

## Memorandum following the Commissioner's visit to Türkiye from 1 to 5 December 2025

### Introduction

1. The Commissioner for Human Rights, Michael O'Flaherty (hereinafter, the Commissioner), carried out a visit to Türkiye from 1 to 5 December 2025. The visit focused on the rights to freedom of expression, freedom of peaceful assembly and association, and aspects of the administration of justice.
2. The Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights (hereinafter, the Convention); identifies possible shortcomings in law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region.<sup>1</sup>
3. This memorandum contains the Commissioner's findings and recommendations from the visit in relation to the issues examined, drawing on his engagement with the authorities, national human rights structures, international organisations, civil society, and other experts.
4. The Commissioner's observations and recommendations are not exhaustive and should be considered in conjunction with findings and recommendations by the Council of Europe and other international human rights bodies.
5. During his visit, the Commissioner met with the Minister for Family and Social Services, Mahinur Özdemir Göktaş, the Deputy Minister of Foreign Affairs, Mehmet Kemal Bozay, the Deputy Minister of Justice, Niyazi Acar, the Deputy Minister of Interior, Münir Karaloğlu, the President of the Constitutional Court, Kadir Özkaya, and several members of the delegation of Türkiye to the Parliamentary Assembly of the Council of Europe. The Commissioner also met with Fahrettin Altun, Board Member and Chairman of the Human Rights and Equality Institution of Türkiye (TİHEK). He further met with the Union of Turkish Bar Associations, the Istanbul Bar Association, and held discussions with civil society and a group of students on the issues of focus during the visit.
6. The Commissioner thanks the Turkish authorities in Strasbourg and Ankara for their assistance in organising the visit.
7. Section I of the memorandum addresses some issues pertaining to the general human rights situation; Section II contains observations regarding freedom of expression and media freedom; Section III relates to freedom of peaceful assembly and association; Section IV discusses aspects of the administration of justice and the protection of human rights within the justice system. Each of these sections concludes with recommendations.
8. The Commissioner looks forward to continuing his dialogue with the authorities of Türkiye on the issues addressed in this memorandum.

---

<sup>1</sup> Resolution (99)50 on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

## I. General observations

9. The Commissioner's visit took place against the backdrop of developments related to the "Terror-Free Türkiye Initiative", including the establishment of a parliamentary commission to guide this process. The Commissioner welcomes the involvement of a wide range of actors, including civil society, in the parliamentary commission's consultations. The initiative has the potential to address longstanding human rights concerns, some of which are covered in this memorandum, and restore trust in democratic institutions.
10. In addition to this process, the Commissioner encourages further alignment of domestic law and practice with European human rights standards. In this context, he considers that Türkiye's withdrawal from the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which constitutes the most comprehensive set of legally binding standards on combating violence against women, has created a gap in protection that should be remedied, particularly in light of persistent challenges in preventing and combating violence against women in Türkiye.
11. The Commissioner considers an independent and effective human rights institution to be indispensable for the protection of human rights in any Council of Europe member state. He notes that the Human Rights and Equality Institution of Türkiye (TİHEK), has been accredited with B-status (partially compliant) under the UN Paris Principles (Principles Relating to the Status of National Human Rights Institutions). Concerns raised by GAHNRI's Sub-Committee on Accreditation from October 2022 relate, among other things, to the lack of independence from the executive, shortcomings in the implementation of the mandate and the need for regular and constructive engagement with other human rights actors, including civil society. The Commissioner was informed that the Ministry of Justice is working on a new legal framework for the institution.

The Commissioner recommends that the Turkish authorities:

- Rejoin the Istanbul Convention.
- Pursue reform of TİHEK with a view to securing A-status accreditation, in full compliance with the Paris Principles.

## II. Freedom of expression

### 2.1 Legal framework

12. Freedom of expression is protected under Article 10 of the Convention and Article 26 of the Turkish Constitution. However, the Commissioner noted concerns that a range of provisions in the Turkish Criminal Code (TCC) and the Anti-Terrorism Law have been used by domestic courts to unduly restrict this freedom. These include Articles 125 (insult), 299 (insulting the President), 301 (degrading the nation, state, or institutions), and 217/A (dissemination of misleading information) TCC, as well as Articles 7 (terrorist propaganda), 220 (establishing a criminal organisation), and 314 (armed criminal organisation) of the Anti-Terrorism Law. In 2016, the European Commission for Democracy through Law (Venice Commission) concluded that several of these articles included "excessive sanctions and had been applied too widely, penalising conduct protected under the [Convention]".<sup>2</sup>
13. Various judgments of the European Court of Human Rights (hereinafter, the Court) against Türkiye, including the *Öner and Türk*, *Altuğ Taner Akçam*, *Artun and Güvener*, *Nedim Şener*, and *Işıkırık*

<sup>2</sup> Venice Commission, [Opinion No. 831/2015 on articles 216, 299, 301 and 314 of the Penal Code of Turkey](#), adopted by the Venice Commission at its 106<sup>th</sup> plenary session (Venice, 11-12 March 2016), para 123.

groups of cases, reflect concerns that the application of criminal law and anti-terrorism provisions to matters of freedom of expression and association fail to meet Convention standards.<sup>3</sup> The Commissioner observes that the Court has found violations where criminal liability was imposed for peaceful expression, political speech, or civil society activities, and where judicial decisions lacked adequate and individualised reasoning.<sup>4</sup> He notes that, despite these findings, the Committee of Ministers has repeatedly observed that these provisions remain broadly defined and interpreted, and that domestic courts have yet to align their practice with the Convention's requirements of legality, foreseeability, and restraint.<sup>5</sup>

14. The Commissioner received reports that these provisions continue to be applied to conduct that appears to fall within the scope of legitimate democratic activity, such as the acceptable expression of opinion and human rights advocacy.<sup>6</sup> Regarding Articles 125 (insult) and 299 (insulting the President) TCC, the Commissioner recalls that public officials must tolerate a higher degree of criticism, and that vaguely worded criminal provisions enabling broad discretion are incompatible with democratic standards.<sup>7</sup>
15. In addition, the Commissioner was informed about the incomplete official statistics published by the Ministry of Justice regarding criminal cases initiated under the above-mentioned provisions. The Committee of Ministers has repeatedly emphasised, in the context of the supervision of the freedom of expression groups of cases, that the absence of reliable data hampers the assessment of whether general measures adopted by the authorities are effective in preventing similar violations.<sup>8</sup> The Commissioner notes that, in July 2025, the Constitutional Court found a violation of the right to freedom of expression, regarding access to information, after the Ministry of Justice did not provide disaggregated statistical data on Articles 299 and 301 TCC.<sup>9</sup> The Commissioner understands that the requested data have not yet been disclosed.

## 2.2 Restrictions on journalists and human rights defenders

16. The Commissioner is concerned that journalists face undue restrictions in their exercise of professional activities. A trial monitoring report covering the 2024–2025 judicial year of freedom of expression-related cases points to the prosecution of journalists for terrorist propaganda based on

---

<sup>3</sup> See, inter alia, *Altuğ Taner Akçam v. Turkey* (Application no. [27520/07](#)), 25 October 2011, paras 87–94; *Işıkırık v. Turkey* (Application no. [41226/09](#)), 14 November 2017, paras 55–61, 70; *Kavala v. Turkey* (Application no. [28749/18](#)), 10 December 2019, paras 153–157, 229–231; *Selahattin Demirtaş v. Turkey (No. 2)* [GC] (Application no. [14305/17](#)), 22 December 2020, paras 266–272, 436–440.

<sup>4</sup> See, inter alia, *Selahattin Demirtaş v. Turkey (No. 2)* [GC], paras 261–266, 275–282; *Sabuncu and Others v. Turkey* (Application no. [23199/17](#)), 10 November 2020, paras 230–236, 240–247; *Şık v. Türkiye* (Application No. [53413/11](#)), 8 July 2014, paras 95–103; *Murat Aksoy v. Turkey* (Application no. [80/17](#)), 13 April 2021, paras 137, 144, 147; *Vedat Şorli v. Turkey* (Application no. [42048/19](#)), 19 October 2021, paras 39–47.

<sup>5</sup> See, for example, Committee of Ministers, Öner and Türk group (Application No. 51962/12), Altuğ Taner Akçam group (Application No. 27520/07), Artun and Güvener group (Application No. 75510/01) and Işıkırık group (Application No. 41226/09) v. Turkey, [Decision](#) adopted at the 1521<sup>st</sup> meeting (DH) 4-6 March 2025; and Committee of Ministers, Selahattin Demirtaş (No. 2) group v. Turkey, [Decision](#) adopted at the 1553<sup>rd</sup> meeting (DH) 9-11 March 2026.

<sup>6</sup> See also the European Commission, [Türkiye Report 2025](#), 4 November 2025; Human Rights Watch, [World Report 2024 & 2025 Türkiye](#)

<sup>7</sup> Venice Commission, [Opinion No. 831/2015 on articles 216, 299, 301 and 314 of the Penal Code of Turkey](#), adopted by the Venice Commission at its 106<sup>th</sup> plenary session (Venice, 11-12 March 2016), para. 126; see also UN Human Rights Committee, [General comment No.34 on Article 19: Freedoms of opinion and expression](#), para. 38.

<sup>8</sup> See, for example, Committee of Ministers, Öner and Türk group (Application No. 51962/12), Altuğ Taner Akçam group (Application No. 27520/07), Artun and Güvener group (Application No. 75510/01) and Işıkırık group (Application No. 41226/09) v. Turkey, [Decision](#) adopted at the 1553<sup>rd</sup> meeting (DH), 9-11 March 2026, point 6 and [Decision](#) adopted at the 1521<sup>st</sup> meeting (DH), 4-6 March 2025, point 6.

<sup>9</sup> Constitutional Court of Türkiye, *Yaman Akdeniz (3)*, App. no: 2022/4380, 2 July 2025.

the content of a journalist's reporting or the identity of their news source; prosecution under Law No. 2911 on Meetings and Demonstrations when covering social events and trials; prosecution for reporting on members of the judiciary, under charges such as "attempting to influence the judiciary", "insult", or "violating confidentiality"; or prosecution for "dissemination of misleading information" or "insulting the state", when reporting included criticism of public institutions.<sup>10</sup> The Commissioner was informed that, in several instances, journalists have been subjected to multiple criminal investigations and proceedings over a short period of time, contributing to the perception that criminal law is being used to silence critical reporting. He expresses concern about the reported recurrent use of deprivation of liberty, including the extensive use of arrest, prolonged pre-trial detention, judicial control measures, or severe restrictions on freedom of movement, such as house arrest. According to the Safety of Journalists Platform, 29 journalists were in detention at the time of publication of this memorandum.<sup>11</sup>

17. Interlocutors informed the Commissioner of obstacles facing journalists when covering protests, such as physical obstruction by law enforcement officials, confiscation of journalists' equipment, and criminal investigations. During the March 2025 protests (see below, *Section 3.1 Freedom of peaceful assembly*), at least 15 journalists who covered the events were arrested while carrying out their professional duties; some were detained and later released. The Commissioner recalls that the initiation of criminal proceedings against journalists for covering public assemblies may in itself raise issues under Article 10 of the Convention, particularly where the reporting concerns matters of public interest.<sup>12</sup> He refers to the Court's case-law, which has established that journalism enjoys heightened protection under Article 10 of the Convention, and that states have a positive obligation to ensure a safe and enabling environment for the media.<sup>13</sup>
18. The Commissioner is concerned about persistent challenges facing human rights defenders in Türkiye, such as criminal investigation and prosecution for their work, especially when speaking out on legal and political developments in the country that affect human rights.<sup>14</sup> The Commissioner recalls that criminalising the legitimate exercise of free speech not only violates the human rights of the individual concerned, but can also have a dissuasive effect on the work of human rights defenders. He refers to the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities,<sup>15</sup> and recalls that the Court has recognised the importance of the work of human rights defenders and their need for heightened protection.<sup>16</sup>

---

<sup>10</sup> Media and Law Studies Association (MLSA), [Journalism and Freedom of Expression Cases - Trial Monitoring Report](#), November 2025.

<sup>11</sup> Safety of Journalists Platform, [Türkiye](#).

<sup>12</sup> *Pentikäinen v. Finland* [GC] (Application no. [11882/10](#)), 20 October 2015, paras 88-90.

<sup>13</sup> *Dink v. Turkey* (Application nos. [2668/07](#) and others), 14 September 2010, paras 137-138; *Şener v. Turkey* (Application no. [26680/95](#)), 18 July 2000, paras 41-42.

<sup>14</sup> For example, founding member of Human Rights Association and human rights defender Nimet Tanrıku was arrested in November 2024 and placed in pre-trial detention for three months in connection with her human rights activities; the Young LGBTI+ Organisation's executive board and some employees, 11 people in total, have been facing legal proceedings for violating the Law on Associations, in addition to the ongoing closure case against the organisation on the grounds of 'obscenity' for five illustrations posted on their social media accounts between 2019 and 2022 (see below under freedom of association).

<sup>15</sup> [Declaration](#) of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities (Adopted by the Committee of Ministers on 6 February 2008 at the 1017th meeting of the Ministers' Deputies).

<sup>16</sup> *Aliyev v. Azerbaijan* (Application nos. [68762/14 and 71200/14](#)), 20 September 2018, paras 88-92; *Kavala v. Turkey* (Application no. [28749/18](#)), 10 December 2019, paras 74-75.

## 2.4 Media pluralism and regulatory pressure

19. The Commissioner notes with concern reports that media freedom in Türkiye is subject to arbitrary regulatory and administrative restrictions, including fines and programme suspensions by the Radio and Television Supreme Council (RTÜK), removal of content from broadcasting platforms, and onerous licensing requirements for journalists and media outlets, at times under threat of access blocking or loss of licence. These measures are frequently justified by reference to “national values”, “general morality”, or the “protection of the family”. The Commissioner notes that interferences with media freedom based on arbitrary or overly broad measures, including those based on too wide or vague interpretation of grounds like morality or national values, have frequently been found by the Court to be incompatible with the Convention.<sup>17</sup>
20. The Commissioner was further informed that independent media outlets have been subject to criminal investigations which have affected their operations.<sup>18</sup> He understands that investigations and proceedings have been based on legal provisions criticised by the Venice Commission (see paragraph 12, above), and is concerned about the impact of the cumulative use of administrative fines, licence-related pressure, and criminal investigations against independent media outlets on media pluralism and editorial independence. He recalls that the Court has consistently held that measures affecting the functioning of media organisations require careful scrutiny, given the essential role of the press in a democratic society.<sup>19</sup>

## 2.4 Online freedom of expression

21. The Commissioner was informed that access blocking and content removal measures under Internet Law No. 5651 continue to be applied on broad interpretation of grounds such as national security and public order, without individualised reasoning. The Constitutional Court annulled Article 9 of the Internet Law on the grounds that it violated the right to a fair trial and the principle of legal certainty, freedom of expression, and that it lacked sufficient judicial safeguards;<sup>20</sup> however, access blocking and content removal remain possible under other provisions, notably Articles 8 and 8/A. The Commissioner notes that the Constitutional Court and the Venice Commission have identified structural deficiencies in the scope, foreseeability, and judicial review mechanisms of the Internet

---

<sup>17</sup> *Altuğ Taner Akçam v Turkey* (Application no. [27520/07](#)), 25 October 2011, paras 92-93; *Fatih Taş v. Turkey* (no.5) (Application no. [6810/09](#)); *Bayev and others v. Russia* (Application nos. [67667/09 and 2 others](#)), paras 61-84; see also *Nedim Şener v Turkey* (Application no. [38270/11](#)), 8 July 2014, paras 94-95, 118, 120; and Human Rights Committee, [General comment No.34 on Article 19 \(Freedom of opinion and expression\)](#), paras 29-36.

<sup>18</sup> For example, in September 2025, the Istanbul Prosecutor's Office initiated an investigation against the editor-in-chief, director and programme moderator of Tele1 on charges of insulting the President (Article 299 TCC), following on-screen commentary during a live broadcast. In October 2025, the same channel was subjected to an anti-terror operation, its editor-in-chief was detained, and a trustee was appointed by decision of a criminal judgeship of the peace. RTÜK issued administrative fines and temporary broadcast suspensions of up to 10 days to TV channels Halk TV, SCZ TV, Tele1 and Now TV, following their coverage of detention of Istanbul Mayor Ekrem İmamoğlu and protests against his detention on 21 and 27 March 2025. See also Bianet, [İmamoğlu faces espionage probe, journalist detained](#), 24 October 2025; Bianet, [Tele1 TV seized by state after editor-in-chief's arrest in espionage probe](#), 24 October 2025; Human Rights Watch, [Joint statement by ARTICLE 19 and 14 other organisations - Türkiye: Ensure peaceful assembly, free speech during protests](#), 27 March 2025.

<sup>19</sup> *Özgür Gündem v. Turkey* (Application no. [23144/93](#)), 16 March 2000, paras. 58, 60; *Dink v. Turkey* (Application nos. [2668/07](#) and others), 14 September 2010, paras 106-110, 137; *Süreç v. Turkey (No. 1)* (Application no. [26682/95](#)), 8 July 1999, para 61.

<sup>20</sup> Constitutional Court of Türkiye, E.2020/76, K.2023/172, 11 October 2023. Article 9 provided a procedure for access-blocking/removal of online content for the violation of “personal rights” of physical person or legal entity by hosting provider or a judge. A blocking/removal decision needed to be made within 24 hours without holding a hearing. The Venice Commission found that the procedure lacked procedural and judicial safeguards against arbitrariness and abuse, see [Opinion No. 805 / 2015 on Law No. 5651 \("The Internet Law"\)](#).

Law.<sup>21</sup> Amendments to the Internet Law in 2020,<sup>22</sup> and the adoption in 2022 of the Disinformation Law,<sup>23</sup> together with amendments to the Law on the Establishment and Broadcasting Services of Radio and Television (Law No. 6112), expanded the obligations of social media companies and introduced stricter enforcement mechanisms, including the possibility to impose administrative fines, “bandwidth throttling”,<sup>24</sup> as well as access blocking and removal orders.

22. Interlocutors raised concerns with the Commissioner that these measures are used frequently, with negative impacts on the enjoyment of freedom of expression online. More than 1.2 million websites and URLs were reportedly blocked in Türkiye between 2014 and 2024.<sup>25</sup> These blocking decisions are issued either by criminal judgeships of the peace or by the Information Technologies and Communication Authority (BTK). The Venice Commission has indicated that criminal judgeships of the peace lack effective independence and meaningful judicial oversight.<sup>26</sup> Decisions issued by the BTK are made without any judicial control. The Commissioner notes that blanket bans of platforms and internet shutdowns are used during periods of heightened political or social significance, such as the February 2023 earthquakes<sup>27</sup> and the March–April 2025 protests,<sup>28</sup> and target news articles, social media content, and journalistic archives.<sup>29</sup> Cases challenging some of these restrictions are pending before the Constitutional Court.

The Commissioner recommends that the Turkish authorities:

- Amend the Turkish Criminal Code (Arts. 125, 299, 301, 217/A, 215, 216, 220, 314) and Anti-Terrorism Law (Arts. 6 § 2, 7, 7 § 2, 220, 314), in line with the Court’s case-law and guidance by the Venice Commission, and ensure conformity with the requirements of legality, foreseeability and proportionality; repeal Article 299 to prevent further violations of freedom of expression.
- Strengthen pre- and in-service training activities for judges and prosecutors on the requirements of Article 10 of the Convention.
- Make detailed, disaggregated official data on investigations and convictions publicly available to foster transparency and accountability.
- Ensure that all media and human rights defenders can pursue their activities without the threat of reprisals or arbitrary interference and that regulatory or administrative measures are not misused to silence critical reporting or restrict media pluralism. Ensure that concepts such as “national values” or “general morality” are clearly defined in law and narrowly interpreted, in line with the Court’s case law.

<sup>21</sup> Venice Commission, [Opinion No. 805/2015 on Law No. 5651 on regulation of publications on the Internet and combating crimes committed by means of such publication \(“the Internet Law”\)](#), adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016); Constitutional Court of Türkiye, judgement on the annulment of Article 9 of Law no. 5651, E.2020/76, K.2023/172, 11 October 2023.

<sup>22</sup> The 2020 amendments to the Internet Law required social media platforms to appoint local representatives, respond more swiftly to content removal requests, and imposed heavy fines and bandwidth throttling for non-compliance.

<sup>23</sup> The 2022 amendments (so-called “Disinformation Law”) increased state authorities’ powers regarding online content, introduced new criminal offences, and further empowered administrative bodies. See [Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law](#), 7 October 2022.

<sup>24</sup> “Bandwidth throttling” refers to the deliberate slowing down of internet service, causing websites or platforms to load much more slowly for users.

<sup>25</sup> Freedom of Expression Association (İFÖD), [EngelliWeb 2024 report](#), September 2024.

<sup>26</sup> Venice Commission, [Opinion No. 852/2016 on the duties, competences and functioning of the criminal peace judgeships](#), adopted by the Venice Commission at its 110<sup>th</sup> Plenary Session (Venice, 10-11 March 2017), paras 77-84.

<sup>27</sup> ARTICLE 19, [Turkey: Internet throttling violates human rights](#), 3 March 2023.

<sup>28</sup> Human Rights Watch, [Joint statement by ARTICLE 19 and 14 other organisations - Türkiye: Ensure peaceful assembly, free speech during protests](#), 27 March 2025.

<sup>29</sup> Freedom of Expression Association (İFÖD), [EngelliWeb 2024 report](#); International Commission of Jurists (ICJ) and Human Rights Joint Platform (IHOP), [Briefing: The Turkish criminal peace judgeships and international law](#), 2018.

- Revise Law Nos. 5651 and 6112 and related mechanisms to address overbroad grounds for restrictions, structural deficiencies in scope, foreseeability, and judicial review, ensuring that all restrictions are strictly necessary, proportionate, and subject to effective, independent judicial oversight.
- End the practice of unduly blocking websites, communication platforms, and online resources, including blanket bans and internet shutdowns, and restore access to them.

### III. Freedom of peaceful assembly and association

#### 3.1 Freedom of peaceful assembly

23. The Commissioner was informed by the authorities that in 2025 (as of 8 December), 82,220 protests and activities involving 32,607,696 participants took place in Türkiye; of these, police intervened with force in only 0.3% (280 events), when assemblies were deemed to be unlawfully organised and negotiation had failed, while 54.6% of such gatherings were ended peacefully. According to the authorities, Law No. 2911 on Meeting and Demonstration Marches and relevant directives govern the proportionality of police response. Nonetheless, the Commissioner notes that there are no comprehensive official statistics concerning assembly bans, arrests, use of force, or related prosecutions, which limits effective monitoring and accountability in this area. The right to freedom of peaceful assembly is guaranteed under Article 11 of the Convention and Article 34 of the Turkish Constitution. The Court has consistently held that member states must refrain from arbitrary interference and have a positive obligation to facilitate peaceful assemblies
24. The Commissioner received reports that Law No. 2911 is interpreted and applied beyond permissible restrictions. Assemblies are deemed unlawful based on vaguely defined public order, general morality grounds, or security concerns, leading to prolonged bans without individualised assessment. He was further informed about the persistent issue of excessive use of force by police, including to disperse peaceful assemblies, and the lack of effective investigations into allegations of ill-treatment by law enforcement officials. These are issues under supervision of the Committee of Ministers in the execution of the *Oya Ataman* group of cases.<sup>30</sup>
25. In March 2025, the Commissioner urged the Turkish authorities to uphold the rights to freedom of peaceful assembly, expression and media freedom in relation to protests following the detention of Istanbul Mayor Ekrem İmamoğlu and other opposition mayors. The protests across major Turkish cities resulted in the arrest of 1,879 individuals, including children,<sup>31</sup> with 260 placed in pre-trial detention and 468 subjected to judicial control measures.<sup>32</sup> Reports highlighted delays in access to legal assistance, obstacles to independent monitoring, and excessive force by law enforcement officials, including the use of tear gas, water cannons, and rubber bullets. Reports also documented injuries and allegations of ill-treatment, including beatings and abusive use of reverse handcuffing. Although some detainees were later released and certain proceedings resulted in acquittals, a

<sup>30</sup> Committee of Ministers, *Oya Ataman v. Turkey* (Application no. [74552/01](#)); See also *Sungur v. Türkiye* (Application no. [56462/19](#)), 17 March 2026.

<sup>31</sup> The Center of Children's Rights of the Istanbul Bar Association, Monitoring Report on the violation of children's rights during incidents between 22-28 March 2025 [indicates](#) that 26 children were arrested, 20 of them were placed handcuffs and 12 of them were reportedly subjected to violence.

<sup>32</sup> Ministry of Interior, [19 Mart 2025 Tarihinden İtibaren 1.879 Şüpheli Gözaltına Alındı](#), 27 March 2025. See also, European Commission, [Türkiye Report 2025](#), 4 November 2025; Human Rights Watch, [Joint statement by ARTICLE 19 and 14 other organisations - Türkiye: Ensure peaceful assembly, free speech during protests](#), 27 March 2025; Human Rights Watch, [Türkiye: Students, journalists on trial for protest](#), 17 April 2025; Amnesty International, [Türkiye: Unlawful use of force by police against protesters in March "may amount to torture"](#), 19 June 2025.

number of individuals remained under prolonged judicial control for their alleged participation in protests.<sup>33</sup>

26. The Commissioner received reports indicating that restrictions on assemblies disproportionately impact people and organisations advocating for the rights of women and LGBTI people, for environmental protection, and human rights defenders. For example, in 2025, as in previous years, several Pride Week events were reportedly prevented, with dozens of people who defied the bans facing arrest and criminal proceedings for violating Law No. 2911 on Meetings and Demonstrations, resisting law enforcement and/or not dispersing despite a warning.<sup>34</sup> Demonstrations on International Women's Day 2025 were banned in certain locations, and participants were arrested after they had already dispersed.<sup>35</sup> Student protests, including on university campuses such as Boğaziçi University, were reportedly met with heavy police presence and interventions, with students facing arrests, disciplinary proceedings, and long-term judicial control measures in some cases.<sup>36</sup> In the context of protests against coal mining in the Akbelen Forest, environmental rights defenders were subjected to repeated police interventions, including the use of force, detentions, and judicial measures restricting their participation in demonstrations. The Saturday Mothers/People have been facing restrictions to their weekly gatherings on Galatasaray Square and related criminal proceedings, despite several judgments of the Turkish Constitutional Court in their favour.<sup>37</sup>

### 3.2 Freedom of association

27. The right to freedom of association is protected under Article 11 of the Convention and Article 33 of the Constitution of Türkiye. It encompasses not only the formal establishment of associations and foundations, but also their ability to operate freely and participate in public life without undue interference. The national legal framework, notably Law No. 5253 on Associations and related secondary legislation, regulates the establishment, functioning, supervision, and dissolution of associations. In addition, Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction, adopted in 2020, expanded the supervisory and sanctioning powers of the Ministry of Interior over associations and foundations. The Venice Commission has underlined that several provisions of this law lack sufficient safeguards against arbitrariness and may affect the effective exercise of freedom of association.<sup>38</sup> The Turkish Constitutional Court made similar findings in 2024, annulling certain parts of the legislation.<sup>39</sup>
28. The Commissioner received information that some associations and foundations, particularly those working on human rights, the rights of women and of LGBTI people, minority issues, migration, and youth engagement, continue to face a combination of legal, administrative, and judicial measures

---

<sup>33</sup> Amnesty International, [Türkiye: "I Cannot Breathe" Allegations of torture and other ill-treatment in the context of mass protests between 19-26 March must be investigated](#), 19 June 2025.

<sup>34</sup> ILGA Europe, [Turkey Pride Monitor](#), 25 July 2025.

<sup>35</sup> Turkish Minute, [Some 200 detained after İstanbul Women's Day march, organizers say](#), 8 March 2025.

<sup>36</sup> See, for example, AP News, [Students and journalists stand trial in Turkey over protests sparked by mayor's arrest](#), 18 April 2025; Birgün Gazetesi, [Boğaziçi'nde dün gözaltına alınan iki öğrenci serbest bırakıldı](#), 14 February 2026; T24, [İlayda Zorlu protestosu: Gözaltına alınan 79 gençten 57'si serbest bırakıldı; 2'si hakkında tutuklama, 20'si hakkında adli kontrol kararı](#), 20 April 2026.

<sup>37</sup> See, for example, Constitutional Court of Türkiye, *Maside Ocak Kışlakçı*, App. No: 2019/21721, 16 November 2022; In one of the criminal proceedings against the group, people were acquitted in March 2025 after seven years of prosecution for their participation in the peaceful gathering for the 700th vigil in August 2018; however, other similar cases are still ongoing, on the basis of a violation of Law No. 2911 on Public Meetings and Demonstrations.

<sup>38</sup> Venice Commission, [Opinion No. 1028/2021 on the compatibility with international human rights standards of Law no. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction](#), adopted by the Venice Commission at its 127th Plenary Session (Venice and online, 2-3 July 2021), paras 85–90.

<sup>39</sup> See, Constitutional Court of Türkiye, E.2021/28, K.2024/11, 18 January 2024.

that undermine their work. This includes disproportionate financial and administrative sanctions and scrutiny, such as repeated inspections and extensive documentation requests related to funding and compliance requirements.

29. The Commissioner is concerned by reports of closure proceedings and criminal investigations against civil society organisations and their executives.<sup>40</sup> He recalls that closure proceedings and criminal investigations against organisations are serious interferences with freedom of association and should be used only as a last resort, in accordance with the principles of necessity and proportionality.<sup>41</sup> The Commissioner notes that a dissolution order which is not based on acceptable and convincing reasons might have a chilling effect on the association and its individual members, as well as on human rights organisations more broadly.<sup>42</sup>
30. The Commissioner is further concerned about restrictions on freedom of association affecting individuals and groups engaged in political participation and local governance, particularly where such engagement intersects with human rights advocacy. In this context, the Commissioner notes that the continuing detention of the Mayor of Istanbul, Ekrem İmamoğlu, and the multiple criminal proceedings initiated against him and other opposition mayors, some of whom have been replaced by government-appointed trustees, have had a chilling effect extending beyond political actors. Interlocutors informed the Commissioner that civil society organisations, lawyers, and activists associated with or perceived as supportive of opposition-led municipalities face increased pressure, surveillance, and a sense of intimidation that discourages them from engaging in public activities.

The Commissioner recommends that the Turkish authorities:

- Facilitate the right to peaceful assembly by ensuring that any restrictions serve a legitimate aim, are necessary and proportionate, and are not based on broad grounds such as “public order” or “morality” unless strictly justified and based on an individualised assessment; investigate allegations of excessive force or arbitrary detention, ensuring accountability and adequate redress for victims.
- Provide appropriate in-service training to judges, prosecutors and civil servants on the right to freedom of peaceful assembly, and to law enforcement officials on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.
- Bring legislation, including Law Nos. 3713 and 7262, as well as relevant articles of the criminal code governing the operation of associations, into full compliance with the Convention, in particular by clarifying and narrowing definitions of terrorism-related offences and preventing the misuse of these laws against civil society. Ensure that closure or criminal proceedings against associations are a last resort, justified by convincing reasons, and subjected to effective judicial review.
- Take concrete steps to enable and safeguard a vibrant civil society, including those working on issues relating to the rights of minorities, women and LGBTI people, trade unions, lawyers, educational institutions, human rights defenders, journalists, academics, and other civil society actors. Ensure that civil society can carry out its work and cooperate with international and regional organisations without fear of reprisal, harassment, or arbitrary detention.

<sup>40</sup> These include, for example the dissolution order against the Young İzmir LGBTI+ Association; the criminal case against the Chair of the 17 May Association; judicial harassment, including closure proceedings, criminal investigations, repeated audits, and overlapping administrative and judicial proceedings against the Tarlaşaşı Community Center.

<sup>41</sup> *MKD / Association of citizens Radko and Paunkovski* (Application No. [74651/01](#)); *Tunceli Kültür ve Dayanışma Derneği v Turkey* (Application no [61353/00](#)), 10 October 2006, para 32; *Les Authentiks and Supras Auteuil 91 v. France*, nos. [4696/11](#) et [4703/11](#)) 27 October 2016, para 80.

<sup>42</sup> *Adana Tayad v. Turkey* (Application no. [59835/10](#)), 21 July 2020, paras 35-36.

## V. Administration of justice and the protection of human rights in the justice system

31. The Commissioner recalls that the independence and impartiality of the judiciary, and the rights to a fair trial and an effective remedy, are essential guarantees of human rights protection in judicial systems and core components of the rule of law. They are also a precondition for the enjoyment of human rights. The Commissioner observes that the Court's case-law and the findings of other international human rights bodies point to persistent problems with the independence and impartiality of the judiciary in Türkiye.

### 5.1 Independence and impartiality of the judiciary

32. The Commissioner recalls his recent concerns<sup>43</sup> that some of these shortcomings have been facilitated by several constitutional and legislative amendments altering the composition and selection procedure of the Council of Judges and Prosecutors (CJP), the main self-governing body of the judiciary. CJP members are either elected by the Parliament or appointed by the President, while the Minister and Deputy Minister of Justice remain *ex-officio* members. Some of the key parameters identified by the Venice Commission as conditions for guaranteeing the independence and impartiality of judicial and prosecutorial councils include that at least a significant amount of judicial council members must be elected by their peers, and that *ex officio* membership is generally discouraged. In its Opinions from 2017 and 2024, the Venice Commission warned that the amendments extended presidential control to all the judiciary, weakened an already inadequate system of judicial oversight of the executive, and recommended the introduction of safeguards to bring the CJP in line with European standards.<sup>44</sup>

33. The Commissioner notes that, in practice, the CJP's powers with regard to recruitment, promotions, transfers and disciplinary proceedings continue to be exercised in ways that do not comply with the criteria laid out in Law No. 2802 on Judges and Prosecutors<sup>45</sup> and the Court's case-law requiring decisions to be based on objective criteria and a transparent process.<sup>46</sup> These include, for instance, promotions in contravention of established seniority requirements, disciplinary measures for publicly criticising political developments or following decisions in favour of defendants, terminating judges' permanent appointments or sudden transfers, including to remote locations, occurring shortly before or after significant hearings or rulings. These notably affected proceedings involving journalists, human rights defenders, and opposition politicians.<sup>47</sup> The Commissioner notes the Venice Commission's finding that, apart from dismissal decisions, the CJP's decisions are not subject to independent judicial review, which runs counter to European standards.<sup>48</sup>

---

<sup>43</sup> Council of Europe Commissioner for Human Rights, [Third party intervention](#) in the case of *Kavala v. Türkiye* (No. 2) (Application no. 2170/24), 12 February 2026.

<sup>44</sup> Venice Commission, [Opinion No. 875.2017 on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017](#), adopted by the Venice Commission at its 110<sup>th</sup> Plenary Session (Venice, 10-11 March 2017), paras 114-119; Venice Commission, [Opinion No. 1196/2024 on the composition of the Council of Judges and Prosecutors and the election of its members](#), adopted by the Venice Commission at its 141<sup>st</sup> Plenary Session (Venice, 6-7 December 2024).

<sup>45</sup> Law No. 2802 on Judges and Prosecutors ("Hakimler ve Savcılar Kanunu") is the principal legal instrument governing the status, appointment, promotion, rights, obligations, and disciplinary matters of judges and prosecutors.

<sup>46</sup> *Bilgen v. Turkey* (Application no. [1571/07](#)), 9 March 2021, para 63.

<sup>47</sup> Turkey Human Rights Litigation Support Project, Human Rights Watch and ICJ, [Joint briefing](#), 24 January 2025.

<sup>48</sup> Venice Commission, [Opinion No. 1196/2024 on the composition of the Council of Judges and Prosecutors and the election of its members](#), adopted by the Venice Commission at its 141<sup>st</sup> Plenary Session (Venice, 6-7 December 2024), paras 84-86.

34. The Commissioner further notes that the Court has found violations stemming from the structural deficiencies linked to the functioning of the CJP in several judgments,<sup>49</sup> and that the Committee of Ministers has reiterated its calls on Türkiye to address these deficiencies as part of the execution of leading judgments.<sup>50</sup>

## 5.2 Prosecutorial practice and fair trial guarantees

35. Concerns were raised with the Commissioner that aspects of prosecutorial practice do not conform with the principles of legality, foreseeability, restraint, and the rule of law more broadly. These include complaints that indictments list and interpret actions which should be considered lawful in a democratic society, including statements and acts protected under the Convention, as evidence of criminal intent to commit very serious offences. At the same time, indictments lack sound legal analysis establishing how pieces of evidence can be interpreted as proof of a specific criminal activity or reasoning balancing alleged security concerns against human rights. The quality of indictments is further impacted by their excessive length, sometimes running into thousands of pages. The Commissioner was also informed that the tendency by prosecutors and judges to initiate multiple, overlapping criminal charges and cases, based on identical or similar facts and legal grounds, results in complex and lengthy proceedings which impacts on the right to a fair trial.

36. The Commissioner notes reports pointing to the use of detention in criminal proceedings in ways which are not aligned with international and European human rights standards. This includes pre-trial detention decisions which lack sufficient reasoning or an individualised assessment, deficiencies in review procedures concerning the continuation of detention, as well as prolonged periods of detention. In several judgments, the Court has found a violation of Article 5 of the Convention (unlawful detention) in relation to arbitrary or prolonged pre-trial detention in Türkiye, notably concerning journalists and civil society figures.<sup>51</sup> The Commissioner recalls that detention should be used only as a measure of last resort, and that the authorities must always consider alternatives to detention, on an individualised basis, subject to strict safeguards and judicial oversight.<sup>52</sup>

## 5.3 Restrictions to the work of the legal profession and bar associations

37. Lawyers and bar associations are fundamental to ensuring effective access to justice, the protection of human rights, and the proper functioning of the justice system. Under European standards, bar associations must be able to operate independently, exercise self-governance, and freely express views on matters of public interest, including criticism of legislation, practice, or human rights violations, without risk of sanction, intimidation, or other forms of interference.

38. The Commissioner is concerned that bar associations in Türkiye have faced restrictions impeding their ability to fulfil this role. During his visit in December 2025, he met with the leadership of the Istanbul Bar Association, who apprised him of the pending criminal proceedings against them for terrorist propaganda and disseminating misleading information, based on a public statement they

---

<sup>49</sup> *Baş v. Turkey* (Application no. [66448/17](#)), 3 March 2020; *Alparslan Altan v. Turkey* (Application no. [12792/17](#)), 16 April 2019; *Selahattin Demirtaş v. Turkey* (No. 2) (Application no. [14305/17](#)), 22 December 2020, para 434; *Yüksekdağ Şenoğlu and Others v. Türkiye* (Application no. [14332/17](#)), 8 November 2022, paras 637-638.

<sup>50</sup> See, inter alia, Committee of Ministers, *Kavala v. Turkey*, [Decision](#) adopted at the 1531<sup>st</sup> meeting (DH) 10-12 June 2025, points 8-9; *Kavala v. Turkey*, [Decision](#) adopted at the 1553<sup>rd</sup> meeting (DH) 9-11 March 2026, point 9; *Selahattin Demirtaş* (No. 2) group v. Turkey, [Decision](#) adopted at the 1443<sup>rd</sup> meeting (DH), 20-22 September 2022.

<sup>51</sup> See, for example, *Mehmet Hasan Altan v. Turkey* (Application no. [13237/17](#)), 20 March 2018; *Taner Kılıç v. Turkey* (No. 2) (Application no. [208/18](#)), 31 May 2023.

<sup>52</sup> See, for example, *Saadi v. the United Kingdom* (Application no. [13229/03](#)), 29 January 2008, para 70; *S., V. and A. v Denmark* (Applications nos. [35553/12](#), [36678/12](#) and [36711/12](#)), 22 October 2018, paras 73-77.

made in December 2024.<sup>53</sup> While in January 2026, they were acquitted of the charges, the acquittal judgement was subsequently appealed by the prosecutor, and the criminal proceedings are ongoing. The Commissioner further expresses concern about a separate case relating to Firat Epözdemir, a member of the Istanbul Bar Association's Executive Board, who was arrested in January 2025 and continues to face criminal proceedings for the offence of "membership of and propaganda for a terrorist organisation".

39. The Commissioner received information indicating that lawyers increasingly face obstacles in performing their professional duties, which raises issues related to respect for the principle of equality of arms and the fairness of proceedings. They report being denied or delayed access to court buildings, prevented from observing hearings, or physically removed from judicial premises while attempting to represent or assist their clients. In various cases, lawyers were prevented from meeting their detained clients for prolonged periods, particularly during the initial stages of detention, or were denied timely access to investigation files through confidentiality orders. Lawyers representing refugees, Kurdish activists, LGBTI people, and journalists also reported being questioned by prosecutors about their clients' activities, suggesting an improper conflation of lawyer and client identities, which in some cases even resulted in criminal investigation.<sup>54</sup> Others also reported obstructions while monitoring protests, including being detained or forcibly removed from protest sites, sometimes being subjected to criminal investigations for "resisting police", "participating in unlawful assemblies", or "encouraging disobedience".<sup>55</sup> Limitations on defence counsel's ability to cross-examine witnesses and experts or summon their own witnesses, as well as an over-reliance on secret witnesses who may not always be subject cross-examination, have also been reported.
40. The Commissioner notes that the Turkish authorities have not yet signed and ratified the Council of Europe Convention on the Protection of the Profession of Lawyer, which sets out standards aimed at safeguarding lawyers from harassment, intimidation, and undue interference in the exercise of their professional duties, including guarantees of professional independence, effective protection against retaliation, and respect for the institutional autonomy of bar associations.

#### **5.4 Implementation of judgments of the Turkish Constitutional Court**

41. The individual application mechanism before the Turkish Constitutional Court constitutes a central safeguard for human rights protection and a key element of the principle of subsidiarity under the Convention system. The Commissioner recalls the requisite elements of such a mechanism, as outlined by the Court in *Uzun v. Turkey*, including that it must be practically and effectively accessible, capable of examining allegations of violations effectively, and that its decisions must be legally binding on the government, requiring implementation where a violation is found.<sup>56</sup>
42. The Commissioner acknowledges that most Constitutional Court judgments are implemented. However, he is concerned that lower courts have not implemented some important judgements,<sup>57</sup> notwithstanding that lower courts are bound by the decisions of higher courts.

---

<sup>53</sup> The statement, issued by the Istanbul Bar Association on 21 December 2024, called for an independent investigation into the deaths of journalists Nazım Daştan and Cihan Bilgin, who were killed in northern Syria on 19 December 2024. It highlighted concerns regarding the targeting of journalists in conflict zones and underscored the need for accountability under international humanitarian law.

<sup>54</sup> Human Rights Watch, [Türkiye: Jailed Mayor's Lawyer Detained](#), 26 June 2025.

<sup>55</sup> Amnesty International, [Türkiye: "I Cannot Breathe" Allegations of torture and other ill-treatment in the context of mass protests between 19 - 26 March must be investigated](#), 19 June 2025.

<sup>56</sup> *Hasan Uzun v. Turkey* (dec.) (application no. 10755/13), 30 April 2013.

<sup>57</sup> Constitutional Court of Türkiye, *Kadri Enis Berberoğlu* (3) [Plenary], App. no: 2020/32949, 21 January 2021; *Kadri Enis Berberoğlu* (2) [Plenary], App. No: 2018/30030, 17 September 2020; *Erdem Gül and Can Dündar* [Plenary], App. no: 2015/18567, 25 February 2016.

43. In this respect, two recent cases concerning detention, namely those of Can Atalay<sup>58</sup> and of Tayfun Kahraman,<sup>59</sup> were brought to the Commissioner’s attention. In both cases, the Court of Cassation refused to comply with the judgment of the Constitutional Court, arguing that the latter had exceeded its authority. At the time of preparation of this memorandum, a second decision by the Constitutional Court had also not been implemented. The Commissioner notes with concern reports that, in the case of Can Atalay, a criminal complaint was launched against the members of the Constitutional Court who voted in favour of the violation. He is further concerned by reports that administrative courts have started using similar arguments to those of the Court of Cassation to justify refusing to implement Constitutional Court judgments.<sup>60</sup>
44. Another element raised regarding the Constitutional Court concerns the lack of a speedy review of individual complaints. The delays in reviewing some cases have been addressed in several Court judgements, which found that, despite the complexity of the cases and the workload of the Constitutional Court after the declaration of the state of emergency, the duration of review was not sufficiently short to meet Convention standards.<sup>61</sup> The Commissioner further observes that the heavy caseload facing the Constitutional Court is unlikely to diminish, in light of the ongoing challenges within the justice system. In addition, as pointed out by the Committee of Ministers, the persistent absence of transparent and Convention-compliant prioritisation criteria casts doubt on the Constitutional Court’s ability to ensure that cases involving deprivation of liberty are handled with the speediness required by the standards of the European Court of Human Rights.<sup>62</sup>

## 5.5 Implementation of judgments of the European Court of Human Rights

45. The Commissioner observes that the persisting problems regarding the rights to freedom of expression, association and peaceful assembly, and certain aspects of administration of justice, as described in this memorandum, have been examined in various Court judgements which are still pending execution before the Committee of Ministers.
46. The Commissioner notes that Türkiye’s rate of execution of Court judgments, at around 90%, is one of the highest among Council of Europe member states. However, Türkiye has the largest number of cases pending execution among member states (445), with the highest number of leading cases (37) classified under the enhanced procedure, and 106 leading cases classified under the standard procedure. Many of these cases have been pending for five years or more.<sup>63</sup> The Commissioner considers that the authorities should take the necessary steps to execute the Court’s judgements without further delays.

The Commissioner recommends that the Turkish authorities:

- Ensure that the composition and functioning of the CJP is transparent, merit-based, and free from executive interference, with adequate safeguards for pluralism and independence, in accordance with Venice Commission’s guidance.
- Develop and enforce rules to ensure the timely, fair, and reasoned consideration of indictments and judicial decisions, including rigorous review of pre-trial detention orders.

<sup>58</sup> Constitutional Court of Türkiye, *Şerafettin Can Atalay (2)* [Plenary], App. no: 2023/53898, 25 October 2023; *Şerafettin Can Atalay (3)* [Plenary], App. no: 2023/99744, 21 December 2023.

<sup>59</sup> Constitutional Court of Türkiye, *Tayfun Kahraman* [Plenary], App. no: 2023/98215, 31 July 2025.

<sup>60</sup> T24, [Danıştay da Yargıtay’a uydu, çözüm sürecini de AYM’yi de tanımadı: Sil baştan “Barış Akademisyenleri” kararı](#), 4 March 2026.

<sup>61</sup> See, *Kavala v. Turkey* (Application no. [528749/18](#)) 10 December 2019, paras 185-196; *Selahattin Demirtaş v. Türkiye (No. 4)* [GC] (Application no. [13609/20](#)), 8 July 2025, paras 142–161.

<sup>62</sup> Committee of Ministers, *Kavala v. Türkiye*, [Decision](#) adopted at the 1531st meeting (DH), 10-12 June 2025, point 11.

<sup>63</sup> Department for the Execution of Judgments of the European Court of Human Rights, [Annual Report 2025](#), March 2026.

Limit the use of secret witnesses and end the practice of initiating parallel or overlapping cases on similar grounds.

- Sign and ratify the Council of Europe Convention for the Protection of the Profession of Lawyer, and guarantee that lawyers and bar associations can operate independently and safely.
- Ensure the implementation of all judgments of the Turkish Constitutional Court and European Court of Human Rights, including cases concerning the rights to freedom of expression, peaceful assembly and association, the right to liberty, and the right to a fair trial.
- Amend the Constitutional Court's prioritisation criteria, in line with those determined by the European Court of Human Rights, to ensure that cases involving deprivation of liberty are examined with the speediness required.