

Quick Response Desk
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
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Geneva 10 Switzerland

E-mail: urgent-action@ohchr.org

Date: 10 May 2022

Dear Sir/Madam,

FOR THE ATTENTION OF:

- **Special Rapporteur on the Situation of Human Rights Defenders**
- **Special Rapporteur on Violence against Women, its Causes and Consequences**
- **Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression**
- **Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association**
- **Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism**
- **Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**
- **Working Group on Arbitrary Detention**

URGENT ACTION: The ongoing unlawful and arbitrary detention and judicial harassment of women human rights defenders in Turkey.

1. This letter concerns the most recent developments in a series of actions by the Turkish State constituting a systematic and discriminatory attack on women's rights defenders exercising their freedom of expression and assembly and association.¹ On the early

¹ See the previous two letters concerning this issue: Joint urgent action letter of 26 June 2020 to the UN Special Mandate Holders by a group of NGOs: <https://www.turkeylitigationsupport.com/s/Rosa-Women-Association.pdf>; Joint urgent action letter of 19 August 2020 to the UN Special Mandate Holders by TLSP and

morning of 16 March 2022, the Turkish police unlawfully raided the houses of 24 women who are active human rights defenders in NGOs, political parties and unions, arresting and detaining them in connection with, among others, peaceful demonstrations during International Women's Day on 8 March 2022. Jale Okkan, Emine Kaya, Sakine Karadeniz, Fatma Kavmaz, Remziye Sızıcı, Gülşen Özer, Esma Efetürk, Feyme Filiz Buluttekin, Bahar Karakaş Uluğ, Songül Kapancı and Fatma Yıldızhan are currently in pre-trial detention, while the remaining 13 women were released pending trial.

2. Serious allegations have been made in relation to inhuman and degrading treatment of the women human rights defenders during their arrest, police custody and pre-trial detention, including intrusive strip searches in the presence of male prison guards.

Background:

3. Since the attempted coup d'état on 15 July 2016, Turkey has suffered from a continuous decline in respect for the rule of law and democracy.² The broad provisions of the Anti-Terror Law and the Penal Code have enabled arbitrary abuse and overly broad interpretations by state security forces and prosecutors, implicating the enjoyment of the right of freedom of expression, assembly and association of all dissenting society in Turkey.³ This has been further compromised by the deteriorating independence of the judiciary, which has been substantially undermined by legislative and constitutional amendments and systemic interference by the executive in politically motivated prosecutions.⁴ Under the guise of national security arguments, individuals perceived to potentially express, inspire or support criticism of state action or expose state wrongdoing have been arbitrarily prosecuted, detained, imprisoned and convicted.⁵

London Legal Group: <https://www.turkeylitigationsupport.com/s/UAL-Arrest-and-detention-women-rights-activists-II-19-August-2020-email.pdf>.

² Human Rights Watch, World Report 2022: Events of 2021, 2022, p. 665 et seq. Available at: https://www.hrw.org/sites/default/files/media_2022/01/World%20Report%202022%20web%20pdf_0.pdf.

³ Human Rights Watch, Submission by Human Rights Watch, the International Commission of Jurists and the Turkey Human Rights Litigation Support Project, 2 June 2020. Available at: <https://www.hrw.org/news/2020/06/02/submission-human-rights-watch-international-commission-jurists-and-turkey-human>.

⁴ See. International Commission of Jurists, Turkey: the Judicial System in Peril : A briefing paper, <https://www.icj.org/wp-content/uploads/2016/07/Turkey-Judiciary-in-Peril-Publications-Reports-FactFindingsMission-Reports-2016-ENG.pdf>; Council of Europe Group of State Against Corruption (GRECO), Fourth Evaluation Round Turkey: Corruption Prevention In Respect of Members of Parliament, Judges and Prosecutors, 15 March 2018, <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-membersof/1680792de8>;

⁵ Amnesty International, *Turkey: NGOs unite to defend civil society from destruction*, 27 February 2019. Available at: <https://www.amnesty.org/en/latest/news/2019/02/turkey-ngos-unite-to-defend-civil-society-from-destruction/>.

4. Furthermore, on 19 March 2021, the President of Turkey announced his decision for withdrawal from the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)⁶ through a presidential decree, resulting in the country's effective withdrawal from the Convention on 1 June 2021. Turkey, despite being the host and one of the first signatories of the Istanbul Convention, is thus the first and only country to withdraw from it. While Turkey's implementation record prior to that date was already deemed poor,⁷ its withdrawal from the Convention is part of a more general pushback against women's rights⁸ and has resulted in an "inadmissible regression" of these rights.⁹
5. Women's rights activists have been amongst the groups most targeted by the Government's repressive policies. In particular, Kurdish-led women's groups in the South Eastern Kurdish region have been subject to harassment by State authorities and female consultancy centres have been closed down by trustees appointed to replace elected mayors of the People's Democratic Party (HDP) in predominantly Kurdish municipalities.¹⁰ The violations which this letter concerns are not the first: similar raids and arbitrary detentions took place in May 2020,¹¹ July 2020,¹² and April 2021¹³ under investigations against Free Women's Movement (TJA) and Rosa

⁶ "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence," 2011, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900000168008482e>.

⁷ GREVIO, *Baseline Evaluation Report on Turkey*, October 2018. <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>.

⁸ UN, "Turkey: Withdrawal from Istanbul Convention is a pushback against women's rights, say human rights experts, 23 March 2021, available at: <https://news.un.org/en/story/2021/03/1088092>.

⁹ Council of Europe, Declaration by the Conference of INGOs, "Turkey's withdrawal from the Istanbul Convention - an inadmissible regression in women's rights in Europe", 23 March 2021, Available at: <https://www.coe.int/en/web/ingo/-/the-withdrawal-of-turkey-from-the-istanbul-convention-a-serious-regression-in-women-s-rights-in-europe>.

¹⁰ European Commission, *Turkey Report 2019*, May 2019. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf>.

¹¹ Zehra Doğan, *TJA and Rosa Women's Association's Activists Arrested*, 23 May 2020. <<http://www.kedistan.net/2020/05/23/tja-rosa-women-activists-arrested/>>; International Federation for Human Rights (FIDH), Urgent Appeal, "Turkey: Arbitrary detention of WHRDs and judicial harassment of Rosa Women's Association", 27 March 2020. Available at: <https://www.fidh.org/en/issues/human-rights-defenders/turkey-arbitrary-detention-and-judicial-harassment-of-rosa-women-s>.

¹² FIDH, Urgent Appeal, "Turkey: Arbitrary detention of WHRDs and judicial harassment of Rosa Women's Association", 24 July 2020. Available at: <https://www.fidh.org/en/issues/human-rights-defenders/turkey-arbitrary-detention-and-judicial-harassment-of-several-women-s>; Gazete Karınca, *President of the Rosa Women's Association has been released*, 18 August 2020. Available at: <https://gazetekarinca.com/2020/08/rosa-kadin-dernegi-baskani-adalet-kayaya-tahliye/>.

¹³ Duvar Gazette, "Diyarbakır police detain dozens of women in early morning raids", 5 April 2021, Available at: <https://www.duvarenglish.com/diyarbakir-police-detain-dozens-of-women-in-early-morning-raids-news-56934>.

Women's Association (RWA). Two joint urgent action letters have been sent to the UN Mandate Holders concerning the first two events.¹⁴

6. The repeated raids and arbitrary arrest and detention of women human rights defenders in the South Eastern Turkey based on overly broad and vague terrorism-related charges are part of a broader pattern of judicial harassment of activists, journalists, opposition politicians and human rights defenders, particularly in the Kurdish region.¹⁵

Case Study:

7. The RWA is a women's rights organisation in Diyarbakır, advocating against gender-based violence. It was established following the closure by state of emergency executive decrees of all women's rights organisations in Diyarbakır and is currently among very few such organisations involved in support work and active struggle against violence perpetrated against women in the region. Some of the women human rights defenders who carry out activities as part of the RWA and the TJA -another women's rights group in the region- are also involved in political activism under the HDP umbrella.¹⁶
8. On 16 March 2022, police conducted early morning raids on the houses of a number of individuals in the Kurdish South Eastern region of Turkey. No reasons were provided for these raids and the conduct of the police officers appeared to have been unnecessarily disruptive.¹⁷
9. Following these raids, 24 women actively engaged in civil society organisations, political parties, and unions were arrested and brought to the Diyarbakır Provincial Security Directorate's Anti-Terrorism Department: Adalet Kaya, Chair of the board of the RWA;¹⁸ Nevin Oyman, member of the executive board of RWA; Fatma Gültekin, member of RWA; Zekiye Güler, TJA activist; Remziye Sızıcı, HDP Yenışehir District Co-Chair; Filiz Buluttekin, Sur Municipality Co-Mayor (replaced by a trustee); Fatma Yıldızhan, Diyarbakır Health and Social Service Workers' Union (SES) Women

¹⁴For details of these events see: the joint urgent action letters of 26 June 2020 and 19 August 2020 to the UN Special Mandate Holders by a group of NGOs, *supra note 1*.

¹⁵ FIDH, *supra note 12*.

¹⁶ See for further information, joint urgent action letter of 26 June 2020 to the UN Special Mandate Holders by a group of NGOs, *supra note 1*.

¹⁷ IHD Amed, Diyarbakır Network Against Violence. Joint Press Release, Report on Violations Taken Place on 16 March 2022, 12 April 2022. Available at: <https://ihddiyarbakir.org/Content/uploads/02a3d0db-b2bd-49e0-b8df-b1a95209a940.pdf>.

¹⁸ The joint urgent action letters of 26 June 2020 and 19 August 2020 to the UN Special Mandate Holders by a group of NGOs, *supra note 1*.

Secretary; Nihal Yanık, Union of All Municipality Civil Servants (TÜMBEL-SEN) Co-Chair; Hatice Efe, Education and Science Workers' Union (Eğitim-Sen) No. 1 Education Secretary; Bahar Uluğ, United Transport Workers Union (BTS) Women Secretary; Sakine Karadeniz; Gülşen Özer, Bismil District Co-Mayor (replaced with a trustee); Muhibet Özcanlı; Fatma Kavmaz; Esmâ Efetürk; Xezal Yıldırım; Jale Okkan; Yıldız Kardeş; Emine Akşahin; Songül Kapancı; Emine Kaya, Yenışehir District Municipal Council Member; Evin Yelboğa; and Safiye Akdağ, Birsen Güneş, Emine Akşahin, Songül Kapancı, Evin Yelboğa, all activists.¹⁹

10. The women were arrested for alleged “membership to a terrorist organisation” under Article 314/2 of the Turkish Criminal Code and were questioned about assemblies, protests, gatherings and press statements that took place in Diyarbakır, including on the occasion of the World Peace Day, on September 1, 2021; the International Day for the Elimination of Violence Against Women, on November 25, 2021; International Women’s Day, on March 8, 2022; and the Turkish President’s withdrawal from the Istanbul Convention.²⁰
11. According to the statements taken from the arrested women on 18 March 2022 by anti-terror police -which the undersigned organisations had access to-, the police interrogations included questions concerning the women’s rights defenders’ use of slogans including “Tevgera Jinen Azad” (Free Women’s Movement), “Jin Jiyan Azadi” (Women, Life, Freedom), and “Istanbul Sözleşmesi Yaşatır” (the Istanbul Convention Saves Lives) during peaceful events. Such questions are indicative of an attempt to target and punish women human rights activists for their legitimate exercise of freedom of expression, assembly and association.²¹
12. Of the 24 women arrested, 11 were placed in pre-trial detention in Diyarbakır Prison as per decisions by the Peace Criminal Judgeships on 18 March 2022. Those who have been taken under detention pending trial are: Feyme Filiz Buluttekın; Esmâ Efetürk; Songül Kapancı; Sakine Karadeniz; Fatma Kavmaz; Emine Kaya; Jale Okkan; Gülşen Özer; Remziye Sızıcı; Bahar Karakaş Uluğ; and Fatma Yıldızhan.²² The remaining 13 women were released under judicial control measures.²³

¹⁹ FIDH, Statement, “Turkey: Arbitrary arrest of women’s rights defenders in Diyarbakır”, 30 March 2022. Available at: <https://www.fidh.org/en/region/europe-central-asia/turkey/turkey-arbitrary-arrest-of-women-s-rights-defenders-in-diyarbakir>.

²⁰ FIDH, *supra* note 12.

²¹ See the joint urgent action letters of 26 June 2020 and 19 August 2020 to the UN Special Mandate Holders by a group of NGOs, *supra* note 1.

²² FIDH, *supra* note 12.

²³ Bianet (Independent Communication Network), “The Number of Arrested Women Activists Raised to 11 in Diyarbakır (Diyarbakır'da tutuklanan kadın aktivistlerin sayısı 11'e yükseldi)”, 20 March 2022, Available at:

13. Several women reported complained about abusive treatment while in police custody, including the forced taking of blood samples, solitary confinement, a 24-hour ban on lawyer visits during which statements were taken through recourse to psychological pressure, and overall unsanitary conditions.²⁴
14. Several instances of abuse were also reported in the context of pre-trial detention, including intrusive strip searches in presence of male prison guards. Women's underwear was searched and some women were made to remove their bra with the stated purpose of determining whether they had any bruises or birthmarks.²⁵ Such strip searches run contrary to the women's dignity and may amount to inhuman or degrading treatment under international human rights law.²⁶ Moreover, according to reports hygienic products for periods and prescription medication were not provided; while some women were made to strip, clean themselves, and change their period pads in front of prison guards.
15. These events amount to serious violations of Turkey's obligations under both domestic and international law, as pointed out in our previous action requests.²⁷ Under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Turkey has the obligation to encourage the promotion and protection of women's fundamental human rights.²⁸ Additionally, the arrest and detention of the women's rights defenders violates Turkey's obligation under international law, including the UN Declaration on Human Rights Defenders, to protect human rights defenders.²⁹ Turkey's repeated violations of its domestic and international law obligations towards human rights defenders, in particular women's rights defenders, exercise a "profound chilling effect" on civil society in Turkey.³⁰ Finally, the "strip search" conducted in the Diyarbakır Prison violates Turkey's obligation to prohibit and prevent torture, inhuman and degrading treatment under Article 17 of the Turkish Constitution, Article 3 European Convention on Human

<https://m.bianet.org/bianet/kadin/259314-diyarbakir-da-tutuklanan-kadin-aktivistlerin-sayisi-11-e-yukseldi>;

FIDH, *supra* note 12.

²⁴ IHD, *supra* note 17.

²⁵ IHD, *supra* note 17.

²⁶ See *Valašinas v Lithuania*, ECtHR, no. 44558/98, 24 July 2001, in which the Court found a violation of Article 3 ECHR where there was insufficient justification for conducting a strip search and the applicant, a man, had been searched in the presence of a woman.

²⁷ See the joint urgent action letters of 26 June 2020 and 19 August 2020 to the UN Special Mandate Holders by a group of NGOs, *supra* note 1.

²⁸ Preamble, Convention on the Elimination of All Forms of Discrimination against Women, December 1979, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

²⁹ Article 12, A/RES/53/144, 8 March 1999, available at:

<https://daccess-ods.un.org/tmp/8247623.44360352.html>.

³⁰ Council of Europe Commissioner for Human Rights, Turkey needs to put an end to arbitrariness in the judiciary and to protect human rights defenders, 8 July 2019. Available at: <https://www.coe.int/en/web/commissioner/-/turkey-needs-to-put-an-end-to-arbitrariness-in-the-judiciary-and-to-protect-human-rights-defenders>.

Rights, Article 2 of UN Convention Against Torture, Article 7 International Covenant on Civil and Political Rights.

ACTIONS REQUIRED:

16. We request the Special Rapporteurs and the Working Group to urge the Turkish Government to end the arbitrary and unlawful imprisonment and pre-trial detention of women's rights activists Jale Okkan, Emine Kaya, Sakine Karadeniz, Fatma Kavmaz, Remziye Sızıcı, Gülşen Özer, Esma Efetürk, Feyme Filiz Buluttekın, Bahar Karakaş Uluğ, Songül Kapancı and Fatma Yıldızhan.
17. We further request the Special Mandate Holders to urge the Turkish Government to accommodate effective investigations of the allegations of abuses and inhuman and/or degrading treatment in Diyarbakır Prison; and, where relevant, to secure the prosecution and punishment of the authorities involved.
18. We further request the Special Procedures to urge the Turkish Government to stop all forms of harassment, including the judicial harassment, against these individuals as well as against other women's rights defenders, and allow the enjoyment of their right of freedom of expression, assembly and association within civil society in the advocacy of women's rights without fear of intimidation or improper interference.
19. We further request the Special Rapporteurs and the Working Group to urge the Turkish Government to make its anti-terrorism legislation compliant with international human rights standards and to stop prosecuting the expression of critical opinions and right to assembly.
20. We request the Special Mandate Holders to urge the Turkish Government to reverse its decision to withdraw from the Istanbul Convention.
21. We request the Special Procedures to urge the Turkish Government to fully implement its obligations in the promotion and protection of women's rights and the prevention of violence against women under the CEDAW.
22. We also request the Special Rapporteurs and the Working Group to urge the Turkish Government to respect and fully implement all other international and European instruments ratified and supported by Turkey, including the International Covenants on Civil and Political Rights, the UN Declaration on Human Rights Defenders and the European Convention on Human Rights.
23. Finally, we request the Special Procedures to intervene in these grave matters and raise all of these issues, as well as those detailed in our previous action request, as a matter of priority, with the Turkish Government and to communicate the concerns

outlined in relation to the violation of the right to freedom of expression, assembly and association as well as the right to liberty.

24. We would be grateful if you would kindly notify us of what action you are minded taking on this matter and inform us, in due course, of any response received from the Turkish State. We would also be grateful if you are able to acknowledge receipt of this letter.

Yours faithfully,

Ayşe Bingöl Demir, Turkey Human Rights Litigation Support Project (TLSP)

(and on behalf of the following organisations endorsing the letter)

Association for Monitoring Equal Rights (Eşit Haklar için İzleme Derneği)

Civil Rights Defenders

Foundation for Society and Legal Studies (Toplum ve Hukuk Araştırmaları Vakfı, TOHAV)

Human Rights Agenda Association (İnsan Hakları Gündemi Derneği, İHGD)

Life Memory Freedom Association (Yaşam Bellek Özgürlük Derneği)

London Legal Group

Media and Law Studies Association (Medya ve Hukuk Çalışmaları Derneği, MLSA)

Research Institute on Turkey (RIT)

Truth Justice Memory Center (Hakikat Adalet Hafıza Merkezi)