

State of the Rule of Law in Europe in 2022

Reports from National Human Rights Institutions

Turkey



Turkey

Human Rights and Equality Institution of Turkey

Impact of 2021 rule of law reporting

Follow-up by State authorities

Encompassing the years 2019-2023, the 11th Development Plan (DP) was approved in the 105th plenary session of The Grand National Assembly of Turkey on 18 July 2019. The 11th DP 2019-2023 was adopted with the vision of “a Turkey that produces more value, shares more equally, that is stronger and prosperous”. The DP includes a chapter on the Rule of Law, Democratization and Good Governance, which states through policy/measure No. 737, that “*Related public institutions’ capacities to protect and enhance the rights and freedoms will be developed and effective coordination will be realized*”.

As part of the efforts to enhance the enjoyment of fundamental rights and freedoms in line with the 11th DP, the Government adopted the third Judicial Reform Strategy (Strategy) for 2019-2023 in May 2019. The Judicial Reform Strategy Document strongly emphasizes the strengthening of democracy.

Moreover, the Action Plan on Human Rights (HRAP), a fundamental policy document of Turkey concerning the enhancement of human rights over a 2-year period, was made public on 2 March 2021.

Consisting of 9 aims, 50 Goals and 393 activities, the HRAP has special sections for the aims (1) A Stronger System for Protection of Human Rights, (1) Strengthening Judicial Independence and the Right to Fair Trial, (3) Legal Foreseeability and Transparency, (4) Protection and Promotion of the Freedoms of Expression, Association and Religion, (5) Strengthening Personal Liberty and Security, (6) Safeguarding the Physical and Moral Integrity and the Private Life of the Individual, (7) A More Effective Protection of the Right to Property (8) Protecting the Vulnerable Groups and Strengthening the Social Wealth, (9) High-level Administrative and Social Awareness on Human Rights.

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Impact on the Institution's work

The terms of office of the former Human Rights Board have expired and new Board Members of the Human Rights and Equality Institution of Turkey (HREIT) have been appointed on 14 July 2021. In the new term, the Institution is highly motivated to intensify and deepen the cooperation with international and regional actors and to accelerate the accreditation process in accordance with the UN Paris Principles.

As stated below, the preparations for the accreditation process to GANHRI and carrying out the necessary work were unanimously decided with the decision of the Human Rights and Equality Board of HREIT dated 13.07.2021 and numbered 2021/170. The HREIT sent the official letter of intention for accreditation to the GANHRI Secretariat on 28.07. 2021. The Secretariat acknowledged the receipt of the letter and stated that the Sub-Committee on Accreditation (SCA) scheduled the accreditation of HREIT for the second half of 2022.

The Institution has had the opportunity to cooperate with experts from NGOs and public stakeholders on various issues covered in its 2021 reporting.

Examples of the activities of the HREIT conducted in 2021 include:

- Acting as the National Rapporteur on Trafficking in Human Beings:

The Government decided in December 2020 that HREIT shall gain the status of the "National Rapporteur" institution for the Group of Experts on Action against Trafficking in Human Beings (GRETA).

As recommended by the GRETA report on Turkey, the HREIT will monitor the implementation of the anti-trafficking activities of public institutions and organizations, including the implementation of the National Action Plan for Combating Human Trafficking. The Institution is responsible for identifying the deficiencies in the relevant legislation and preparing an annual report to make an objective assessment of the formulation of comprehensive recommendations and share it with the relevant authorities and the public.

During 2021, in collaboration with the Presidency of Migration Management of Turkey, UN Migration and the Council of Europe, many trainings were conducted to increase the capacity of the HREIT personnel.

On 7 October 2021, the Anti-Trafficking Division of the Council of Europe organized a round-table meeting in Ankara to discuss progress made in the implementation of the first report of the Group of Experts on Action against Trafficking in Human Beings (GRETA) on Turkey and the related Committee of the Parties recommendation to the Turkish authorities. Within this context, the HREIT participated and met the delegation.

Two human trafficking shelters are active in Turkey and both were visited by the HREIT in 2021. In the report to be prepared as the National Rapporteur, contributions were requested from more than 20 institutions and interviews were held with non-governmental organizations and international organizations such as UN Migration and International Centre for Migration Policy Development (ICMPD). These organizations take an active role in the fight against human trafficking in Turkey. The report is expected to be released before the end of 2022.

- Consultative Commission Meetings on Non-Discrimination (Ankara):

The Consultative Commission was formed by the HREIT to discuss the problems and proposals for solutions on issues related to the prohibition of discrimination within the scope of the first paragraph of the 22nd article of the Law No. 6701 on the Human Rights and Equality Institution of Turkey. In 2021, the Consultative Commission held a meeting to exchange information and views on these issues. The meeting included the participation of public institutions and agencies, non-governmental organizations, unions, social and professional organizations, higher education institutions, printed and audio-visual media, researchers and relevant persons, agencies and organizations.

- Provincial Human Rights Consultation Meetings (Trabzon and Malatya):

The HREIT held a Provincial Consultation Meeting in Malatya and Trabzon with the participation of stakeholders such as local public institutions and organizations, non-governmental organizations, and evaluations on the protection and development of human rights.

- Meetings with Provincial and Sub-Provincial Human Rights Board:

As part of the "Regular Meeting with the Provincial and Sub-Provincial Human Rights Boards" activity envisaged in the Human Rights Action Plan, the HREIT holds regular meetings with the members of the Provincial Human Rights Board. In 2021, 7 meetings were conducted with the Provincial and Sub-Provincial Human Rights Boards.

- Memoranda of Understanding:

The HREIT signs memoranda of understanding with relevant institutions to conduct joint training and research in the field of human rights, and to organize information

and awareness raising activities. In 2021, Memoranda of Understanding were signed with 10 Universities, 2 Public Institutions, 1 professional organization and 2 international counterparts (Ukrainian Parliament Commissioner for Human Rights and Azerbaijan Commissioner for Human Rights).

- TIHEK Academy:

In order to raise awareness on human rights issues, discussions under the theme of human rights are held under the name "TihekAkademi" with the participation of many academicians working in the field. These recorded discussions are subsequently broadcasted on the Institution's Youtube channel.

- Painting Contest:

On the occasion of Human Rights Day 2021, the HREIT organized a human rights-themed painting contest with the participation of 6th grade students in all private and public schools affiliated to the Ministry of National Education.

- Contribution to the Reports on Older Persons:

As requested by the Human Rights Council Resolution 48/3 entitled "Human Rights of Older Persons", OHCHR has sought inputs from States, regional mechanisms, treaty bodies, national human rights institutions, relevant United Nations agencies and civil society organizations in the preparation of the Report on Normative Standards and Obligations Under International Law in Relation to the Protection and Promotion of Human Rights of Older Persons.

- EU Citizens, Equality, Rights and Values Program:

The HREIT was chosen to act as the coordinator Institution (at national level) of the Working Group on the EU Citizens, Equality, Rights and Values Program. The Program was established by an EU Regulation published in the Official Journal of the EU on 5 May 2021. Working Group meetings continue regarding the country's participation process to the Program, under the coordination of the HREIT and with close cooperation with the Ministry of Foreign Affairs (Directorate for EU Affairs). This is done by supporting non-governmental organizations and other stakeholders operating at local, regional, national and international levels, promoting civic and democratic participation at the transnational level and maintaining and further developing open, rights-based, democratic, equal and inclusive societies based on the rule of law. It is aimed to protect and develop the rights and values contained in the treaties and relevant international human rights conventions.

- Periodical International Human Rights Monitoring Bulletin:

Comprising the updated news from 30 different international and regional human rights mechanisms and national human rights institutions including OHCHR, GANHRI, ENNHRI, SPT, CPT, the Periodical International Human Rights Monitoring Bulletin is published in Turkish and English on the Institution's website.

- **Symposiums and Workshops:**

In cooperation with Istanbul University, a workshop on "Vaccination Practices against COVID-19 from the Human Rights Perspective" was held in Istanbul on September 27, 2021.

The National Symposium on Hate Speech and Hate Crimes was conducted in October 2021 in Ankara.

On November 20, 2021, the Institution held the "Children's Rights Symposium on the 32nd Anniversary of the Adoption of the UN Convention on the Rights of the Child" in cooperation with Antalya Bilim University and UNICEF. The symposium took place in 3 sessions on child neglect and abuse, the child's right to access justice, and child poverty and social protection.

On the International Day of Persons with Disabilities, the HREIT organized a "Workshop on the Rights of Persons with Disabilities in the Coronavirus Pandemic" at Ankara University to raise awareness in the field of disability rights.

For the occasion of World Human Rights Day, the International Symposium on Human Rights during Epidemics was held from December 8 to 9, 2021 at Hacı Bayram Veli University in Ankara.

On 13 December 2021, a panel on "Islamophobia in Muslim Majority Countries and Europe: Problems, Approaches, Solutions" was organised and held with the Parliamentary Human Rights Investigation Commission on the occasion of World Human Rights Day.

In cooperation with Hasan Kalyoncu University, the International Symposium on the Impacts of the Use Of Artificial Intelligence (AI) on the Principle of Non-Discrimination will be held in Gaziantep on March 30, 2022.

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Follow-up initiatives by the Institution

The Government's Strategic Plan for 2019-2023 makes a specific reference to the need to carry out awareness-raising activities on the rule of law, respect the social order and individual rights, and on the protection and promotion of the fundamental rights and freedoms guaranteed in the Constitution (policy measure No. 733). In this context, several awareness-raising activities were conducted on the topic of various rights. For example, as regards the prohibition of discrimination, the HREIT prepared an application guide named "Individual Application to the Human Rights and Equality Institution of Turkey" indicating how to properly submit a complaint or request to the Institution.

The HREIT also compiles a periodic monitoring bulletin which is disseminated to NGOs and various global and national human rights institutions and organizations, as well as through social media. Monitoring reports are prepared on a monthly basis and made available in both English and Turkish versions.

In 2021, the HREIT followed the activities of the ENNHRI Legal Working Group with interest. In this context, HREIT contributed to the ENNHRI research on climate change in Turkey, on the basis of which a third-party intervention was drafted to inform proceedings pending before the European Court of Human rights (ECtHR) in case n. 53600/20 Verein Klima Seniorinnen Schweiz et al. v. Switzerland. The HREIT translated the intervention submitted by ENNHRI to the ECtHR into Turkish and published it on its website.

The HREIT also made contributions to the Report of the Turkey Research Commission on Violence Against Women, the 8th Periodic Country Report of the CEDAW Committee, and the Country Report Study Requested to be Submitted in accordance with Article 19 of the ILO Constitution.

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Independence and effectiveness of the NHRI

The HREIT observes that its overall independence and effectiveness has improved compared to the previous year. Some obstacles in the work of the Institution derived from COVID-19 related restrictions, such as the obligation to work from home during the lockdown period, remain. However, some positive developments were registered during the reporting year as the Institution became more recognized and active in organising trainings and conferences. As soon as travel bans between cities were lifted, events were held in more than 10 cities. Such increased recognition and active engagement has benefitted the HREIT's independence and effectiveness.

As mentioned, the GANHRI accreditation process has also been initiated. Pursuant to the HRAP Aim (1), Goal 1.2. on Improving the Effectiveness of Human Rights Institution, Article a. *"The structure of the Human Rights and Equality Institution of Turkey will be rendered compliant with the UN Principles relating to the Status of National Institutions and its accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) will be secured."* In this regard, the preparations for the accreditation process to GANHRI and the carrying out of the necessary work were unanimously decided with the decision of the Human Rights and Equality Board of HREIT dated 13.07.2021 and numbered 2021/170. The HREIT sent the official letter of intention for accreditation to the GANHRI Secretariat on 28.07. 2021.

International accreditation status and SCA recommendations

The Human Rights and Equality Institution of Turkey is a non-accredited, associate member of ENNHRI. As such, the Institution has committed taking proactive steps towards applying for accreditation and complying with the UN Paris Principles.

In 2019, a capacity assessment of the institution took place, led by the United Nations Development Program (UNDP) and in cooperation with OHCHR and ENNHRI. The main purpose of the capacity assessment was to identify the challenges and institutional needs of the institution in developing their capacities and to develop strategies for ensuring compliance with the UN Paris Principles.

The Institution has applied for accreditation and will be assessed by GANHRI's Sub-Committee on Accreditation (SCA) on October 2022.

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Regulatory framework

The Institution functions on a legislative basis.

The Institution has the mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, provide legal assistance to individuals and awareness-raising.

The national regulatory framework applicable to the institution has not changed since the 2021 report.

According to its Founding Law, the HREIT has the power to independently cooperate with international organizations. Thus, the HREIT cooperates with ENNHRI, GANHRI, Council of Europe, SPT and others. The HREIT's accreditation process to GANHRI is supported economically and politically by the Government.

Enabling and safe space

The Institution is involved in many national action plans and strategy documents regarding human rights as a relevant/responsible institution. In this context, the level of awareness regarding the mandate, independence and role of Institution is constantly increasing. However, certain public institutions and organizations such as penitentiary institutions, mental health and diseases hospitals, lack a sufficient awareness of the Institution. The Institution noted that these institutions are particularly relevant for the work of HREIT as National Prevention Mechanism (NPM). The Institution has increased its contact with provincial and sub-provincial human rights boards and started to hold consultation meetings at regular intervals. The increasing number of visits, reports and press releases also raises the general awareness that relevant institutions and authorities have of the HREIT's role and competences.

The Institution's law establishes important powers and functions for the HREIT.

Article 19 of Law No. 6701 provides that HREIT, within the scope of its inquiry power, shall *"where authorized by the Head (...) have the authority to request necessary information and documents from all public institutions and agencies and other natural and legal persons, to examine and take copies of the same, to receive written and oral information from relevant persons, to undertake visits to places where those deprived of liberty and those under protection are housed and to carry out examinations in such places and draw up necessary*

reports and to interview person(s) alleged to have been ill-treated. Public institutions and agencies and other natural and legal persons shall have to facilitate the visits undertaken by the Institution and fulfil their requests without delay."

Paragraph e of Article 9 of the Institution's Law mentions, among the duties of the Institution, "*Following and assessing development of legislation on issues falling under its mandate and submitting its opinions and proposals thereon to relevant authorities*".

In this context, the Institution has the authority to participate in policy-making processes by following, assessing, submitting opinions and proposals.

Pursuant to Article 25 of the Law, (1) In case of violation of non-discrimination principle, an administrative fine ranging from one thousand Turkish lira to fifteen thousand Turkish lira depending on the gravity of the effects and consequences of such violation, financial situation of the perpetrator and aggravating effect of the multiple discrimination, shall be imposed on the relevant public institutions and agencies, professional organizations with public institution status, natural persons and legal persons established under private law responsible for the violation. This number is currently increased from 2.673 Turkish Lira to 40.179 Turkish Lira.

The 4th paragraph of the 19th article of the Institution's Law reads as follows: "*It is imperative that the information and documents requested by the Institution by indicating the reason thereof concerning the matter under inquiry or examination be submitted within thirty days following the date of communication of such request*".

The third paragraph of article 25 titled "Administrative Sanctions" reads as follows: "*Individuals and agencies covered by the paragraph one who have failed to obey the obligations provided for in the Article 19 in the prescribed period of time without any valid reason and despite warnings shall be subject to an administrative fine from 1.336 Turkish lira to 5.352 Turkish lira*".

Within the scope of the provisions of the aforementioned legislation, the addressees generally provide timely and reasoned replies. However, there is no administrative sanction in place for the failure to fulfil the recommendations made by the HREIT in the reports it prepares after its visits as NPM. In this context, telephone calls or follow-up visits are carried out after the visit to monitor whether the relevant administration implements the recommendations.

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Human rights defenders and civil society space

The Institution noted an improvement in the situation of human rights defenders and civil society space compared to the last year.

The Institution cooperates with various non-governmental groups in the context of its duty to protect and promote human rights. In this respect, an active cooperation is carried out with non-governmental organizations, trade unions, professional organizations, persons or organizations that support philosophical or religious tendencies, universities, academics, and parliament and government departments. During the reporting activities, official letters are sent to all relevant non-governmental groups to convey their opinions and suggestions on human rights to the Institution. These opinions and suggestions are evaluated within the scope of the reporting activity.

Civil society participants in the consultation meetings include: Women's Rights Association Against Discrimination, Association for Monitoring for Equal Rights, Human Rights Association, Human Rights Agenda Association, Human Rights and Solidarity Association for the Oppressed (MAZLUMDER), Rights Initiative Association, Women and Democracy Association (KADEM), Liberal Thought Society, Mobbing Education Assistance Research Association (MEYAD), Association Against Mobbing, Confederation of Roma, Zero Discrimination Association, Turkish Beyazay Association.

At the meetings, suggestions were presented on issues such as organizing trainings in the field of human rights and non-discrimination for public institutions, judicial members and law enforcement units, schools and carrying out awareness-raising activities to prevent the formation or increase of a culture of violence in society, data collection, thematic reports, legislation and the working procedure of the Commission. In accordance with the By-Law on the Implementation of the HREIT Law, it is foreseen that the Consultative Commission will meet twice a year, once every six months. In this context, the second Commission meeting held on May 13, 2022.

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NHRI's role in promoting and protecting civil society space and human rights defenders

As stated in the second paragraph of Article 22 of the Founding Law No. 6701, the HREIT shall carry out consultation meetings in Turkey's centre and provinces with the participation of public institutions and agencies, non-governmental organizations, unions, social and professional organizations, higher education institutions, printed and audio-visual media, researchers and relevant persons, agencies and organizations with the aim to discuss and exchange views on human rights issues. In this context, in addition to the Provincial Consultation Meetings held in Trabzon and Malatya in 2021, the HREIT held a Consultation Meeting on Anti-Discrimination and the Rights of the Elderly.

In this context, the initiatives taken by HREIT are as follows:

- According to article 9 of the Law No 6701, the HREIT prepares an annual report related to the protection and promotion of human rights. In order to prepare the annual report, the HREIT requests views and statistics from many non-governmental institutions.
- A Consultation Meeting on Elderly Rights was hosted by the HREIT. Drawing attention to the lack of national and international legislation on the subject, participants in the meeting discussed examples of good practices in different countries, possible solution suggestions, examples of previous national and international events and the importance of awareness studies.
- In order to discuss human rights issues and exchange information and views on human rights issues, the HREIT held a consultation meeting in Trabzon on 08-09 September 2021 with the participation of public institutions and organizations, non-governmental organizations, trade unions, social and professional organizations, higher education institutions, press and broadcasting organizations, researchers and other relevant persons, institutions and organizations.
- The HREIT held a Provincial Consultation Meeting in Malatya with the aim of discussing human rights issues and exchanging information and views on human rights issues in accordance with the second paragraph of Article 22 of the Law No. 6701 on the Human Rights and Equality Institution of Turkey. In the meeting, suggestions and criticisms regarding the protection and development of human rights were discussed and evaluations were made.

- A "Training on Monitoring and Reporting Violations of Women's Rights and Children's Rights" was organized in cooperation with UNICEF.
- The first meeting of the Consultative Committee was held. The Consultative Committee was formed by the Institution to discuss the problems and possible solutions on the issues related to the prohibition of discrimination within the scope of the first paragraph of the 22nd article of the Law No. 6701 on the HREIT and to exchange information and opinions on these issues. As a member of the Commission, representatives of many public institutions and organizations, non-governmental organizations, social and professional organizations, academics and experts in their fields participated in the meeting.

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Impact of measures taken in response to COVID-19 on the national rule of law environment

The NHRI noted that the situation with regard to the impact of Covid-19 related measures on the rule of law and the human rights protection has improved compared to last year. Some examples to illustrate this improvement can be found under the following question.

Emergency regimes and related measures

Article 119 of the Constitution provides that *"In the event of war, the emergence of a situation necessitating war, mobilization, an uprising, strong rebellious actions against the motherland and the Republic, widespread acts of violence of internal or external origin threatening the indivisibility of the country and the nation, emergence of widespread acts of violence aimed at the destruction of the Constitutional order or of fundamental rights and freedoms, serious deterioration of public order because of acts of violence, occurrence of natural disasters, outbreak of dangerous epidemic diseases or emergence of a serious*

economic crisis; the President of the Republic may declare state of emergency in one region or nationwide for a period not exceeding six months." Within the scope of such provision, the President is authorized to declare a state of emergency in a situation such as a widespread epidemic. However, such a state of emergency regime was not declared during the Covid-19 pandemic.

The measures taken to fight against the Covid-19 virus have had a profound impact on the enjoyment of basic human rights. As a state of emergency was not declared, the normal constitutional framework remained applicable. Therefore, any measure restrictive of fundamental rights and freedoms should have been taken in accordance with Article 13 of the Constitution, according to which: *"These restrictions cannot be contrary to the word and spirit of the Constitution, the requirements of the democratic social order and the secular Republic, and the principle of proportionality."*

According to Article 15 of the Constitution *"In times of war, mobilization, a state of emergency, the exercise of fundamental rights and freedoms may be partially or entirely suspended, or measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated."* Thus, while there is a legal basis for the State to suspend some human rights obligations in times of emergency, obligations regarding some fundamental rights considered absolute cannot be suspended. In extraordinary times such as a pandemic emergency, States also have a responsibility not to apply restrictive measures in a "discriminatory" manner. In accordance with international human rights standards, governments have to take into due account the impact of the emergency situation especially on the "disadvantaged groups" and to minimize the disproportionate effects on the vulnerable groups concerned.

To summarize, it was undoubtedly imperative to take some measures in order to eliminate the threats and dangers posed by the Covid-19 pandemic. However, as mentioned, the HREIT observed that most of the measures taken during the fight against the Covid-19 pandemic posed a problem in terms of legal basis, considering there is no general possibility to restrict rights in the national constitutional system, apart from the above-mentioned Article 13, and, as already mentioned, a state of emergency was not declared. For example, according to Article 23 of the Constitution, "general health or public health" is not counted as a reason for restrictions to the right to free movement, such as the curfews and travel restrictions applied during the pandemic period. The same goes for other types of restrictions such as the prohibition of dismissal in relation to the freedom of contract, or the halt of judicial proceedings in relation to the right to a fair trial. A recommendation on this point is outlined at the end of the section.

As examples of a certain improvement compared to the previous year,

- Turkey lifted most of the pandemic-related restrictions in 2021 such as lockdowns.
- Open visits started in penitentiary institutions.
- With regard to the principle of fair trial, the courthouses' functioning improved in 2021 compared to its functioning during lockdown periods
- Turkey has administered over 147.4 million doses of COVID-19 vaccines since it launched a mass vaccination campaign in January 2021. The vaccination is not obligatory.
- The requirement to wear protective face masks indoors in Turkey has been scrapped, with the exception of hospitals and public transportation.

Most important challenges due to COVID-19 for the NHRI's functioning

Due to COVID-19, some events are organized and attended online. However, many of the Institution's activities were conducted in person. In 2021, 56 visits were made within the scope of the Institution's NPM mandate. Some of the visit reports have been published on HREIT's website.

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Actions taken by the NHRI to promote and protect rule of law and human rights in the crisis context

The Institution organized various activities to address the problematic issues raised and/or more generally to promote and protect human rights in the context of the pandemic.

For example, in 2021, the "Elderly Rights Working Group" was established with the participation of experts from relevant institutions and organizations. The Elderly Rights Forum was held on 22 March 2021 with the participation of experts as part of the 18-24 March Elderly Week. The event focused on two main themes: "Rights of the Elderly in Law and Practice" and "Rights of the Elderly in the COVID-19 Pandemic Process". During the event, the results of a public survey on "Perception of Aged Age and Perception of the Older People (over 60) and their Views on Their Own Problems", conducted with the participation of 5600 people across Turkey, were also presented.

On September 27, 2021, the "Workshop on Vaccination Practices Against COVID-19 from the Perspective of Human Rights" was held in cooperation with Istanbul University.

In addition, the HREIT contributed to the preparation of the Report on the "Impact of the COVID-19 Pandemic on the Realization of the Equal Enjoyment of the Right to Education by Every Girl" as requested by the Human Rights Council Resolution 47/5.

Besides, the HREIT plays a role in supporting the accession to international instruments in Turkey. It shared links, translated important documents into Turkish and shared them on its official website (e.g. COVID-19 Special Report of the Commissariat for Human Rights of the Parliament of Ukraine, the Resolution adopted by the Human Rights Council on 7 October 2021 48/3 on the Human Rights of older persons).

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NHRI's recommendations to national and regional authorities

General health or public health should be included as a clear reason in the provision of the relevant article regarding the categories of rights restricted during the Covid-19 pandemic and future health emergency situations.

These restrictions, which are necessary and even mandatory from a public health perspective, must meet the prescribed criteria in order to comply with the law. It is obvious that the Public Health Law (law n 1593 of 4 April 1930) and the Provincial Administration Law (law n 5442 of 10 June 1949), which constitute the basis for the said measures, are insufficient. Therefore, a "Pandemic Law" should be enacted in order to prevent similar problems in the fight against the Covid-19 pandemic and in terms of future projection.

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