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Special Rapporteur on the promotion of the right to freedom of opinion and expression

Follow-up Report on Country Visits

Call for Submissions

Turkey

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression will present a follow-up report pursuant to country visits conducted under the auspices of the mandate. He will examine the impact of country visits on the promotion, protection, fulfilment and overall enjoyment of the right in five selected countries. He will analyse the level of implementation of recommendations made following the visits, and consider any other developments impacting upon the rights which may have occurred since the visit was completed. The findings will be presented as a supplementary report to the 41st session of the Human Rights Council in June 2019. For more information, please see the concept note attached.

In order to facilitate the preparation of the report the Special Rapporteur would welcome information from States and relevant stakeholders in response to the questions below, based primarily on recommendations made in the country visit report.

Please provide responses in the table below. We hope to receive your submission no later than 22 February 2019 to freedex@ohchr.org with “Submission to the follow-up study on country visits of the Special Rapporteur on the right to freedom of opinion and expression” as the title of the email.

On the implementation of recommendations made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression following the visit of the Mandate Holder to Turkey

What efforts have been made by the State to ensure that no persons are held in detention, investigated or prosecuted for sharing opinions that do not constitute an incitement to hatred or violence consistent with article 19(3) and 20 of the International Covenant on Civil and Political Rights? Have any journalists, writers, judges or academics detained on such basis been released?

(See: A/HRC/35/22/Add.3 para 77)

Limit: 1,000 words

Have measures been adopted by the State to ensure that the press, other media, and all individuals are able to comment on public issues and to inform public opinion without facing censorship or constraint?

(See: A/HRC/35/22/Add.3 para 78)

Pro-government media are targeting LGBTI activities, LGBTI organisations, LGBTI rights activists and LGBTI-friendly academics constantly. Several cases were carried to the courts but all of them (including the Turkish Constitutional Court) recognized hate speech as “freedom of expression”. There had been no ex officio action taken by the public prosecutors or no condemnation by the public authorities in relation with the hate speech. This leads to auto-censorship for LGBTI rights defenders. In some cases, LGBTI organizations cannot publicize their activities; cannot make open calls to them, etc.

On April, anti-LGBTI leaflets were distributed in some cities of Turkey. That contributed to the context in which LGBTI rights defenders find difficult to enjoy their right to freedom of opinion and expression due to intimidation.

<http://kaosgl.org/sayfa.php?id=27526>

<http://kaosgl.org/sayfa.php?id=26001>

<http://kaosgl.org/page.php?id=26320>

Limit: 750 words

Have steps been taken to reverse closures of media outlets, including Internet media? If so, which outlets have been granted permission to re-open? Have measures been put in place to ensure that media outlets are only suspended in exceptional circumstances prescribed by law and subject to judicial review?

(See: A/HRC/35/22/Add.3 para 79)



Limit: 750 words

Has Law no. 5652 – the Internet Law – been reviewed? If so, what changes have been made to it?

(See: A/HRC/35/22/Add.3 para 80)

Limit: 500 words

Have any measures been taken to ensure requests for takedowns of online content are consistent with the requirements of articles 19(3) and 20 of the International Covenant on Civil and Political Rights? Has the Government refrained from excessive blocking and filtering of content?

(A/HRC/35/22/Add.3 para 80)

Limit: 500 words

Have emergency decrees remaining in place subsequent to the state of emergency been reviewed and revised to ensure their consistency with international human rights standards? In particular, has a process been put in place enabling persons deprived of their liberty pursuant to emergency decrees to initiate challenges to the lawfulness of their detention before a court?

(See A/HRC/35/22/Add.3 para 82)

Limit: 750 words

Have steps been taken to ensure the right to review and remedy for victims of unlawful arrest, detention or dismissal?

(See: A/HRC/35/22/Add.3 para 83)



Limit: 500 words

What has been done to grant persons dismissed from their employment pursuant to emergency decrees access to appropriate and independent judicial and administrative mechanisms to challenge the lawfulness of such decisions?

(See: A/HRC/35/22/Add.3 para 83)

Limit: 500 words

Has a process been initiated to review Law no. 3713 - the antiterrorism law – and ensure that counter-terrorism measures are compatible with article 19 (3) of the International Covenant on Civil and Political Rights? If the law has been reviewed, what changes have been brought about?

(See: A/HRC/35/22/Add.3 para 84)

Limit: 500 words

Have steps been taken towards the repeal of articles 125(3) and 299 of the Penal Code? If so, at what stage is this process and what are its effects?

(See: A/HRC/35/22/Add.3 para 85)

Limit: 500 words

Have any further laws, regulations, policies, administrative decisions or other measures affecting the right to freedom of opinion and expression been implemented following the Special Rapporteur's visit?

The Governors ban outdoor LGBTI activities such as Pride Marches since 2015.

In Ankara, any indoor and outdoor LGBTI-related event is banned by the Governor since November 2017. Firstly, it was introduced during the state of emergency but on October 2018 it was extended.



Several courts rejected Kaos GL Association's and Pink Life Association's application for the halt of execution of the ban.

<http://kaosgl.org/page.php?id=27536>

<http://kaosgl.org/page.php?id=24993>

<http://kaosgl.org/page.php?id=26759>

Limit: 1,000 words

Is there any relevant additional information you would wish to add?

Limit: 500 words