



Maat inputs to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

“Gender Equality and the Right to Freedom of Opinion and Expression”

Achieving gender equality and justice, both legally and in reality, is a necessary and decisive element for the prevention of violence against women, and for the realization of all other female rights, including the right to freedom of opinion and expression, whether online or offline, and for the actual exercise of such right, set out in the Universal Declaration of Human Rights (UDHR) and other related international treaties. These treaties, including the International Covenant on Civil and Political Rights (ICCPR), are also essential in guaranteeing other rights. Given the fact that human rights are universal, indivisible, interdependent and interrelated, and in view of the request made by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to the civil society organizations to contribute and provide information on gender justice and the right to freedom of opinion and expression to include such information and contributions in the Rapporteur’s report that will be submitted to the seventy-sixth session of the United Nations General Assembly, Maat for Peace, Development and Human Rights presents this report to answer some of the questions contained in the Special Rapporteur’s questionnaire, hoping that Maat statements will contribute in preparing the aforementioned report. Moreover, at the request of the Special Rapporteur, Maat will focus on female journalists, human rights defenders, feminist activists and oppositionists as well as their enjoyment of the freedom of opinion and expression¹. This is based on the fact that implementing the freedom of opinion and expression contributes to women’s empowerment in accordance with Resolution No. 23/2 of Human Rights Council (HRC) approved by the Council on July 6, 2013. The following are the answers to the Rapporteur’s questions that Maat believes apply to the situation in Turkey, which is the focus of the report².

What are the obstacles, challenges and threats faced by women in the public sphere in the online and offline exercise of their freedom of opinion and expression?

¹ Call for submissions: Gender Justice and the Right to Freedom of Opinion and Expression, Available at the following link: <https://bit.ly/3vhc6HA>

² The role of freedom of opinion and expression in women’s empowerment, Available at the following link : <https://bit.ly/3zgi12R>



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Although the provisions of the Turkish Constitution provide for the right to freedom of opinion and expression in theory, such rights did not have sufficient guarantees to be allowed, whether online or offline. Article 26 of the Constitution provides for the right to freedom to express and disseminate opinions and thoughts by speech, in writing, in pictures, or through any other means, individually or collectively. Such right includes the right to receive and impart information and ideas without interference by official authorities. However, such provision does not preclude subjecting transmission by radio, cinema or similar means to the licensing system³. Despite all of this, the actual exercise of the right to freedom of opinion and expression was subjected to a spectrum of arbitrary practices against women's right to exercise such freedom, whether online or offline. In the cyberspace, restrictions were imposed on the freedom of female journalists, human rights defenders, feminists and oppositionists of the Turkish Government's policies. Under false allegations and accusations, female journalists have been detained for long periods and some of them are still in Turkish prisons as of writing this report. On May 27, 2020, Dila Koyurga, the Secretary of the Republican People's Party (CHP) of İzmir Youth Unit was arrested and taken to prison under the pretext that the tweets posted by her on the small blogs site "Twitter" were insulting to Turkish President Recep Tayyip Erdoğan. Notably, such tweets were posted in 2013, during the time when the current Turkish President was a Prime Minister. The Turkish Criminal Peace Judgeship issued a ruling to release her on probation and under house arrest. This contradicts the freedom of movement guaranteed to citizens inside their countries stipulated in Article 13 of the Universal Declaration of Human Rights (UDHR) and Article 12 of the International Covenant on Civil and Political Rights (ICCPR). According to the international standards, house arrest is one form of detention and the determination of this detention cannot be legitimized except under certain conditions, even in emergency⁴. Because of their activity on the social media site, Facebook, the JinNews reporter Melike Aydın and Mesopotamia Agency reporter Ruken Demi were arrested. The Turkish police raided their homes and confiscated their personal phones and they were not allowed to call their lawyers⁵. Eventually, they were sentenced for fifteen month imprisonment with suspension⁶. These cases represent only a drop in the sea of violations on the Internet against the freedom of opinion and expression of female

³ Constitution of Turkey 1982 (the 2017 amended constitution, Comparative Constitutions Draft, translated by the International Institute for Democracy and Electoral Assistance (IDEA) Article 26, link: <https://bit.ly/3tnBEC2>

⁴ Detained for 'Insulting Erdoğan', CHP's Dila Koyurga Sentenced to House Arrest, Bianet English, 28 May 2020, Available at the following: <https://bit.ly/3cAbyWN>

⁵ WE CONDEMN THE ARREST OF JOURNALISTS RUKEN DEMIR AND MELIKE AYDIN, The Coalition for Women in Journalism, 12 November 2019, Available at the following: <https://bit.ly/2StHOnD>

⁶ Turkey: Freedom on the Net 2020 Country Report, Available at the following: <https://bit.ly/3vdyDIX>



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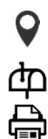
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journalists, activities and oppositionists to the Turkish Government in Turkey, which goes against the protection guaranteed for such right in the Turkish Constitution and international human rights treaties.

In a similar context, women in Turkey, especially female journalists and human rights defenders, were faced with a spectrum of challenges and obstacles in exercising their right to freedom of opinion and expression. They were more likely than others to suffer from intimidations following their criticism of the Turkish Government and President Recep Tayyip Erdoğan as well as and their legitimate claim for women's rights stipulated in the Turkish Constitution, the Universal Declaration of Human Rights (UDHR) and other related international treaties. On March 23, 2021, the journalist and second-generation Turkish migrant in France, Claire Koç, filed a criminal complaint regarding what she described as death threats from supporters of Turkish President Recep Tayyip Erdoğan residing in France. Such threats followed her through social media platforms, especially Twitter, coinciding with the publication of her book about her experience in France as a Turkish migrant, as she was accused of treason and received other death threats. Furthermore, some of those who threatened her tried to reach her residence, according to her lawyer. All of this comes under the framework of Turkey's encouragement of all extremist voices that pose a threat to everyone, particularly female journalists, writers and politicians who criticize the government or the President⁷. In the same manner, on March 20, 2021, journalist Canan Kaya was threatened after expressing opposing opinions on Turkey's withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, better known as the "Istanbul Convention". She wrote such opinions on social media and then she was threatened by an anonymous internet user with a direct audio message to intimidate her to change her opinion on the aforementioned Convention⁸. Maat believes that the spread of threats against journalists inside and outside the cyberspace undermines such right, which serves as the basis for women's empowerment and is guaranteed to them under international conventions. In addition, these threats impose an atmosphere of fear on women in the public sphere of Turkey in light of the restriction on freedom of opinion and expression, and the dominant culture of impunity for crimes against journalists.

⁷ FRANCE: CFWIJ CONDEMNS THE THREATS AGAINST JOURNALIST CLAIRE KOÇ, The Coalition for Women in Journalism, 25 March 2021, Available at the following: <https://bit.ly/3xdDbwR>

⁸ TURKEY: CFWIJ CONDEMNS THE BRUTAL THREATS AGAINST JOURNALISTS CANAN KAYA Coalition for Women in Journalism, 20 March 2021, Available at the following: <https://bit.ly/3xdDbwR>



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A- What are the different challenges faced by those suffering from multiple and overlapping forms of discrimination?

The Turkish Constitution prohibits discrimination on the basis of any considerations, and Article 10 of the Constitution stipulates that everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion, sect or any such grounds. **However, Kurdish women face inappropriate discrimination** in a broad spectrum of fundamental human rights guaranteed by international conventions, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Moreover, women who refuse to support the Turkish Government have been legitimate targets of violations by the Turkish security forces. This often leads to extrajudicial detention and the so-called strip searches expressly recognized by the Turkish Prisons Directorate on December, 2020. Such violations are exclusively practiced against women either because they are Kurds or because they oppose the Turkish Government⁹. Moreover, Human rights reports estimate that there are approximately 17, 000 women in Turkish prisons as of the end of 2020, the majority of them are Kurdish women and oppositionists to the ruling Justice and Development Party (AKP). These women are persecuted under the allegations of their connection to the Kurdistan Workers' Party (PKK) and the Service Movement of preacher Fethullah Gülen. However, arrests are often made for other reasons involving the opposition of the Turkish government in any of issued related to civil liberties, women's rights and minorities.¹⁰

In a related context, Kurdish female journalists and other female journalists that oppose the Turkish Government were subjected to inappropriate discrimination due to their nationality and political views. On March, 2021, journalist Perihan Kaya was sentenced to one year and three months imprisonment under false accusations and allegations of disseminating terrorist propaganda by the court meeting in Diyarbakır¹¹. On March 10, 2021, the journalist and News Director of Oda TV, Müyesser Yıldız, was sentenced to imprisonment for alleged “disclosure of state secrets” on the background of her publishing news about the military operations in Libya and the death of a Turkish Intelligence officer during these operations. Journalists Serpil Ünal and Songül Yücel were also accused of

⁹بعد جدل واسع.. مديرية السجون التركية توضح كيف تجري إجراءات "التفتيش العاري للنساء"، روسيا اليوم، 23 ديسمبر 2020، على الرابط التالي:

<https://bit.ly/3cuBdjG>

¹⁰اليوم العالمي للمرأة: 17 ألف امرأة معتقلات في تركيا، جريدة زمان التركية، 8 مارس 2021، على الرابط التالي: <https://bit.ly/3vfCktY>
¹¹تحالف النساء في الصحافة: معدل متزايد للقلق في الانتهاكات ضد المرأة في الصحافة في مارس 2021 ... 4 جرائم قتل و102.8٪ زيادة في التهديدات، لجنة دعم الصحفيين، 7 أبريل 2021، على الرابط التالي: <https://bit.ly/3gFH2wb>



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belonging to a terrorist organization and spreading propaganda and were sentenced to imprisonment for one year, six months and 22 days¹². Such unjust sentences show the extent of how female journalists and oppositionists from the Kurdish minority enjoy the right to freedom of opinion and expression in Turkey as well as the restrictions imposed on them only because of their political opinion and nationality.

B. How did the pandemic, economic crises and recent political strikes affected women's ability, online and offline, to communicate, protest and access information?

The pandemic has negatively affected women's ability, especially bloggers on social media, to express their view freely. On May, 21, 2020, the Turkish Ministry of Interior announced the detention of 510 individuals for the alleged spread of rumors about the Coronavirus on social media. A spectrum of such detentions included female bloggers or reporters of local newspapers. On April of the same year, the Turkish government released more than 100,000 prisoners due to concerns about the spread of the pandemic on a large scale inside the Turkish prisons. However, this release order did not include journalists, writers or activists, among them female journalists and human rights defenders¹³. Moreover, the economic crisis in Turkey, represented by the sharp depreciation of the national currency "lira" against the US dollar, has silenced the voices of critics of the economic policies of the Turkish Government, as those female journalists and feminists who criticized the economic situation were accused of spreading false news and of belonging to Fethullah Gülen's terrorist organization. Regarding the political turbulence, represented by the alleged coup of July, 15, 2016, it has inappropriately affected women and limited their ability to communicate. According to Law No.5651 of 2007 on the Regulation of Broadcasts via Internet and Prevention of Crimes Committed, amended by Law No.7253, and known as the Social Media Law, the Turkish Government is now entitled to request social media platforms such as Twitter and Facebook to delete any post representing criticism or defamation of the government. Such law is likely to affect all the critical views on the Turkish Government, mainly the female ones. All of these crises have also affected women's right to peaceful assembly; for example, the Turkish Government has banned the "Saturday Mothers" Movement¹⁴, a group of women that gather every week to demand a clarification of the fate of their missing children since 1995. The Turkish Government allowed such movement to demonstrate, but on

¹²المرجع السابق

¹³ Turkey: Freedom on the Net 2020 Country Report, Available at the following: <https://bit.ly/3vdvDIX>

¹⁴أمهات السبت، هي مجموعة من الأمهات الكرديات اللواتي أعتقل وُخطف أبناؤهن على من قبل الأمن التركي، ونظمن نحو 700 احتجاج قبل ان يُصدر قرار بمنعهن من التظاهر



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September, 2018, it decided to ban the movement in Istanbul and other cities under the pretext that the calls for demonstrations were posted on the website of the Kurdistan Workers' Party (PKK), which is viewed by the government as a terrorist organization. As of writing this report, such movement is still banned from any kind of peaceful demonstrations or assemblies¹⁵. The absence of the right to peaceful assembly contradicts the treaties and international instruments approved by Turkey. In accordance with Article 20 (1) of the Universal Declaration of Human Rights (UDHR), "Everyone has the right to freedom of peaceful assembly and association."¹⁶ Moreover, Article 21 of the International Covenant on Civil and Political Rights (ICCPR) provided that the right to peaceful assembly shall be guaranteed and no restrictions may be placed on the exercise of such right other than those imposed in conformity with the protection of the national security and these restrictions shall not be imposed by the state except in accordance with the law. This is being disregarded by Turkey, as it imposes restrictions that do not commensurate with its international obligations.¹⁷

Can you provide examples or information on ways of violating or usurping the freedom of opinion and expression to undermine women's human rights?

Yes, there are examples and information on the violation of freedom of opinion and expression in Turkey and the role of such violations in undermining women's human rights, considering that women's access to the right to freely express their views is a complement to women's obtaining their other rights. As an evidence of Turkey's violation of such rights, on May, 2021, the Turkish police arrested 13 feminist activists and political oppositionists to President Erdogan after they went out into the streets to express their opposing views concerning the difficulties faced by women in Turkey, especially the violence against them, as 300 women were killed in 2020 only because of gender-based violence. On International Women's Day (IWD) on March, 8, 2021, hundreds of women went out in the Taksim Square of Istanbul. Although the government allowed them to demonstrate, it identified 18 women and girls from the demonstrators and then raided their homes following the marches. The government managed to arrest 13 of these

¹⁵تركيا: "أمهات السبت" لم يفقدن الأمل لمعرفة مصير أبنائهن المجهول منذ 26 عاماً، بي بي سي عربي، 27 أغسطس 2018، على الرابط التالي:

<https://bbc.in/356LjD9>

¹⁶الإعلان العالمي لحقوق الإنسان، المادة 20(1)، على الرابط التالي: <https://bit.ly/3xitgWV>
¹⁷العهد الدولي للحقوق المدنية والسياسية، المادة 21، على الرابط التالي: <https://bit.ly/3wj49Da>



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women, including a girl under the age of eighteen¹⁸. These demonstrations came after one week from the Turkish President's pledge to guarantee the freedom of opinion and expression, but reality has shown otherwise. Despite their release, an order was issued to ban them from leaving the country. Travel ban is a clear violation of Article 13 of the Universal Declaration of Human Rights (UDHR) and Article 12 of the International Covenant on Civil and Political Rights (ICCPR). Moreover, two of the feminists that were arrested stated they were subjected to strip searches by the Turkish security forces. The Public Prosecutor's Office in Turkey uses Article 299 of the Turkish Penal Code "Insulting the President of Turkey" as pretext to prosecute the oppositionists, human rights defenders, feminists and journalists. Paragraph one of such article stipulates that the person who insults the President shall be punished by imprisonment from 1 year to 4 years¹⁹. The above incident indicates the violation of a broad spectrum of fundamental rights guaranteed to women, including their right to express their views and to reject any policies that would affect them such as Turkey's withdrawal from the Istanbul Convention. The Turkish President, Recep Tayyip Erdoğan, issued a decree on March 20, 2021 abolishing Turkey's ratification of the aforementioned convention, a convention that concluded by the Council of Europe (CoE) and came into effect in 2014. Turkey was the first state to ratify such convention following a unanimous ratification by the Turkish Parliament in 2012. Such withdrawal will more likely result in the expansion of violence against women in Turkey, including domestic violence. Approximately, 27 women were killed since Turkey's withdrawal from the convention, while hundreds were subjected to violence. Moreover, some human rights reports estimated that the cases of violence in Turkey will reach an unprecedented level due to the loopholes in the domestic Turkish laws.²⁰

In addition, the illegitimate and unlawful searches of women who participated in the demonstration would increase fear among those women, which may prevent them from continuing their protests rejecting the Turkish Government's policy against women in general and against female human rights defenders and oppositionists to the government in particular.

¹⁸ Turkish police arrest 13 women for insulting Erdogan, Atalayar, 12 March 2021, Available at the following:

<https://bit.ly/3vdM2Nx>

¹⁹ Turkish Penal Code, Article 299, page 99, Available at the following: <https://bit.ly/3pFScou>

²⁰ مقتل 27 امرأة في تركيا منذ انسحابها من اتفاقية إسطنبول، الحرة، 18 أبريل، على الرابط التالي: <https://arbne.ws/3vfzqFL>



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What are the administrative or political procedures or other legal measures in practice for the protection of women against sexual and gender-based violence and online harassment? How effective are those procedures or measures? What is their impact on women’s empowerment and public participation, including the freedom of expression?

In early 2018, the Turkish Ministry of Interior, specifically the General Directorate of Security, in conjunction with the Ministry of Family and Social Affairs, launched a mobile application to protect women in case of any online or offline abuse. This includes the rapid response to cases involving verbal or physical harassment against women or children. This application is known as KADES. After downloading the application on your mobile phone, it requires your permission to gain access to your full information, including access to your location²¹. Furthermore, the third National Action Plan on Combating Violence against Women aimed (2016-2020) aimed at preventing gender-based violence and guaranteeing women’s right to freedom of expression. Earlier, a Parliamentary committee was established in the Turkish Parliament to prevent and develop measures to combat violence against women and children, customary crimes and honor crimes with the objective of understanding the causes of honor crimes and studying the different dimensions of violence against women and children.²²

The Turkish Penal Code also differentiates between two types of sexual crimes, the first one is related to sexual harassment crimes and the second one is related to sexual assault crimes. In sexual harassment crimes that do not involve touching the victim, the perpetrator shall be sentenced for a term of no less than two months and not more than two years in accordance with Article 105 of the Turkish Penal Code. However, if the victim of such crime is a minor, under the age of 15, the perpetrator shall be sentenced to imprisonment from six months to three years according to the Turkish law. Moreover, such sentence shall be doubled if the act of offence is committed by using the advantage of a position in public office, or **by using electronic communication instruments, or if it is committed by the guardian or tutor of the victim** or by using the advantage of working in the same workplace with the victim. As for the second crime, the “sexual assault” crime, the perpetrator of such crime shall be sentenced to imprisonment for a term of no less than five year and no more than ten years in case the assault is minor as putting a hand on a woman’s body for a few

²¹تعرف إلى تطبيق “KADES” لدعم المرأة في تركيا، عنب بلدي، 7 يوليو 2020، على الرابط التالي: <https://bit.ly/3pFCz0g>

²² Framing Gender-Based Violence in Turkey, Open Edition Jarales, Available at the following: <https://bit.ly/3wk6cHi>



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seconds, in accordance with Article 102 of the Penal Code²³. However, in case of sexual assault, the perpetrator shall be sentenced to imprisonment for a term of no less than 12 years and no more than 20 years. The sentence shall be doubled if the act of offence is committed against a person who is physically or mentally incapable of defending themselves, or by using the advantage of a position in public office, by using the advantage of having a blood relation with the victim, by using the advantage of crowded places such as buses, by using weapons or if the offence is committed collectively²⁴.

Nonetheless, the procedures taken by Turkey to prevent violence, including sexual violence and gender-based violence, remained ineffective. Such procedures did not have an impact on the empowerment of Turkish women, whether in public participation or in their exercise of their guaranteed rights in the Turkish Constitution or international treaties. This means that the administrative or legal reforms supporting the women's empowerment do not necessarily mean the effective implementation of such reforms, owing to the obstacles represented in the lack of political will at times as well as the stereotypes in the form of traditional norms that believe women are inferior to men in exercising certain roles and some gender standards that do not see women as individuals in a society. Instead, these standards are confined to view women in context of being only “mothers and wives”, which is not true. All of the above have reflected in women's empowerment in terms of public participation and executive positions in the Turkish Government.

Women's representation in the Turkish Government was limited to the Minister of Family “Derya Yanık”, who was appointed by the Turkish President on April, 2021. This is considered a step back from before, especially because women were represented by two before April, 2021, as both the Minister of Trade, Ruhsar Pekcan and the Minister of Labor²⁵, Zehra Selçuk were removed from their positions. In addition, women in Turkey served as Governors in only

²³ Turkish Penal Code, Articles 105,102, Available at the following: <https://bit.ly/3pFScou>

²⁴ ibid

²⁵ أردوغان يقيل وزيرة التجارة بعد اتهامها بمحاباة زوجها في مناقصة حكومية، العربي الجديد، 21 أبريل 2021، على الرابط التالي:
<https://bit.ly/33xbJxr>



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two of the 81 provinces. Meanwhile, the percentage of female leaders in education departments reached about 2% only and they were also represented by over 1.3%²⁶ in municipal administrations.

In a related context, the female labor force appointment's percentage in Turkey is on an extremely low level, according to statistics from the Organization for Economic Co-operation and Development (OECD). Only 34.2% of women are appointed in the labor force in Turkey, which is the lowest percentage among 35 other industrial countries in Europe and other regions. Moreover, some human rights' assessments suggested that women work in low-paid jobs or in the informal sector without any social insurance²⁷. Thus, Turkey ranked low in the Gender Gap Report that monitors forms of gender discrimination and disparities in 156 states in four areas: Education, health, economic opportunities and political empowerment. It ranked 133rd in the 2020 Global Index issued by the World Economic Forum (WEF)²⁸. Such low rating is reflected by official government policies inducing the deep gap between men and women in Turkey, primarily the Turkish President Recep Tayyip Erdoğan who clarified in his previous statement that gender equality is against nature, explaining that he does not acknowledge such equality in all issues. In addition, this low representation of Turkish women in the decision-making structures of Turkey reflects the gap between the seemingly positive legislations and the implementation of such laws.

In your opinion, what should the internet intermediaries do to protect women's right to freedom of opinion and expression and to make the internet a safe environment for women?

What do you think should be done in order to support women's right to freedom of opinion and expression, to protect them from online and offline violence, harassment and intimidation as well as promoting female public participation?

²⁶ "الشعب الجمهوري" التركي يكشف عن حصيلة كارثية لوعود حزب أردوغان الانتخابية، أمد للإعلام، 28 يونيو 2020، على الرابط التالي:
<https://bit.ly/3b5SpeH>

²⁷ Femicide in Turkey: What's lacking is political will, The Middle East Institute, 18 December 2019, Available at the following link: <https://bit.ly/3xTrmx8>

²⁸ Global Gender Gap Report 2021, The World Economic Forum, March 2021, Page 377, Available at the following link: <https://bit.ly/3xPrq0H>



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Before answering this question, one must clarify that internet intermediaries include all internet service-providers, search engines and social media platforms. In Turkey, women, particularly the feminist ones, are subjected to a spectrum of harassments whether at the level of social life or cyberspace. Accordingly, internet intermediaries, mainly social media platforms, are required to take a number of positive steps to curb such electronic harassment, including:

- Putting warning messages on any content that may represent a violation to women’s online freedom, including phrases that imply any harassments or any kind of psychological or verbal abuse.
- Deleting any content that implies a violation of women’s online freedom of expression, especially the content that incite any kind of violence, particularly violence against feminists and transgender people.
- holding periodic meetings by the recently established offices in Turkey, particularly “Facebook” and “Twitter”, with feminist activists to understand the real problems they are facing during the exercise of their legitimate right online, including the rights to freedom of opinion.
- Responding rapidly to any demands by girls and women to delete any intimate photo shared without their consent or to prevent online harassment, considering they are particularly vulnerable. Paradoxically, although companies and governments lead the attacks on “extremism”, most female victims of harassment are asked to deal with the burden of such harassments by themselves.
- Not to comply with any government demands to delete any content opposed to such government as long as it does not incite any violence, terrorism or hatred.

Accordingly, Maat recommends that the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression do as follows:

- To pay attention to the discrimination faced by Kurdish women, particularly journalists, and the imposed restrictions on their right to freedom of opinion and expression in the Rapporteur’s report to the General Assembly at the seventy-sixth session.
- To demand the Turkish Government to release all female journalists, human rights defenders and feminists who were detained for expressing their views.
- -For the Turkish Government to abolish house arrests imposed on a number of internet activists and journalists, which is considered a clear violation of the international treaties approved by Turkey.



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- For the Turkish Government to allow once more the “Saturday Mothers” female movement to exercise its right to peaceful assembly in Istanbul and any other area in Turkey as long as such right is exercised in a peaceful and legal manner.



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