



# **CROSSBORDER JURISTS ASSOCIATION**

**Submission to the Rights Committee  
142nd Session (October 14 - November 7, 2024)  
For the consideration of Türkiye's second Periodic Report**

**Women's Rights Violations in Türkiye**

**September - 2024**

# WOMEN'S RIGHTS VIOLATIONS IN TURKEY

## Executive Summary

In this report, Crossborder Jurists focus on Women's Rights. The report focuses on the violations of women's rights that started with the state of emergency between July 2016 and July 2018 and are still ongoing. The focus of the report is on women whose husbands or wives have been dismissed from their professions or arrested on political grounds by emergency decrees.

As can be seen from the findings in our report, women's rights in Turkey were already far below international standards in general, and on top of this, there was a coup attempt on 15 July 2016. This was followed by a state of emergency that lasted until July 2018. The situation became much more dire in terms of women's rights. Even though the state of emergency lasted for 2 years, the legal changes introduced by decrees still exist. Therefore, the state of emergency has officially ended, but de facto continues.

Our report consists of national and international reports, official documents such as court minutes, indictments, and testimonies of victims. The most recent text in this context is the report 'Turkey Individuals Associated with the Gülen Movement' published by the Finnish Immigration Service. This report was published in June 2024. The report frequently emphasises that rights violations against women victims of the decree still continue.

During the reporting period, 134,258 people, including 23,202 women, were dismissed from their public sector jobs. The dismissals are still continuing. In the private sector, thousands of companies and NGOs were seized by the state. Tens of thousands of people working in these organisations became unemployed. 'Terrorism' investigations were opened against approximately 350,000 women based on political criteria introduced by decrees. As of 2021, 97,721 women were charged with 'terrorism' in the heavy criminal courts. These accused women included people from all walks of life, such as judges, prosecutors, doctors, nurses, teachers and housewives. In the same period, the total number of detainees on terrorism charges in ten European countries was 1,414.

During the reporting period, rights violations occurred in all areas covered by the Constitution and international conventions. Women victims of the decree experienced systematic violations of rights in many areas such as discrimination, torture, arbitrary arrest, deprivation of social rights and the right to a fair trial. For the first time in its history, the State of the Republic of Turkey was accused of 'crimes against humanity' in the resolutions issued by UN bodies<sup>1</sup>. This period of lawlessness has deeply shaken women's rights. Even the Law on the Protection of Women became inoperable. Turkey withdrew from the Istanbul Protocol.

This contribution emphasises the need for stronger international scrutiny of Turkey's actions in the context of women's rights. It concludes by calling on the Turkish government to take meaningful steps to bring its practices in line with international standards. With this report, our association calls on the international community to urge Turkey to ensure that women's fundamental rights and freedoms are protected under the ICCPR and other relevant international treaties.

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<sup>1</sup> The United Nations Working Group on Arbitrary Detention in its resolutions 51/2020 dated 18 September 2020 (Pa. 102) and 47/2020 dated 25 September 2020 (Pa. 101) clearly emphasised that the systematic mass detention and arrest practices against the Gülen Movement in Turkey may constitute crimes against humanity.



## **I- CONCEPTS**

### **1. State of Emergency Decree Law**

1. The term ‘State of Emergency Decree Law’ in the Report refers to the decrees issued during the State of Emergency. Hereinafter in the Report, the term ‘Decree Law’ will be used as a single word.
2. Turkey experienced a state of emergency between 21 July 2016 and 18 July 2018. During this period, 37 decrees were issued. Hundreds of laws were amended, ranging from the Tender Law to the Village Law. With these decrees, mechanisms protecting fundamental rights and freedoms became dysfunctional.
3. Despite the end of the state of emergency, the vast majority of the amendments made to the laws are still in force.

### **2. Victims of State of Emergency Decree**

4. In Turkey, there is a group defined as ‘OHAL Mağduru’ (victims of the state of emergency) or ‘KHK Mağduru’ (victims of the decree law). These terms define the same group and are used interchangeably. These concepts have become part of the literature and the subject of academic studies. Dozens of reports have been written with these terms. They are concepts that can be encountered at any time in daily politics and social media. In this study, we will use the term ‘Decree Victims’ for ease of translation.
5. Victims of decrees refer to people whose rights have been arbitrarily violated by decrees issued during the state of emergency. The term ‘decree victims’ refers to two groups in a narrow and broad sense. In the narrow sense, victims of the decrees refer to people whose names are included in the published lists and who have been dismissed from public office and banned from practising their profession again. The number of people within this scope is 134.258<sup>2</sup>.
6. The second group, which is wider, corresponds to a group formed on the basis of political criteria introduced by emergency decrees. These criteria were used in administrative decisions, official documents, prosecution and court decisions as follows<sup>3</sup>:
  - The closure of the workplace by decree,
  - Having an account in Bank Asya, which was closed down by decree,
  - Their children were educated in schools closed down by the decree,
  - The fact that they themselves had been educated in courses, dershanes, dormitories, schools and universities that were closed down by decree years ago,
  - Reading books by publishing houses closed down by the decree and keeping them in their homes,
  - Reading and subscribing to newspapers and magazines closed down by decree,
  - Being a member of associations closed down by the decree, participating in the activities of these associations, providing financial assistance to them in the past,

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<sup>2</sup> <https://www.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk> Internet access date :07.09.2024

<sup>3</sup> FIS, Finnish Immigration Service : Turkey Individuals Associated with the Gülen Movement, [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#) . Internet access date :07.09.2024

- Membership of trade unions closed down by decree,
  - The spouse, child, mother or father of someone who has been dismissed by decree, It is possible to increase the number of these criteria.
7. People have been detained, tortured in detention, arrested and even convicted to long prison sentences on the grounds of these criteria. It is noteworthy here that the expression ‘decree’ constitutes the core of the accusations. In other words, when this expression is removed from the accusations, there is neither an offence nor a basis. Because the same people were living in the same country in the same way before the decrees. Their ordinary activities in their daily lives were not considered as offences. Therefore, the victims of this process represent a very large group of people.
  8. The victims of the decrees are largely composed of volunteers of the Gülen Movement<sup>4</sup> and members or supporters of the Peoples' Democracy Party (HDP). Gülen Movement volunteers were accused of having links or affiliations with the organisation defined by the political will as ‘FETÖ’, while members and supporters of the Peoples' Democracy Party were accused of having links or affiliations with “PKK” or “PYD”. The criteria used in these accusations are fabricated and hypothetical arguments produced by decrees, examples of which are given above. People have been accused of membership, leadership or aiding a terrorist organisation on the basis of these manufactured criteria.
  9. The victims of the decree refer to a group that includes all dissidents in the country. For example, academics who signed the ‘Academics for Peace Declaration’. They were dismissed from their jobs by decrees and subjected to investigations, detentions and arrests. Again, those who supported Özgür Gündem newspaper, which was closed down by a state of emergency decree, were arrested. Among them is the woman writer Aslı Erdoğan.
  10. In order to determine the number of victims, it would be useful to refer to a data from the Turkish Statistical Institute (TUIK). According to a statement made by MP Mustafa Yeneroğlu, 1,056,000 people were investigated by prosecutors' offices on terrorism charges between 2016 and 2018<sup>5</sup>. According to calculations made by lawyer Levent Mazılıgüney based on (TÜİK) data, 1,768,530 people have been charged with terrorism from 2016 to the end of December 2021<sup>6</sup>.
  11. The magnitude of this number raises the question of what the reality of terrorism in Turkey is. According to an official statement by the Ministry of Justice, as of December 2015, the number of people in Turkish prisons on terrorism charges was 7,469<sup>7</sup>. This number includes members of organisations such as the PKK, ISIS and al-Qaeda, which are internationally recognised as terrorist organisations. This number also includes people such as PKK leader Abdullah Öcalan, who has been imprisoned for decades. According to the official statements of the Ministry of Interior, the number of terrorists presumed to be inside the country is around 2,475-2,780 in 2016, 1,835-1,995 in 2017, and 1,100-1,200 in 2018<sup>8</sup>. When the official statements of the two ministries and TUIK data are compared, a grave picture emerges. According to

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<sup>4</sup> According to the statements made by the Minister of Justice Bekir Bozdağ, the number of individuals subject to investigations on the grounds of their links with the Gülen Movement in the files completed as of 14 June 2022 is 559,322. This number is only related to the completed files. It does not include ongoing investigations. <https://www.trthaber.com/haber/gundem/bakan-bozdag-6nci-yargi-paketiyle-stokculara-hapis-cezalari-artacak-687718.html>. Internet access date :07.09.2024

<sup>5</sup> <https://www.gazeteduvar.com.tr/yazarlar/2020/02/13/yeneroglundan-silahl-teror-orgutu-uyeligi-raporu>. Internet access date :07.09.2024

<sup>6</sup> <https://twitter.com/AvLeventism/status/1602245633238237184?s=20&t=arFMGc1b6bsZmbiEgfBHUg>. Internet access date :07.09.2024

<sup>7</sup> <https://www.rudaw.net/turkish/middleeast/turkey/121220151>, <https://www.milliyet.com.tr/gundem/ipek-271-isis-li-cezaevinde-2135220>. Internet access date : 07.09.2024

<sup>8</sup> <https://www.icisleri.gov.tr/kurumlar/icisleri.gov.tr/IcSite/strateji/%C5%9EEREF/Stratejik-Yonetim/Butce-Sunumu.pdf>. Internet access date :07.09.2024

these data, at least 1,750,000 people have been accused of being terrorists in a 5-year period on the basis of state of emergency decrees and politically motivated grounds. These 1,750,000 people are victims of the state of emergency. According to Solidarity With Others' calculations based on TUIK data, between 2015 and 2021, 561,388 indictments were issued against different numbers of people on terrorism charges<sup>9</sup>. In the same period, the number of people who were tried in courts on 'terrorism' charges and whose trials ended was 599,524 and the number of women was 97,721<sup>10</sup>.

12. The data in the report of the International Centre for the Study of Radicalization dated 22 July 2020 is also important in order to reveal the arbitrariness in declaring people as terrorists in Turkey<sup>11</sup>. In the report, a study was conducted on 10 European countries, namely Belgium, Denmark, the United Kingdom, France, Germany, Greece, the Netherlands, Norway, Spain and Sweden. According to the data obtained as a result of this study, it was determined that approximately 1,414 people were imprisoned in connection with terrorist offences in all of these 10 countries. In the face of this data, when it is considered that the number of women being tried on 'terrorist' charges in Turkey alone is 97,721, it can be seen more clearly how far Turkey is from reality.
13. Individual applications have been made to the European Court of Human Rights<sup>12</sup>, the United Nations Human Rights Committee<sup>13</sup>, the United Nations Committee for the Prevention of Torture<sup>14</sup>, the International Labour Organization (ILO) and the United Nations Working Group on Arbitrary Detention<sup>15</sup> regarding the dismissals, detentions and arrests of victims of the Decree. All of these applications have resulted in judgements of violation. To date, not a single judgement has upheld the practices of the Turkish State subject to the application.

### 3. Women Victims of the State of Emergency

14. Although officially over, in reality a state of emergency continues in full force in Turkey. This state of emergency has undoubtedly crushed women's rights. Tens of thousands of women from tens of thousands of different professions, including judges, prosecutors, officers, nurses, teachers and doctors, have been targeted for destruction and their names have been published in emergency decrees. These women were declared 'terrorists' and 'traitors' overnight with unjust, unlawful, arbitrary lies and slander. These women were dismissed from their jobs simply because their names appeared in a decree. Some of them were detained, arrested, tortured and even killed in prisons. Some were raped in detention centres. Tens of thousands of them were mercilessly separated from their husbands and children. Hundreds of them had to go to prison with their children and raise their children there under very harsh conditions.

<sup>9</sup> <https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ffa013eb50/page/IPVhC>. Internet access date :07.09.2024

<sup>10</sup> [https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ffa013eb50/page/p\\_5kda2l05pc](https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ffa013eb50/page/p_5kda2l05pc). Internet access date :07.09.2024

<sup>11</sup> [https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Prisons-and-Terrorism-Extremist-Offender-Management-in-10-European-Countries\\_V2.pdf](https://icsr.info/wp-content/uploads/2020/07/ICSR-Report-Prisons-and-Terrorism-Extremist-Offender-Management-in-10-European-Countries_V2.pdf). Internet access date :07.09.2024

<sup>12</sup> Some Precedent Judgements of the ECtHR: <https://www.solidaritywithothers.com/ecthr-judgments>, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%5C%22001-207680%22%5D%7D> . Internet access date :07.09.2024 , <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%5C%22001-214483%22%5D%7D>, <https://hudoc.echr.coe.int/fre?i=001-194102#%7B%22itemid%22%3A%5B%5C%22001-194102%22%5D%7D>, . Internet access date :07.09.2024

<sup>13</sup> UN Human Rights Committee Resolution: [UN documents | OTHERS \(solidaritywithothers.com\)](https://www.solidaritywithothers.com/un-documents). Internet access date :07.09.2024

<sup>14</sup> UN Committee for the Prevention of Torture Resolutions: [UN documents | OTHERS \(solidaritywithothers.com\)](https://www.solidaritywithothers.com/un-documents). Internet access date :07.09.2024

<sup>15</sup> UN Working Group on Arbitrary Detention Sample Decisions : <https://www.solidaritywithothers.com/un-documents> . Internet access date :07.09.2024

The country became unliveable for them. Some of them had to leave. Some died on their escape routes.

15. When asked the question ‘What is the number of women victims of the decree?’ it will not be possible to give a clear answer to this question. However, the most basic data on the number of those who were dismissed while working in public office and the statistics of the Turkish Statistical Institute will be partially instructive. According to the data obtained by Solidarity With Others from the statistics of the Turkish Statistical Institute, as of the end of 2021 :
- The number of women who were dismissed from their jobs under the state of emergency decrees is 23,202, which corresponds to 17.3%<sup>16</sup>. The number of those dismissed from their jobs in the private sector is unknown.
  - The number of women who were tried in criminal courts on terrorism charges during the state of emergency, whose cases were finalised and judgements were issued against them is 97,721<sup>17</sup>.
  - Considering the determinations made by lawyer Levent Mazılıgüney and the above-mentioned rates, it can be evaluated that 20% of 1,768,530 people, i.e. approximately 350,000 women, are victims of the decree<sup>18</sup>.

## II- VIOLATIONS OF RIGHTS

16. This section will focus on the grave violations of rights experienced by women victims of the decree. Turkey has experienced and is experiencing a storm of rights violations in general. Here, the focus will be on rights violations against women.

### 4. Prohibition of Discrimination (Articles 2, 3, 6, 25 and 26)

17. The Turkish Constitution and fundamental conventions on human rights prohibit all forms of discrimination between people. In this context, no one shall be subjected to negative discrimination or deprivation of rights on the grounds of any difference such as gender, religion, race, colour, social status. However, during the state of emergency, tens of thousands of women were victimised on political grounds and experienced discrimination in all areas of life. In this section, only some of the discrimination-based practices can be mentioned with examples.
18. In Turkey, all those who have been dismissed from their jobs by decrees and subjected to investigations by prosecutors' offices have been labelled in the state's database. This labelling is not in the form of a criminal record. In other words, the situation is completely different from a finalised conviction being entered in the judicial register. All the people who have been dismissed by the decrees, who have been subjected to investigations by prosecutors' offices based on denunciations or complaints, have been labelled as “risky person”, “in contact with or affiliated with a terrorist organisation” on their records in all state systems such as population, notary, social security, land registry. One of these annotations is ‘36 / State of Emergency / Emergency Decree’<sup>19</sup>, which is written on the records of the Social Security

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<sup>16</sup> <https://tr.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk>. Internet access date :07.09.2024

<sup>17</sup> [https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ffa013eb50/page/p\\_5kda2l05pc](https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ffa013eb50/page/p_5kda2l05pc). Internet access date :07.09.2024

<sup>18</sup> <https://twitter.com/AvLeventism/status/1602245633238237184?s=20&t=arFMGc1b6bsZmbiEgfBHUg>. Internet access date :07.09.2024

<sup>19</sup> [FIS\\_Turkey\\_Individuals associated with the Gulen movement\\_June\\_2024 2.pdf](#), Access Date : 07.09.2024



Institution. Due to these annotations, they were subjected to discrimination in all public procedures. Examples of practices within this scope will be given below<sup>20</sup>.

#### **a. Denial of Social Assistance**

19. State support is provided to people who have economic difficulties and do not have sufficient income. Women whose husbands or wives were dismissed by decree were deprived of this right<sup>21</sup>.

#### **b. Denial of Green Card**

20. Green Card is a compulsory health insurance provided by the state to people who do not have sufficient economic income in Turkey. If the person proves that his/her income is insufficient, he/she can obtain this card and benefit from health services free of charge. Women victims of the Decree were subjected to serious discrimination<sup>22</sup>.

#### **c. Non-utilisation of Earthquake Aid**

21. Another issue of victimisation of women who are victims of the Decree is not benefiting from earthquake aids. In the Elazığ earthquake on 24 January 2020 and the Kahramanmaraş earthquake on 06 February 2023, tens of thousands of people died, houses were destroyed and many of the remaining houses became unusable. The state provided economic aid to the earthquake victims both with its own resources and with the revenues obtained from the aid campaign. However, the victims of the decree were deprived of these aids and supports<sup>23</sup>. After the 2023 earthquake, Vakıfbank, a state-owned subsidiary, did not allow a woman victim of the decree to benefit from the low-interest loans it provided to the victims of the earthquake<sup>24</sup>.

#### **d. Criminalisation of Assistance to Relatives in Prison**

22. The discriminatory criminalisation of providing assistance to women and their children whose husbands are in prison has led to severe victimisation. There are associations established to help judicial prisoners and their families and even public institutions support these associations. When it comes to political prisoners and their families, the state not only does not provide assistance, but also criminalises such assistance. Investigations in this context are

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<sup>20</sup> FIS\_Turkey\_Individuals associated with the Gulen movement\_June\_2024 2.pdf Access Date : 07.09.2024

<sup>21</sup> <https://www.tr724.com/isidliye-maas-khkliya-agac-koku/>. FIS\_Turkey\_Individuals associated with the Gulen movement\_June\_2024 2.pdf Internet access date :07.09.2024

<sup>22</sup> <https://www.dw.com/tr/t%C3%BCrkiye-de-khkl%C4%B1lar-bize-vebal%C4%B1-muamelesi-yap%C4%B1yorlar/a-50521070>. FIS\_Turkey\_Individuals associated with the Gulen movement\_June\_2024 2.pdf Internet access date :07.09.2024

<sup>23</sup> <https://haber.sol.org.tr/turkiye/evi-hasarli-depremzedeye-yardim-yapilmadi-gerekce-Olağanüstü hal-oldu-279715>. Internet access date :07.09.2024

<sup>24</sup> <https://artigercek.com/emek/kendisi-khkli-oldugu-icin-esine-deprem-kredisi-verilmedi-240869h>, FIS\_Turkey\_Individuals+associated+with+the+Gülen+movement\_June\_2024+(2).pdf (migri.fi) Access Date : 07.09.2024

promoted as ‘operations against restructuring’<sup>25</sup>. To date, hundreds of women have been arrested on the grounds of such aid<sup>26</sup>.

#### **e. Discriminatory Detention and Arrest of Pregnant and Infant Women**

23. One of the most severe discriminatory practices against women is the detention and arrest of pregnant women and women with babies<sup>27</sup>. According to Article 16/4 of the Law on the Execution of Sentences and Security Measures, the execution of the sentences of pregnant women and women who have not given birth within 1 year and 6 months of their birth will be postponed. As stated in the law, women in this group are those whose trial processes have been completed and whose guilt and sentences have been finalised. Article 109/4 of the Code of Criminal Procedure (CPC) stipulates that pregnant women, women who have recently given birth and women who have not given birth within 6 months may not be arrested. This provision in the Code of Criminal Procedure covers women who are under investigation by prosecutors' offices on suspicion of a criminal offence or who are on trial in courts. In both cases, it is almost impossible for pregnant women and women with babies to be sent to prison. Arrest rules also cover detention according to the CCP. The conditions for both are very close to each other. In other words, detaining a person who cannot be arrested and keeping him/her in detention for days means violating the spirit of the law. Nevertheless, during the state of emergency and still today, women accused on political grounds are arbitrarily and massively detained and arrested as if these legal regulations do not exist<sup>28</sup>.

#### **f. Retrieval of Adopted Children, Termination of Foster Family Status**

24. One of the most destructive practices of the reporting period is the discrimination in foster care and adoption practices.
25. In Turkey, as in other countries, a person can adopt a child. Apart from the institution of adoption, there is also the institution of ‘foster family’, which is the first stage of adoption. In the foster family institution, the responsibility for the care, upbringing and education of some children is shared with the state. This institution is considered as a preliminary step to adoption. The conditions for becoming a foster family are also determined by the regulations. With a letter dated 23 August 2016, the Ministry of Family and Social Policies sent a circular to 81 provinces with an urgent code and ordered to conduct research on families providing foster care and adoption services. The Ministry's circular is dated 19/08/2016 and is on ‘Measures to be taken within the scope of Fethullahist Terrorist Organisation (FETO/PDY)’. With the circular, it was requested to conduct research on foster families and to take back children from those who are thought to have links with the Gülen Movement. Upon this, children were forcibly taken from families who were only prosecuted on the allegation that they were volunteers of the Gülen Movement<sup>29</sup>. On 28.01.2017, Fatma Betül Sayan Kaya, the

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<sup>25</sup> FIS\_Turkey\_Individuals associated with the Gulen movement\_June\_2024 2.pdf Access Date : 07.09.2024

<sup>26</sup> <https://www.milliyet.com.tr/gundem/fetonun-guncel-yapilanmasi-sorusturmasinda-28-supheli-hakkinda-hapis-istemi-6230851>, <https://serbestiyet.com/haberler/704-kisi-gozaltinda-gerekce-khklilara-ve-cezaevindekilere-yardim-parasi-toplamak-avukat-maziliguney-insani-mulahazalarla-yapilan-yardimlar-suc-olamaz-107470/>. Internet access date :07.09.2024

<sup>27</sup> FIS\_Turkey\_Individuals associated with the Gulen movement\_June\_2024 2.pdf Access Date : 07.09.2024

<sup>28</sup> [https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_f17fdcf178da4ebe908d57d6cec6bea3.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17fdcf178da4ebe908d57d6cec6bea3.pdf). Internet access date :07.09.2024

<sup>29</sup> FIS\_Turkey\_Individuals+associated+with+the+Gülen+movement\_June\_2024+(2).pdf (migri.fi) Access Date : 07.09.2024



Minister of Family and Social Policies, announced that children were taken from 9 foster families whose links with the Gülen Movement were detected<sup>30</sup>.

#### **g. Denial of Merited Academic Titles**

26. 1128 academics signed a declaration entitled ‘We will not be a party to this crime’ on 11 January 2016. They shared it with the public. The declaration is mainly related to the conflicts that started in the summer of 2015 until the middle of 2016, turning the cities, especially in the Southeastern Anatolia region, into a war zone. The fact that the clashes took place in city centres and that many innocent people, including women and children, were killed caused great public debate. These 1128 academics declared their demand for peace and that they would not be a party to the conflicts with the declaration they published. After the declaration, the number of signatory academics reached 2212. Erdoğan and the AKP, on the other hand, targeted these academics who did not support or even criticised the policies of the government and launched investigations against them. With the state of emergency decrees, all academics who signed this declaration were dismissed from their positions at universities.
27. In a report published in December 2021, the Right to Life Association also shared information about the rights violations these Peace Academics were subjected to. A female academic who signed the declaration of ‘Peace Academics’ explained how her right to associate professorship was usurped as follows ‘I lost the court I applied for my right to associate professorship, I lost the higher court, I went to the Constitutional Court and lost. Then they put temporary article 4 into effect. If you have a situation that is affected by the dismissal, file a complaint to that institution. So I wrote to the Interuniversity Board. I applied to the Interuniversity Board, saying OK, we were dismissed, but associate professorship does not depend on this. The decision has just come. It was written in front of the Decree Law, it put all these phrases such as terrorist organisation, liaison, etc. and said, ‘Even if you have been sentenced, postponed or acquitted (it put them all in the same category), you have been dismissed from public office and we will not start your associate professorship period until you return to work.’<sup>31</sup>.

#### **h. Discrimination Based Practices in Prisons**

28. Prisons are, in essence, places where deprivation of rights is fundamental and the rights that can be exercised are defined. Despite this, both the Law on the Execution of Sentences and Security Measures and international texts regulating the situation of prisoners prohibit discrimination in execution practices.
29. Women prisoners arrested on political grounds have been discriminated against in dozens of different areas<sup>32</sup>. This situation has particularly and severely victimised women prisoners. To give a few examples of these discriminatory practices;

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<sup>30</sup> <https://tr.euronews.com/2019/04/19/khk-koruyucu-ailenin-hayatini-degistirdi-ihrac-edilince-evlat-edindikleri-cocuk-ellerinden>. Internet access date :07.09.2024

<sup>31</sup> ‘Exhausted Domestic Legal Remedies : Obstacles to Access to Justice for People with Emergency Decree Laws’ Right to Life Association December 2021 link:[https://etkiniz.eu/wp-content/uploads/2022/02/DES\\_AB\\_539.pdf](https://etkiniz.eu/wp-content/uploads/2022/02/DES_AB_539.pdf). Internet access date :07.09.2024

<sup>32</sup> For more detailed information : [https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_f17fdcf178da4ebe908d57d6cec6bea3.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17fdcf178da4ebe908d57d6cec6bea3.pdf). Internet access date :07.09.2024

- Pregnant, infant, sick and elderly prisoners were not allowed to benefit from the rights of other prisoners such as postponement of execution, early release or release under named control.
- Although many women prisoners have completed their execution period and are in good behaviour, they were not allowed to benefit from probation, thus prolonging their stay in prison.
- During the state of emergency, political prisoners were prohibited from writing letters to their relatives or receiving letters from outside.
- They were banned from participating in social activities within the prison.
- Open visits, which were supposed to be held once a month, were made once every two months.
- The degree of kinship and the number of people who can come to visit were limited.
- During the state of emergency, lawyer meetings were held under the supervision of at least one correctional officer and the meetings were audio and video recorded.
- While the right to telephone was once a week for normal prisoners, it was once every two weeks for political prisoners.
- Prisons started to use video surveillance, but political prisoners were not allowed to benefit from this right.

## **5. Violations of the Right to Life**

30. During the reporting period, practices that disregard even the right to life have become common in Turkey. Women are undoubtedly the heaviest victims of these practices. Murders of women in Turkey have been increasing in a visible manner. Public institutions have also been complicit in these murders.
31. One of the most important United Nations documents on women's rights is the Istanbul Protocol. Contrary to reason and logic, members of the government and politicians of the ruling party have blamed the Istanbul Protocol for the increasing number of murders of women in Turkey. Despite the reaction of all women's associations and international public opinion, Turkey has withdrawn from the Istanbul Protocol. This is the approach of the rulers of the state towards femicides and women's rights. This situation also affects the attitude of police officers and correctional officers towards women in detention centres and prisons. Detention centres and prisons have turned into centres of cruelty. Police and correctional officers have knowingly and intentionally caused the deaths of women in custody or in pre-trial detention, especially for political offences.
32. Violations of the right to life suffered by women victims of the Decree have manifested themselves in different ways. These include deliberate killings, suicides triggered by the trauma of civilian and social death, and deaths on escape routes due to being forced to flee the country.

### **a. Intentional Killings**

33. According to the Turkish Penal Code, the offence of intentional killing can be committed in two ways. One is the offence of killing a human being by active behaviour. The offence of active killing is regulated in Article 81 of the TPC. The other is when a person causes the death of a person by not doing what he/she should have done, foreseeing the consequences. This offence is regulated in Article 83 of the TPC and is defined as 'intentional killing committed with negligent behaviour'.

34. During the reporting period, acts of killing against women victims of the decree were more likely to be committed by negligent intentional killing.
35. Halime Gülsu was a teacher as of 15 July 2016. Mrs. Gülsu was detained on 20.02.2018 on charges of being a member of the Gülen Movement and was arrested after 12 days of detention. On 28.04.2018, she died while in detention in Tarsus Prison<sup>33</sup>.
36. Nesrin Gençosman was detained and then arrested on the grounds of having contacts with the Gülen Movement. Mrs. Gençosman, who contracted pneumonia in prison, was not taken to hospital despite the progression of her illness. Mrs. Gençosman was taken to the prison infirmary and given medication for her treatment. After a while, Mrs. Gençosman, who went to the infirmary to get a new one when her medication ran out, was not given her medication this time on the grounds that it was the weekend. Therefore, 30-year-old Mrs. Gençosman fell into a coma. She is hospitalised but it is too late due to negligence. Mrs. Gençosman could not be saved despite all interventions<sup>34</sup>.

## **b. Suicides due to social and civil abandonment to death**

37. 38. Approximately two million people, hundreds of thousands of them women, have been accused of being ‘terrorists’, ‘traitors’, ‘PKK members’, ‘FETÖ members’, etc. for purely political reasons. Due to these accusations, they have been abandoned by state institutions as well as the society<sup>35</sup>. This situation has been described as ‘civilian death’ in reports and academic texts<sup>36</sup>. Even their close relatives distanced themselves from them. Their landlords evicted them from their homes, and if they were working in the private sector, they were dismissed from their jobs. Their children had problems in schools. If their spouses were also in prison, the burden of providing for the family fell entirely on their shoulders<sup>37</sup>. All these conditions isolated them, made them desperate and drove them to suicide. According to the data of Solidarity With Others, 14 women victims of the decree ended their lives by suicide during the reporting period<sup>38</sup>.

## **c. Deaths on Escape Routes**

38. The women who are the subject of this report and who have been stigmatised, marginalised and subjected to extermination under the state of emergency have also been deprived of their passports and banned from leaving the country. Continuing to live in Turkey has become a life-threatening risk for them. Because if they stayed in the country, they faced the risk of being subjected to torture, arbitrary detention and arrest. For this reason, they had to reach safe countries by illegal means and seek asylum. These escape routes ended in disaster for many

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<sup>33</sup> <https://tr.euronews.com/2018/04/29/tarsus-cezaevindeki-hasta-tutuklu-halime-gulsu-yasam-n-yitirdi>. Internet access date :07.09.2024

<sup>34</sup> <https://www.tr724.com/cezaevleri-olum-evi-oldu-zature-ilaclari-verilmeyen-nesrin-gencosman-cezaevinde-vefat-etti/>. Internet access date :07.09.2024

<sup>35</sup> [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#) Access Date : 07.09.2024

<sup>36</sup> [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#) Access Date : 07.09.2024

<sup>37</sup> [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#) Access Date : 07.09.2024

<sup>38</sup> <https://tr.solidaritywithothers.com/deaths>.

[FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#) Date of access : 07.09.2024 Date of internet access :07.09.2024

people. Some families have lost all their members on the escape routes. According to the data compiled by Solidarity With Others from open sources, 9 women died during the reporting period<sup>39</sup>.

## **6. Enforced disappearances and abductions (Articles 6, 9 and 12)**

39. According to international law, it is prohibited to abduct and disappear a person by public officials outside administrative and judicial control.
40. During the reporting period, 128 persons, including women, from 35 different countries were illegally brought to Turkey<sup>40</sup>. These procedures are illegal because the practices to which the persons brought are subjected are contrary to the rules of Turkish law, the country of abduction and international law. Turkey does not operate the extradition procedure for these people because extradition requests are always rejected when the issue is brought to a legal ground. The reasons for refusal have all included the groundlessness of the charges, insufficiency of evidence, lack of possibility of a fair trial, and the possibility of torture and ill-treatment.
41. Women have also been subjected to abduction and disappearance practices. Women, as well as men, have been subjected to inhumane practices, torture and ill-treatment during abductions and disappearances.

### ***Abduction, disappearance and torture of Ayten Öztürk***

42. Ayten Öztürk<sup>41</sup> was stopped by Lebanese police at the airport in March 2018 while trying to cross from Lebanon to European countries. She was not given any reason. She was detained for 6 days at the immigration office. During this period, he applied for asylum but was not processed. She went on hunger strike to protest this situation.
43. On 13 March he was handed over to Turkish intelligence officers with a sack over his head. He was brought to Turkey by plane. He was forcibly taken to a secret location. He was thrown into a cell completely naked. He stayed like that for a while. Then he put on the clothes given to him. He was interrogated many times. When he said that he had legal rights, the officials there said, 'This place is not like any other place you know, there is no time limit here, we have been given infinite authority over you. We have the state behind us, if you don't talk, there is no way out of here'. He was kept for a month with a sack over his head and his hands tied behind his back. A tape was also applied to his eyes. The eyelids stick together due to the effect of the tape and can only be separated by medical intervention. On the 25th day of the hunger strike he collapsed. In order to reduce the effect of the hunger strike, the officers forcefully give him an IV drip. In order to do this, they fixed her whole body to the chair with ropes and duct tape.
44. During the torture, Mrs Öztürk was electrocuted, stripped naked, abused with hands and truncheons. She was suspended. She was exposed to light for a long time. They tried to insert a truncheon into her anus. She was subjected to water cannons in a place where there was a toilet and a bathroom. A sack over his head is filled with water and he is tortured with the sensation of drowning. They are beaten on their feet with a whip. His tongue is pulled out with pliers. He was beaten with kicks and slaps. After he entered prison, his friends counted the number of burn marks on his body caused by electric shocks and found 898 burn marks.

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<sup>39</sup> <https://tr.solidaritywithothers.com/deaths>. Internet access date :07.09.2024

<sup>40</sup> [Unlawful deportation and return | OTHERS \(solidaritywithothers.com\)](https://www.birgun.net/haber/brezilya-dan-turkiye-nin-iade-talebine-ret-adil-yargilama-garantis) Access Date : 07.09.2024

<https://www.birgun.net/haber/brezilya-dan-turkiye-nin-iade-talebine-ret-adil-yargilama-garantis>. Internet access date :07.09.2024

<sup>41</sup> Information about this person was shared in open sources. It became an agenda in social media. Therefore, it was included in our report.



45. Öztürk was disappeared for 6 months and then left by his torturers in an empty field.

***Abduction, disappearance and torture of Meral Kaçmaz and her family***

46. Meral Kaçmaz and her husband Mesut Kaçmaz<sup>42</sup> have been working in different countries since 1999, teaching biology, mathematics, English and science in different countries, most recently in Pakistan between 2007 and 2016 in institutions belonging to the Gülen Movement.
47. Four members of the Kaçmaz family, including two girls under the age of 18, were abducted on 27 September 2017 during a raid on their home at night (between 00:45 and 02:00) by Pakistani intelligence officials. During the abduction process, all family members were subjected to physical violence and a sack was placed over their heads. The whole family was arbitrarily kept in an unknown place for 17 days without any record. As a result of 17 days of unjustified detention, the Kaçmaz family was handed over to Turkish intelligence and security units on 13 October 2017, in violation of the applicable law and contractual provisions, and the family was sent to Turkey in this way<sup>43</sup>.
48. As of the date of the abduction, there was no investigation against Mrs Kaçmaz in Turkey. On 13 October 2017, an investigation was initiated by the Ankara Chief Public Prosecutor's Office to formalise the abduction at the request of intelligence units (possibly on official assignment or at the request of the Pakistani authorities). An arrest warrant was issued on the same day<sup>44</sup>. On the same day, the Kaçmaz family was brought back from Pakistan.
49. Mrs Kaçmaz was detained in Ankara for 11 days. She had to endure very difficult conditions for days in a cold cell with open windows at night, without a blanket and in thin clothing. He was repeatedly subjected to illegal interrogation. He was pressurised and lied to. The investigation file was opened in a hurry and there is no accusation or allegation of a crime. Therefore, she is asked to incriminate herself. The most ironic part of the matter is that the Ankara Chief Public Prosecutor's Office, which had initiated an investigation and issued an arrest warrant for Mrs Kaçmaz's abduction from abroad, stated that it lacked jurisdiction in the investigation and sent the file to Istanbul. The case of the Kaçmaz family was consolidated in Istanbul and the case was finalised there.
50. The abduction of the Kaçmaz family was unlawful and unlawful in many respects. There is an extradition treaty between Turkey and Pakistan. The provisions of this agreement were not complied with regard to the Kaçmaz family. The Kaçmaz Family applied to the judicial authorities because they were worried about being abducted. Pakistani courts gave the Kaçmaz family a trial date and banned the family from travelling abroad until that date. The Pakistani authorities clearly violated the judgement of their own courts.
51. The UN Working Group on Arbitrary Detention issued an opinion on the issue. The opinion is dated 25 May 2018 and numbered A/HRC/WGAD/2018/11, and in the opinion, many violations of rights were identified in many issues regarding the abduction of the Kaçmaz family and their subsequent experiences<sup>45</sup>. Violation of the prohibition of discrimination, violation of the right to liberty and security of person, violation of the right to a fair trial, violation of the prohibition of torture, violation of rights specific to children can be counted among these.

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<sup>42</sup> Information about these people was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>43</sup> <https://kronos36.news/tr/pakistanli-yetkililer-sucunuz-yok-biliyoruz-ama-erdogan-cok-baski-yapiyor-dedi/>. Internet access date :07.09.2024

<sup>44</sup> <https://kronos36.news/tr/mitin-yargiya-mudahalesinin-belgesi-kacmaz-ailisini-once-kacirmislar-sonra-arama-karari-cikartmislar/>. Internet access date :07.09.2024

<sup>45</sup>

[https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session81/A\\_HRC\\_WGAD\\_2018\\_11.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session81/A_HRC_WGAD_2018_11.pdf)

## **7. Prohibition of torture and cruel, inhuman or degrading treatment or punishment - Articles 2, 7, 9, 10, 12 and 14**

52. Torture is clearly and unequivocally prohibited under international law. Torture is not authorised under any circumstances, even in times of war and martial law.
53. During the reporting period in Turkey, women and children<sup>46</sup> as well as men were tortured and unfortunately still are<sup>47</sup>.
54. Torture practices include rape, beatings, beheading, sacks over the head, swearing, insults, threats, stripping naked, strip searches. There are common offences and acts in the examples given before and in the examples below, but the prominent acts under different headings are written separately in order to define the acts.

### **a. Rape**

55. Rape is undoubtedly one of the most despicable crimes committed against any human being. In fact, this crime could have been dealt with under a separate heading, but since rape practices against women and men were considered as a method of torture during the reporting period, it is included here.
56. In its reports for 2016-2017, 2017-2018 and 2019, Amnesty International included information on allegations of torture and ill-treatment during detentions and arrests involving tens of thousands of people in Turkey after 15 July and the impunity armour brought by decrees for the perpetrators of these crimes. It listed violations of freedom of expression, freedom of assembly and many other fundamental human rights. For example, in its 2016 report, it stated that *"Turkey, which has made remarkable progress in eliminating torture in detention centres over the last decade, experienced a worrying increase in the number of reported cases after the failed coup attempt. Thousands of people held in police custody, both officially and unofficially, as well as reported cases of severe beatings, 19 sexual assaults, rape threats and rape have been consistently, but implausibly, denied by the Turkish authorities."*<sup>48</sup>.
57. The Finnish Immigration Service's report mentions 12 women who became pregnant after being raped. It was also emphasised that some of these women gave birth to children<sup>49</sup>.
58. In the section on abduction and disappearance, the case of attempted rape by inserting a job into the anus during the torture of Ayten Öztürk was mentioned<sup>50</sup>. Other examples will be given here.

### ***Rape of a Female Officer***

59. In the hearing held on 27/06/2018 of the Ankara 17th High Criminal Court case file No. 2017/109, a lieutenant named Abdulvahap Berke<sup>51</sup> gave information about the torture

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<sup>46</sup> Regarding torture practices to which children are subjected, see: <https://www.crossborderjurists.org/tr/turkiye-cocuk-haklari-raporu-khkli-cocuklar-khklilarin-cocuklari/> The website contains Turkish, English and German versions of the report. . Internet access date :07.09.2024

<sup>47</sup> For the torture of children in May 2024: [b886b2\\_63952de2d3b041df8925ebd4105be909.pdf](https://solidaritywithothers.com/b886b2_63952de2d3b041df8925ebd4105be909.pdf) (solidaritywithothers.com) Internet access date :07.09.2024

<sup>48</sup> <https://www.amnesty.org/download/Documents/POL1048002017TURKISH.PDF>. Internet access date :07.09.2024

<sup>49</sup> [FIS Turkey Individuals+associated+with+the+Gülen+movement June 2024+\(2\).pdf](https://www.fis.gov.tr/individuals+associated+with+the+Gülen+movement+June+2024+(2).pdf) (migri.fi). Access Date : 07.09.2024

<sup>50</sup> Information about this person was shared in open sources. It became an agenda in social media. Therefore, it was included in our report.

<sup>51</sup> Information about this person was shared in open sources. It became an agenda in social media. Therefore, it was included in our report.

practices he was subjected to and stated that a female officer who was detained after 15 July was raped, that she became pregnant as a result of this rape and later had to abort the baby<sup>52</sup>.

### ***Examples of Rape Cases According to a Female Psychologist***

60. A Purple Room was opened on Twitter on 28.09.2022 to promote the Social Costs of the State of Emergency in its 4th, 5th and 6th Years Report prepared by the Justice for Victims Platform. In this Purple Room, information about the report was given and people related to the subject took the floor and spoke.

### **b. Physical Violence**

61. During the reporting period, one of the most common torture practices that women were subjected to was physical violence 53.

### ***Statement of the Forensic Examination Doctor***

62. A doctor who was assigned to the Ankara Anti-Terrorism Directorate Sports Hall in his official capacity as a 'Forensic Examination Doctor' in the week following 15 July explained what he witnessed as follows<sup>54</sup>: 'That night they brought a woman. Two tall women police officers were on her arm. They said, 'She was a nurse in a military hospital'. She was very thin, with short hair. She was wearing trousers and a white t-shirt. There was no bra or undershirt underneath. The woman was shaking like a leaf. I asked her if she had been beaten, she said 'no'. There were no marks on her body, there was redness on her cheek, maybe she was punched. But she was very scared.'

### ***Torture practices to which Esra Yurt was subjected***

63. Esra Yurt<sup>55</sup>, who was detained in February 2017, was subjected to torture for 5 days in Ankara TEM: "A tall blonde female police officer first sprinkled acid on a fabric. She made the detained women watch as the fabric shrivelled and scorched. When I refused to confess, she tortured me by rubbing the acid under my left foot. The effect of this chemical on my body lasted 1.5 years. I was beaten in the face with a bundle of keys, large and small, and the judge who saw my blue face only said 'Ouch'. The female doctor I told about the torture only said 'Let me give Voltaren' and did not record the torture in the report. Later (abroad) I received a report documenting the situation."<sup>56</sup>.

### **c. Torture with Electricity**

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<sup>52</sup> [https://www.nordicmonitor.com/wp-content/uploads/2020/08/Abdulvahap\\_berke.pdf](https://www.nordicmonitor.com/wp-content/uploads/2020/08/Abdulvahap_berke.pdf). Internet access date :07.09.2024

53 <https://www.crossborderjurists.org/turkey-womens-rights-report-women-victims-of-the-state-of-emergency/>

<sup>54</sup> <https://iskenceraporu.com/15-temmuz-toplama-kampindan-ilk-kez-bir-resmi-gorevli-konustu-2/>. Internet access date :07.09.2024

<sup>55</sup> Information about this person was shared in open sources. It became an agenda in social media. Therefore, it was included in our report.

<sup>56</sup> <https://boldmedya.com/2020/05/22/kadin-polis-gozaltindaki-kadinlara-asitle-iskence-yapti/>, <https://youtu.be/J5Ezs6WdKbw>. Internet access date :07.09.2024

64. Another method of torture is electrocution. As mentioned above in the section on the abduction and disappearance of Ayten Öztürk, some female victims were tortured by electrocution.
65. One of the victims of torture by electrocution is Kübra Yavuz<sup>57</sup>. In her testimony before the Ankara 18th High Criminal Court, Ms Yavuz stated that she was tortured by Major General Zekai Aksakallı, Commander of the Special Forces<sup>58</sup> and Major General İrfan Özsert<sup>59</sup> from the Land Forces Command, that she was beaten and threatened with death in the General Staff polygon, that she was electrocuted with her hands and eyes tied, that she was not given any food for 2 days, that she was taken to the toilet by male personnel and the toilet door was left open, that she was interrogated every 2 hours by interrogators whose clothes were stained with the blood of torture, and that she did not think she would get out of there alive. Kübra Yavuz, who was tortured in detention in this way and was labelled a coup plotter by the media controlled by the ruling party during the trial, was acquitted of all charges<sup>60</sup>.

#### **d. Naked strip search**

66. One of the most severe forms of torture against human dignity is stripping naked. During the reporting period, especially after 15 July 2016, people were either completely naked or kept in their underwear in front of other people's eyes.

#### ***Women stripped naked in Ankara Sports Hall***

67. At the hearing held on 27.06.2018 of the case file no. 2017/109 of Ankara Heavy Penal Court No. 17, a lieutenant named Abdulvahap Berke testified. In his statement, Mr Berke gave information about the incidents he witnessed regarding torture practices. After 15 July, he made the following statement about the women who were detained 'A group of 3-4 women were stripped naked, wearing only their underwear. They threw them into an environment where men were present. They were subjected to constant harassment and swearing by the officers on duty there'<sup>61</sup>.

#### **e. Exhaustion, harassment, boredom**

68. With the Decrees, the detention period was increased from 4 days to 30 days<sup>62</sup>. Almost all women detained on political grounds were kept in detention for 30 days. This detention process itself is a torture practice. This situation can be explained as follows;
- First of all, there are no legal obligations such as evidence of a crime or suspicion of a crime that require people to be detained. The decisions of the UN Working Group on Arbitrary Detention and the European Court of Human Rights on the violation of the right to liberty and security of person by arbitrarily detaining and arresting people on political grounds are proof of illegal and unlawful detention practices.

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<sup>57</sup> Information about this person was shared in open sources. It became an agenda in social media. Therefore, it was included in our report.

<sup>58</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>59</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>60</sup> <https://www.odatv4.com/makale/mahkeme-genelkurmaydan-iskencecilerin-adresini-istedi-22061818-141335>.

Internet access date :07.09.2024

<sup>61</sup> [https://www.nordicmonitor.com/wp-content/uploads/2020/08/Abdulvahap\\_berke.pdf](https://www.nordicmonitor.com/wp-content/uploads/2020/08/Abdulvahap_berke.pdf). Internet access date :07.09.2024

<sup>62</sup> <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm> Internet access date :07.09.2024



- Secondly, even if the detention period is up to 30 days or less, for example 10 days, people were asked questions in the form of a questionnaire, the kind of questions that can be asked in a job application. Questions such as depositing money in Bank Asya, having a child in a school affiliated with the Gülen Movement, etc. were asked as accusations. People do not need to be detained even for 1 day in order to ask these questions. Nevertheless, people were arbitrarily detained for up to 30 days.
- Another indication that the detention period is aimed at exhaustion, harassment and boredom is the severity of the detention conditions. 5-6 people were kept in a place for 1 person and 8-10 women were kept in a place for 3 people. Nutrition, bathroom, toilet and hygiene needs were not met.

### ***Ill-treatment Practices against Women in Mustafakemalpaşa Security Directorate***

69. On page 263 of the reasoned judgement of Bursa 2nd Assize Court case file no. 201/167 E, the statements of a woman named M.S. are given. M.S. was detained on the grounds that she had links with the Gülen Movement. The relevant part of her experiences in detention is as follows ‘When I was detained for the second time, we had to stay 6 people in a holding cell for 1 person. At the end of the 6th day, the female police officer S.K. (I do not know her position, but the other police officers addressed her as ‘commissar’) came to the holding cell and took me to a separate room. She interrogated me for an hour without any record without my lawyer present. Then he interrogated my cell mate in the same way. During this interrogation, he made the same threats. He told me that if I gave my name I would be saved, otherwise I would stay here and that the prosecutor had sent a message. The prosecutor said, ‘We are in a state of emergency. If they don't give their names, I can keep them in those conditions of detention for a month.’<sup>63</sup>.

#### **f. Swearing, Insults and Threats**

70. The most common practices of torture and ill-treatment in Turkey during the state of emergency and still today are swearing, insults and threats. Swearing refers to sexually explicit, abusive words, insulting words such as ‘terrorist’, ‘traitor’, ‘idiot’, ‘stupid’, ‘idiot’ and threatening words such as ‘death’, ‘torture’, ‘prolonged detention’.

#### ***Sample Ill-treatment Practices in Mustafakemalpaşa Security Directorate***

71. The statement of the woman M.S., who was subjected to torture and ill-treatment by being arbitrarily detained for long periods of time under harsh conditions, regarding the insulting and threatening remarks of the Chief of Police against her, is as follows ‘... a few hours later, Police Chief E.T. came to the detention centre and took me to another room again. I don't know if there are security camera records or not. He interrogated me for an hour and a half. He had a mobile phone in his hand, he made me read something, watch something, swear and insult and interrogated me unofficially under pressure, and during this time there were no female police officers with us.’<sup>64</sup>

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<sup>63</sup> [TURKEY WOMEN'S RIGHTS REPORT \(WOMEN VICTIMS OF THE STATE OF EMERGENCY\) - CrossBordersJurist \(crossborderjurists.org\)](https://crossborderjurists.org/turkey-womens-rights-report-women-victims-of-the-state-of-emergency/) Internet access date :07.09.2024

<sup>64</sup> [TURKEY WOMEN'S RIGHTS REPORT \(WOMEN VICTIMS OF THE STATE OF EMERGENCY\) - CrossBordersJurist \(crossborderjurists.org\)](https://crossborderjurists.org/turkey-womens-rights-report-women-victims-of-the-state-of-emergency/) Internet access date :07.09.2024

***Torture and Ill-Treatment Practices in the Statements in the File No. 2016/181 of Ankara 2nd Assize Court***

72. M.Y. is a woman who was detained, tortured and arrested on the grounds of her links with the Gülen Movement. On page 611 of the reasoned judgement of the Court, M.Y.'s petition to the Court is mentioned and it is stated that she was subjected to psychological torture and insulted<sup>65</sup>.
73. H.K. is another woman who was detained, tortured and arrested on the grounds of her links with the Gülen Movement. On page 627 of the reasoned judgement, she made the following statement regarding the torture and ill-treatment she was subjected to 'When my husband was under custody, they called me to the police station. My husband had been tortured and they said they would torture me too. I am a mother of 4 children, they told me that they would also bring my children and take them into custody. As I stated in my written defence, I was worried about this, so I made the statement in the indictment, which I fictionalised myself in line with what the police wanted. However, as I said, this is not true. It is only to ensure that my children are not brought to the police station.'<sup>66</sup>.

**g. Naked search**

74. Another degrading ill-treatment method that has come to the public agenda in Turkey in recent years is the strip search practices against women<sup>67</sup>.
75. According to the legislation regulating the rules of detention centres and prisons, law enforcement officers or prison officers may conduct strip searches. However, there are strict conditions for this. The general rule is to conduct a normal search. Under certain conditions and only when necessary, strip searches may be carried out as a measure specific to the individual. It is not possible to systematically and widely apply this practice to everyone or a certain group.
76. In September 2020, the Uşak Police Department detained 30 young women university students on allegations of links to the Gülen Movement. All detained women were subjected to strip searches in a degrading and humiliating manner<sup>68</sup>.

**h. Long Term Solitary Confinement**

77. Another method of torture is prolonged solitary confinement. In this practice, the person is forced to live an isolated life in solitary confinement.
78. During the reporting period, some women arrested on political grounds were held in solitary confinement permanently. Solitary confinement is normally part of the execution of an aggravated life sentence and a disciplinary punishment. Nevertheless, people have been placed in solitary confinement since their first arrest or shortly afterwards and are still in solitary confinement many years later.

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<sup>65</sup> [TURKEY WOMEN'S RIGHTS REPORT \(WOMEN VICTIMS OF THE STATE OF EMERGENCY\) - CrossBordersJurist \(crossborderjurists.org\)](#) Internet access date :07.09.2024

<sup>66</sup> [TURKEY WOMEN'S RIGHTS REPORT \(WOMEN VICTIMS OF THE STATE OF EMERGENCY\) - CrossBordersJurist \(crossborderjurists.org\)](#) Internet access date :07.09.2024

<sup>67</sup> [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#). Internet access date :07.09.2024

<sup>68</sup> [https://t24.com.tr/video/gergerlioglu-bu-kez-meclis-kursusunden-hatirlatti-usak-ta-gozaltina-alinan-30-kadin-ciplak-aramaya-maruz-tutuldu,34672](#). Internet access date :07.09.2024

79. In particular, many members of the judiciary who were arrested while they were members of the Constitutional Court, the Court of Cassation, the Council of State or the HS(Y)K, who had previously served as Presidents of the High Criminal Court or Chief Public Prosecutors, spent their entire detention in solitary confinement. Among them are also women.
80. In its report on its 2017 visit to Turkey, the Committee for the Prevention of Torture (CPT) stated: 'However, the CPT considers that the maximum solitary confinement period of 20 days for adult prisoners is excessive. Given the potentially very harmful effects of solitary confinement on the mental and/or physical health of the prisoners in question, this period should not exceed 14 days for a given offence and should preferably be shorter (Prg. 138)'. Hundreds of people in Turkey have been subjected to solitary confinement for years, which the CPT states should not exceed 14 days.
81. There are many scientific studies that recognise that permanent solitary confinement has a torture effect on the person<sup>69</sup>. In the light of these scientific facts, it is necessary to recognise that this method is a torture practice.

## **8. Right to liberty and security of person - Articles 6 and 9**

82. During the reporting period, the right to liberty and security of person was the most intensively violated right of women victims of the decree. In July 2024, the Finnish Immigration Service's report emphasised that 'arrests are still intensive'. The European Court of Human Rights, the United Nations Human Rights Committee and the United Nations Working Group on Arbitrary Detention have so far all found violations in these applications.
83. The European Court of Human Rights and UN bodies have issued judgements concerning women in similar situations to the victims of the Decree. The points emphasised in these judgements are listed below.
84. The most important and high-profile assessment on this issue came from Zeid Raad Al Husein, former United Nations High Commissioner for Human Rights. While promoting a report on the unlawful behaviour in Turkey during the State of Emergency, Mr Al Husein stated the following: 'One of the most worrying findings are reports of how the Turkish authorities were able to detain 100 women who were pregnant or had recently given birth, mostly on the grounds of 'associations' with their husbands suspected of links to terrorist organisations. Some were detained with their children, some violently separated from their children. This is not only disproportionate, it is downright cruel and certainly not in the interests of making the country safer.'
85. The following are the criteria for rights violations in the judgments of the ECtHR and UN supervisory bodies<sup>70</sup>.
  - Unjustified detentions
  - Detentions and arrests without suspicion of a criminal offence
  - Arrests made by accepting non-evidence as evidence
  - Arrests made even though there is no possibility of tampering with the evidence
  - Arrests made despite the absence of suspicion of flight

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<sup>69</sup> [https://en.wikipedia.org/wiki/Solitary\\_confinement#cite\\_note-Grassian2006-33](https://en.wikipedia.org/wiki/Solitary_confinement#cite_note-Grassian2006-33).

[https://openscholarship.wustl.edu/cgi/viewcontent.cgi?referer=https://en.wikipedia.org/&httpsredir=1&article=1362&context=law\\_journal\\_law\\_policy](https://openscholarship.wustl.edu/cgi/viewcontent.cgi?referer=https://en.wikipedia.org/&httpsredir=1&article=1362&context=law_journal_law_policy) . Internet access date :07.09.2024

<sup>70</sup> For ECtHR Judgements : For ECtHR Judgements: <https://justicesquare.org/after-15-july-violation-judgements-against-turkey-by-the-ecthr/> ; For the decisions of the UN's supervisory bodies: <https://justicesquare.org/15-temmuz-baglaminda-birlesmis-milletler-tarafindan-verilen-kararlar/> and UN documents | OTHERS (solidaritywithothers.com) Internet access date :07.09.2024

- The existence of concrete evidence that alternative measures to detention would be inadequate.
- Unreasonable and disproportionate arrests

## **9. Right to Privacy - Article 17**

86. During the reporting period and still today, all guarantees regarding the private lives of people subjected to political investigations have been ignored. Phone call records of people from years ago were placed in court files and passed from hand to hand. Investigations were arbitrary and irregular, sometimes dozens of people who did not know each other were made suspects in the same case. These dozens of people and their lawyers have been able to easily access each other's data. Files were copied onto CDs and sent to detainees in prison, and people's private information was made accessible to unrelated people. Telephone companies were able to extract people's phone records going back 10 years and give them to prosecutors' offices and the police, while they can keep phone call records going back a maximum of 2 years according to the legislation in force<sup>71</sup>.
87. The conditions required by law for the search of people's homes and workplaces were not complied with and arbitrary search warrants were issued. Searches were carried out carelessly and without following the procedures stipulated in the law, and computers, telephones and hard discs were taken away without being copied.

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<sup>71</sup> [FIS Turkey Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#). Internet access date :07.09.2024



## **The Human Rights Committee Should Recommend That The Turkish Government**

The findings of this shadow report highlight violations of the rights of a group of 350,000 women in Turkey, particularly since the 2016 coup attempt.

A discrimination-based approach towards these women, particularly by public institutions and organisations, has been identified and must be ended.

There are concrete findings that almost all rights of the women subject to the report are violated. This situation must end. The guarantees securing the fundamental rights and freedoms of these women must be increased.

Torture and ill-treatment practices against women and all people in Turkey must end. Those responsible for torture and ill-treatment must be prosecuted.

The vast majority of the rights violations listed in this report stem from politically motivated investigations. These investigations directed against women victims of the Decree initiate a chain reaction in the entire state mechanism. This chain reaction leads to violations of women's rights in every field. The solution to the problem is not difficult. The government and the Turkish judicial system must comply with the Yalçınkaya judgement of the European Court of Human Rights. The criteria in the judgement render almost all of the investigations, trials and new investigations carried out to date groundless.