unknown as the Director General of the Prison and Detention Centres refuses to communicate such numbers⁵⁶. The present report thus reiterates Broken Chalk's serious concern for the welfare of both mothers and children currently detained.

78. As a signatory to the UN Convention on the Rights of the Child (CRC) and the European Convention on the Exercise of Children's Rights (ECECR). Turkey is bound by national and international legal standards and as such, pledged to implement the rights mentioned in the conventions in its domestic legislation. The CRC and the ECECR aim to inspire and encourage governments to change their laws and

⁵⁵ Broken Chalk. (2022). Input for United Nations Special Rapporteur on violence against women, its causes and consequences – Country Visit: Turkey. 3-4. https://brokenchalk.org/wp-content/uploads/2022/09/Input_for_UN_SR_VAWs_country_visit_to_Turkey.pdf.

⁵⁶ Broken Chalk. (2022). Input for United Nations Special Rapporteur on violence against women, its causes and consequences – Country Visit: Turkey. 7-8. https://brokenchalk.org/wp-content/uploads/2022/09/Input_for_UN_SR_VAWs_country_visit_to_Turkey.pdf.

policies to protect children from violence and exploitation. However, when domestic practice about children conflict with international laws, it is necessary to refer to the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the UN Guidelines for the Protection of the Juveniles Deprived of their Liberty (Havana Rules) as well as the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines).

79. The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was ratified by Turkey in 1986⁵⁷. The CEDAW aims to define what constitutes discrimination against women and sets up an agenda to end such discrimination. The Convention is the only human rights treaty affirming the reproductive rights of women and targeting culture and tradition as influential forcing shaping gender roles⁵⁸. Turkey has shown commitment to the upholding of its international obligations as it submitted its State Party Reports to the CEDAW and the CRC⁵⁹. Additionally, the “UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders” and the “Handbook for Prison Managers and Policy Makers on Women and Imprisonment” can be taken as a reference to regulate the treatment of women in Turkish prisons.

80. A report released by the Turkish Parliament's Subcommittee on Prisoners' Rights published in 2021, revealed that prisons are overcrowded and living standards were diminished as a consequence of the Covid-19 pandemic. In the aftermath of Turkey's attempted coup in 2016, Turkish prisons are overpopulated with individuals, including an increasing number of pregnant women and mothers with small children. According to the country's Justice Department Prison and Penitentiaries Management there were 864 children imprisoned as of May 24, 2019.⁶⁰ This number cannot be confirmed as data regarding children and their mother in Turkish prisons is very difficult of access and is mostly collected from social media.

81. The State of Emergency declared by the government to protect Turkish democracy and the rule of law. The Turkish government attributed the attempted coup July 15, 2016, to the Gülen movement, a group of religious, educational and social organisations in Turkey which was designated as a terrorist organisation by Turkey in May 2016⁶¹. Following this declaration of State of Emergency, Turkey resorted to the right of derogation from its obligations under the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), in order to sufficiently combat terrorism under the State of Emergency⁶². Most arrests and detentions took place during the 2-year

⁵⁷ Government of Turkey. (November 24, 2008). Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women: 6th periodic report of States parties: Turkey. <https://www.refworld.org/reference/statepartiesrep/cedaw/2008/en/67976>.

⁵⁸ UN Women. (2009). Convention on the Elimination of All Forms of Discrimination Against Women. <https://www.un.org/womenwatch/daw/cedaw/#:~:text=The%20Convention%20on%20the%20Elimination,bill%20of%20rights%20for%20women>.

⁵⁹ UNGA Human Rights Council, Working Group on the Universal Periodic Review. (January 2020). Thirty-fifth session – Turkey. 6. <https://documents.un.org/doc/undoc/gen/g19/324/55/pdf/g1932455.pdf?token=4o7U72Penx0KKRwfKp&fe=true>.

⁶⁰ Advocates of Silenced Turkey. (January 8, 2021). Women's Rights Violations by the Turkish Legal System. <https://silencedturkey.org/womens-rights-violations-by-the-turkish-legal-system>.

⁶¹ Gov.UK. (Updated August 9, 2024). Country policy and information note: Gülenist movement, Turkey, October 2023 (accessible). Turkey: country policy and information notes. <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/475f9b93-76c5-4312-b918-68756604f8ed>.

⁶² UNGA Human Rights Council, Working Group on the Universal Periodic Review. (January 2020). Thirty-fifth session – Turkey. <https://documents.un.org/doc/undoc/gen/g19/324/55/pdf/g1932455.pdf?token=4o7U72Penx0KKRwfKp&fe=true>.

state of emergency as by July 2022 over 101,000 people with alleged links to the Gülen movement had been arrested and 332,484 detained.⁶³

82. The report issued by the European Commission and covering the period between June 2021 and June 2022, noted an increase in credible allegations of torture and ill treatment in detention centres and prisons. The Turkish government strongly denied the claims issued by the European Commission⁶⁴.

83. This report will review the current conditions of imprisonment for pregnant women and women with children in Turkish prisons. Analysis of these conditions will be based on the ratified United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), as well as the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules). These documents have played a critical role in assessing human rights violations in prison. The Tokyo Rules provide a set of basic principles to promote the use of non-custodial measures and minimum safeguards for persons subject to alternatives to imprisonment.⁶⁵ The Bangkok Rules were drafted specifically to address the condition and needs of women offenders and prisoners as they represent less than a tenth of the prison population and their characteristics have been largely unacknowledged.⁶⁶ This report will thus rely on the previously mentioned guidelines to assess the treatment of mothers and pregnant women in Turkish prisons. Other NGO reports also provide critical evidence highlighting the negative treatment of mothers and pregnant women in prison. Broken Chalk was in direct contact with women previously detained who agreed to share their experience in custody.

Conditions of arrest and the lack of data

84. According to the Turkish Penal Code's Article 5275, "the sentence of imprisonment is set aside/postponed for women who are pregnant or who are within six months of delivery"⁶⁷. However, NGO reports and interviews conducted by Broken Chalk have provided evidence that pregnant women have been arrested by the Turkish authorities.

85. The Directorate General of Prisons and Detention Houses does not share data on pregnant women and women who are imprisoned with their babies.⁶⁸

86. According to applications received by the human rights associations İnsan Hakları Derneği (İHD) from 15 prisons, at least 227 women prisoners (5 of whom are foreign nationals and 1 being imprisoned despite being pregnant) have been subjected to human rights violations.⁶⁹

⁶³ Gov.UK. (Updated August 9, 2024). Country policy and information note: Gülenist movement, Turkey, October 2023 (accessible). Turkey: country policy and information notes. <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/475f9b93-76c5-4312-b918-68756604f8ed>.

⁶⁴ Gov.UK. (Updated August 9, 2024). Country policy and information note: Gülenist movement, Turkey, October 2023 (accessible). Turkey: country policy and information notes. <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/475f9b93-76c5-4312-b918-68756604f8ed>.

⁶⁵ United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules). (1990). <https://www.ohchr.org/sites/default/files/tokyorules.pdf>.

⁶⁶ UN Bangkok Rules on women offenders and prisoners: Short guide. <https://cdn.penalreform.org/wp-content/uploads/2013/07/PRI-Short-Guide-Bangkok-Rules-2013-Web-Final.pdf>.

⁶⁷ Turkish Minute. (August 17, 2018). Pregnant women, children subjected to severe rights violations in Turkey's prisons. <https://turkishminute.com/2018/08/17/pregnant-women-children-subjected-to-severe-rights-violations-in-turkeys-prisons/#:~:text=According%20to%20the%20Turkish%20Penal,age%20is%20not%20possible%20at>.

⁶⁸ İHD Central Prisons Committee. (2022). 2022 Prisons Report. 47. https://ihd.org.tr/en/wp-content/uploads/2023/08/sr2023_2022-Prisons-Report.pdf.

⁶⁹ İHD Central Prisons Committee. (2022). 2022 Prisons Report. 47-48. https://ihd.org.tr/en/wp-content/uploads/2023/08/sr2023_2022-Prisons-Report.pdf.

87. Women have been imprisoned in the crackdown of the Turkish authorities on potential terrorist organisations like to the Gulan movement.⁷⁰ Broken Chalk's interviewee reported being arrested for using the encrypted messaging application ByLock which she used twice on her phone and for being in contact with four people arrested in connection with the Fethullah Terrorist Organisation (FETO) investigation⁷¹. It has been noted by several foreign ministries that the use of the ByLock app may increase the risk of persecution and arrest as it seen as having been used by Gülenists⁷². Similar accounts of arrests have been reported by several women detained in Turkish prisons before undergoing any kind of trial.⁷³
88. Pregnant women have reported being arrested based on testimonies given by other suspects benefiting from the effective repentance act.
89. However, the Tokyo Rules advise against pre-trial detention which should "be used as a means of last resort in criminal proceedings" and "alternatives to pre-trial detention" should be "employed at as early a stage as possible".⁷⁴ Additionally, the Bangkok Rules emphasise the fact that when sentencing pretrial measures for a pregnant woman or mother, non-custodial measures should be preferred "where possible and appropriate" as well as being "treated fairly and equally during arrest, trial, sentence and imprisonment" with "particular attention being paid to the special problems which women offenders encounter, such as pregnancy and childcare"⁷⁵.
90. The European Court on Human Rights has repeatedly criticised Turkish authorities for denying access to a lawyer during interrogation, which is incompatible with the right to a fair trial while access to a lawyer is a safeguard against ill-treatment.⁷⁶

Conditions of detention for mothers and pregnant women

91. More than 17,000 women were arrested in the aftermath of the failed coup attempt in Turkey in 2016.
92. An interviewee detained at the Manisa Type Prison (Cik) and Edirne (Cik) prison enumerated a concerning amount of infrastructural and organisational issues within the detention centres. The prisons are overcrowded, leading to a lack of hygiene and forcing prisoners to sleep on the floor while making breathing difficult.⁷⁷ This goes against rule 12 of the UN Standard Minimum Rules for the Treatment of

⁷⁰ Turkish Minute. (August 17, 2018). Pregnant women, children subjected to severe rights violations in Turkey's prisons. <https://turkishminute.com/2018/08/17/pregnant-women-children-subjected-to-severe-rights-violations-in-turkeys-prisons/#:~:text=According%20to%20the%20Turkish%20Penal,age%20is%20not%20possible%20at.>

⁷¹ Interviewee 1. (August 9, 2024).

⁷² Gov.UK. (Updated August 9, 2024). Country policy and information note: Gülenist movement, Turkey, October 2023 (accessible). Turkey: country policy and information notes. <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/475f9b93-76c5-4312-b918-68756604f8ed>.

⁷³ Turkish Minute. (August 17, 2018). Pregnant women, children subjected to severe rights violations in Turkey's prisons. <https://turkishminute.com/2018/08/17/pregnant-women-children-subjected-to-severe-rights-violations-in-turkeys-prisons/#:~:text=According%20to%20the%20Turkish%20Penal,age%20is%20not%20possible%20at.>

⁷⁴ United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules). (II.6). (1990) <https://www.ohchr.org/sites/default/files/tokyorules.pdf>.

⁷⁵ United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders with their Commentary. https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

⁷⁶ Journalists and Writers Foundation. (2017) Women's Rights Under Attack in Turkey: 17,000 Women and 560 Children in Jail. 17. https://www.academia.edu/35816100/WOMENS_RIGHTS_UNDER_ATTACK_IN_TURKEY_17_000_Women_and_668_Children_in_Jail.

⁷⁷ Interviewee 1. (August 9, 2024).

Prisoners which states that “If for special reasons, special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room”.⁷⁸

93. Detainees are only given hot water once a week for one hour. The interviewee reported the presence of rats and insects, leading to the spread of parasitic diseases, notably scabies⁷⁹.

94. In certain prisons such as Edirne prisons, the walls were severely damaged while smelling of dampness and mould. The wards were constantly cold as they were only provided with one radiator, insufficient to heat the whole ward. Access to sanitariums was made difficult with water dripping from other toilets upstairs.⁸⁰ This violates rule 13 of the UN Standard Minimum Rules for the Treatment of Prisoners stipulating that all accommodation provided should “meet all requirement of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating, ventilation”⁸¹.

95. Food was also of poor quality and not appropriate to the needs of pregnant women and mothers. Due to these difficult conditions, pregnant women, mothers and their children were prone to catching diseases.

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Appendix

First Series of Questions Sent:

Have your fundamental human rights been impacted in any way prior to the recommendations put forth by the ILO Committee to the government of Türkiye? Please briefly describe the type of impacts faced.

Have you felt any changes (positive or negative) surrounding how your fundamental human rights have been altered after the ILO Committee put forth their recommendations to the government of Turkey? Please describe those changes.

To what extent have your human rights been impacted since the ILO Committee recommendations?

If you responded with no change or a negative change to the prior question, please briefly describe any recommendations you may have towards addressing these issues.

Are you or anyone you know part of an Action Workers' Union Confederation such as Aksiyon-Is?

Could you give a brief summary of how you were informed of your job dismissal or suspension?

How has and how will your life be impacted since the dismissal or suspension?

In your opinion how has the government responded to or avoided the recommendations put forth by the ILO Committee?

Have you received any form of compensation from the government since your job dismissal?

What forms of compensation would you recommend the government should instill, both to redress the past impact/difficulties as well as address the future?

Second Series of Questions Sent:

Have you been able to get a teaching job since your job was originally revoked?

What is your current job? When did you start this new job?

How have you and your family personally been impacted by your job dismissal?

Are your basic needs such as access to housing, food, water, etc. been impacted by the job dismissal?

Do you have any concerns for you or your child's future?

Do you know any other individuals that have also had their jobs dismissed or suspended and have they faced similar experiences?

Do you think the government has properly handled your situation?