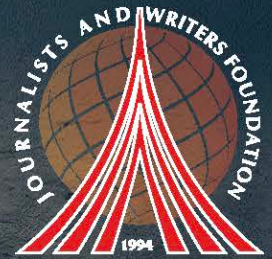


REPORT

TÜRKİYE'S DRIFT FROM DEMOCRACY TOWARDS AUTOCRACY

JOURNALISTS AND WRITERS FOUNDATION'S
REPORT ON THE 10TH ANNIVERSARY OF THE
'FAILED COUP' ATTEMPT IN TÜRKİYE



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TABLE OF CONTENTS

Executive Summary

PART 1 – Introduction

- 1.1 Background and Significance of the Report
- 1.2 Scope of the Report
- 1.3 Methodology and Structure

PART 2 – Historical Foundations of Turkish Democracy Before the 2000s

PART 3 – Democratic Reform and European Integration: The Reform Era of 2002–2010

PART 4 – Emerging Challenges and Democratic Backsliding (2011–2015)

- 4.1 Political Polarization after the 2011 Elections
- 4.2 Gezi Park Protests and Civil Society Mobilization
- 4.3 The 2013 Corruption Investigations and Judicial Independence
- 4.4 AKP–Hizmet Movement Split and Its Impact on Civil Society
- 4.5 Emerging Concerns Regarding Media Freedom and Judicial Independence
- 4.6 Kurdish Peace Process and Its Collapse (2013–2015)

PART 5 – The 2016 Coup Attempt

- 5.1 The July 15 Coup Attempt and Declaration of the State of Emergency
- 5.2 Emergency Decrees and Mass Dismissals
- 5.3 Mass Arrests and Detentions
- 5.4 Closure of Media Outlets and Restrictions on Freedom of Expression
- 5.5 Closure of Schools, Universities, NGOs, and Associations
- 5.6 Migration, Transnational Repression and the Formation of Communities Abroad

PART 6 – Constitutional Changes and the Presidential System (2017–2022)

- 6.1 The 2017 Referendum and the Shift to a Presidential System
- 6.2 Executive Control over the Courts and the Detention of Government Critics
- 6.3 Silencing the Press and Controlling Information
- 6.4 Restricting Peaceful Assembly and Independent Associations
- 6.5 The Presidential System and the Rule of Law: An Assessment

PART 7 – Contemporary Developments (2023–Present)

- 7.1 The 2023 Elections and an Unequal Contest
- 7.2 The Criminalization of the Opposition
- 7.3 The 2025 Protests and the Right to Peaceful Assembly
- 7.4 Press Freedom and Access to Information
- 7.5 Civil Society, the Rule of Law, and the Legacy of the Post-2016 Measures
- 7.6 Assessment: Türkiye as an Electoral Autocracy

PART 8 – Recommendations

- 8.1 To the Government of Türkiye
- 8.2 To the United Nations
- 8.3 To the Council of Europe
- 8.4 To UN Member States and the International Community

Report

Türkiye's Drift From Democracy Towards Autocracy

EXECUTIVE SUMMARY

The present report examines the decline of democracy and the rule of law in Türkiye from the turn of the century to 2026. It describes a transformation in which a state that once pursued far-reaching democratic reform came to hold elections while dismantling the institutions that give elections meaning: an independent judiciary, a free press, an autonomous civil society, and the checks that hold executive power to account. What began as a reform process aligned with European and international standards gave way, after 2011 and decisively after 2016, to a system that international monitors now describe as an electoral autocracy.

The report assesses this transformation against the international human rights standards that Türkiye has accepted as binding: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Convention on Human Rights, together with the case law of the European Court of Human Rights. Measured against these standards, the developments documented here amount to a systemic pattern of violations affecting the freedoms of expression, peaceful assembly, and association, together with personal liberty, the right to a fair trial, and the right to take part in public life.

The report traces this arc in stages. The reform era of 2002 to 2010, shaped by the prospect of European Union membership, abolished the death penalty and the State Security Courts and widened civic space, yet left the underlying institutions too weak to endure. From 2011, polarization deepened, the Gezi Park protests were met with force, and the corruption investigations of 2013 marked the start of the executive's capture of the judiciary. The attempted coup of July 2016 and the two-year state of emergency that followed brought the decisive break: mass dismissals reaching some 152,000 public servants, roughly 160,000 arrests, and the closure of more than 180 media outlets and over 1,500 associations and foundations affiliated with the Hizmet/Gülen Movement, carried out largely without individualized evidence and under formal derogations from core provisions of the Covenant.

The constitutional amendments of 2017 made this emergency order permanent. The report shows how the presidential system placed the body that appoints and disciplines judges under executive control, leaving the courts unable to check the government and, at times, willing to serve it. The detention of the philanthropist Osman Kavala and of the human rights defenders held in the Büyükada case illustrates a judiciary prepared to treat lawful activity as terrorism.

Under the presidential system, the report documents the steady narrowing of the two freedoms on which public accountability most depends. Türkiye became the world's leading jailer of journalists; independent outlets were prosecuted, penalized, and transferred to government-aligned owners; and vague offences, including insulting the President and, from 2022, spreading "false information," criminalized ordinary reporting. In parallel, peaceful assembly and independent association were curtailed, from the banning of the decades-old Saturday Mothers vigil to a 2020 law placing civil society associations under the supervision of the Interior Ministry.

The report then turns to the period from 2023 to the present. The 2023 elections returned President Erdoğan to office but were held, as international observers found, on an unequal field. After the opposition's victories in the 2024 local elections, the government moved against elected officials, culminating in the March 2025 arrest of Ekrem İmamoğlu, the Mayor of Istanbul and the President's principal rival. He was prosecuted on charges carrying a possible sentence of thousands of years. His arrest set off the largest protests in more than a decade, which were met with blanket bans, mass detention, and force that Amnesty International concluded may have amounted to torture. Throughout, the prosecutions arising from the 2016 measures continued, with tens of thousands still under investigation or on trial nearly a decade later.

Across the whole period, one finding stands out. Türkiye has accepted the authority of the European Court of Human Rights, yet it refuses to carry out the Court's binding judgments in the cases that would require genuine change: the release of Osman Kavala and Selahattin Demirtaş, and the correction of the mass terrorism convictions addressed in landmark decisions by the European Court of Human Rights (ECHR) of *Yalçınkaya v. Türkiye* and *Yasak v. Türkiye* cases. A state that disregards the rulings of the court whose jurisdiction it has accepted removes the last external check on its own conduct and turns the rule of law from a protection for citizens into a tool of the state.

These conclusions are reflected in the assessments of independent monitors, which, though they use different methods, converge. The Varieties of Democracy project classifies Türkiye as an electoral autocracy and the Economist Intelligence Unit as a hybrid regime; Freedom House rates it "Not Free"; and the World Justice Project ranks it 118th of 143 countries on the rule of law. The government rejects these characterizations and maintains that Türkiye is a democracy governed by law. The evidence assembled in this report points in a single direction.

To protect the rights of those affected and the prospects for democratic renewal, the present report calls on the Government of Türkiye to restore judicial independence, to release those detained for exercising their rights, to lift the restrictions on the press and civil society, to provide remedy to those wrongly affected by the measures of the past decade, and, above all, to carry out the binding judgments of the European Court of Human Rights that it has so far set aside. It calls on United Nations human rights mechanisms to keep Türkiye's compliance with its treaty obligations under active scrutiny, and on the Council of Europe to maintain and escalate its supervision of those unimplemented judgments. The recommendations that follow set out these steps in detail.

1. INTRODUCTION

1.1 Background and Significance of the Report

Regular elections are not sufficient for democracy; that, too, relies on judicial independence, institutional checks and balances, a pluralistic media, the participation of its citizenry and, crucially, the effective protection of fundamental human rights. When these safeguards are under attack, democratic institutions may linger and cease to exert accountability on executive power. Türkiye is a notable instance of such a transformation, with a modern political history characterized by recurrent military coups, constitutional amendments, extreme polarization, and periodic crises between national security concerns and individual rights.

Türkiye's period of legal reform from 2002 to 2010 brought significant changes, many of them as part of the EU accession process; these changes led to stronger civilian governance, enhanced freedoms and the harmonization of the domestic legal system with the norms and standards of international human rights law. However, the institutional scaffolding for this reform process did not grow strong enough. Polarization deepened from 2011 onwards; press freedom, civil society and judicial independence all became sources of concern; executive influence became more profound. The attempted failed coup of July 2016 and the resulting state of emergency marked a further step in this institutional transformation. From then on, Türkiye transitioned from an imperfect to a competitive authoritarian democracy in which, although the democratic institutions are still technically present, the rule of law has become a tool for political control, thereby creating systemic and pervasive human rights violations.

The constitutional amendments adopted in 2017 to pave the way to a presidential system have consolidated executive power by formally dismantling the parliamentary system. Mechanisms introduced under the state of emergency have been permanently incorporated into the legal system. They have an impact on freedom of expression, assembly, association, liberty, fair trials and political participation, and the independence of the judiciary. This report documents and analyzes Türkiye's transition away from democratic rule, using international standards set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights. It traces the era from reform to institutional decline and analyzes how the latter has led to continued and widespread human rights abuses.

1.2 Scope of the Report

This report traces Türkiye's experience of the rule of law and human rights from the turn of the century to date. Part II discusses Türkiye's democratic tradition, or its absence thereof, beginning with military interventions and the systematic repression of political and civil rights that were in force during the pre-2000s period. Part III charts the reform period between 2002 and 2010. Part IV examines growing political polarization, the Gezi protests of 2013, the corruption investigations that targeted high-profile individuals at the end of 2013, the clash with the Gülen movement, media oppression, and the collapse of the peace process with the Kurdish people. Part V addresses the aftermath of the 2016 coup attempt, detailing the state of emergency, the ensuing executive decrees, mass dismissals and arrests, closures of civic organizations and institutions, constraints on speech, and the resulting exodus of talent. Part VI provides an analysis of the 2017 constitutional amendments to Türkiye's governmental system and the functioning of the presidential system from 2017 to 2022. Part VII analyzes the period from 2023 to date. Part VIII

concludes with recommendations to restore judicial independence and democratic accountability, and to ensure press freedom and civil society autonomy.

1.3 Methodology and Structure

This report takes a qualitative, legal, and historical approach, drawing on a broad range of materials, including international treaties, decisions of the European Court of Human Rights, reports of international bodies and non-governmental organizations, academic studies, and analyses from the policy sector. It acknowledges that while the legal and institutional framework may still provide the theoretical means for effective protection against abuses of power, such protection may be undermined by the political pressure, the penetration of executive power or a lack of judicial safeguards. The report follows a chronological organization, charting Türkiye's historical legacy of imperfect democracy and reform; its later backsliding and institutional erosion; and the continuing consequences for human rights. The concluding chapter offers recommendations grounded in international standards.

2. HISTORICAL FOUNDATIONS OF THE TURKISH DEMOCRACY BEFORE THE 2000s

The current human rights status in Türkiye cannot be fully analyzed by focusing solely on recent events; it has deeper historical roots. For many decades, democratic progress in Türkiye was interrupted by military interventions, emergency decrees, and sweeping national-security policies. These trends restricted civil society, freedom of expression, freedom of association, peaceful assembly, and judicial independence. While Türkiye had a multiparty electoral system after the Second World War and formal constitutional institutions, the balance among elected governments, the military, courts, the media, and civil society remained weak for much of the twentieth century.

Türkiye moved toward multiparty democracy in the mid-twentieth century. The first peaceful transfer of power through elections was an important democratic step, which was weakened several times by military involvement in politics. The military often presented itself as the protector of the state and the constitutional order. The 1960 coup, the 1971 military memorandum, the 1980 coup, and the 1997 “post-modern coup” all reflected this pattern. (Encyclopedia Britannica, “Turkey-The Military Coup of 1960”; Association for Diplomatic Studies and Training). In each period, civilian politics was limited in the name of national unity, secularism, or public order. These interventions had grave human rights consequences. Political parties were dismantled. Elected officials were dismissed groundlessly or prosecuted. Activists, human rights defenders, journalists, academics, and political opponents were detained. All forms of civil and political rights have been shrinking as the majority of society fears prosecution or administrative punishment for exercising freedom of expression, civil society participation or refraining from sharing their political view.

From an international human rights perspective, this history is important. The Universal Declaration of Human Rights protects liberty and security of persons, prohibits arbitrary arrest and detention, guarantees fair hearings, freedom of opinion and expression, and the right to peaceful assembly and association. (United Nations, arts. 9, 10, 19, 20) The International Covenant on Civil and Political Rights protects liberty, the right to fair trial, freedom of expression, peaceful assembly, association, and political participation. (Office of the United Nations High Commissioner for Human Rights, arts. 9, 14, 19, 21, 22, 25) When elected governments were removed or limited by military pressure, the issue at hand was not only domestic. It also affected

citizens' right to participate in public life, their right to organize, speak, and receive information without fear.

The coup of 1980 had a particularly long-lasting impact. The 1982 Constitution created a strong state-centered system. It allowed broad limitations on rights and gave the military and security bureaucracy an important role in public life. (Encyclopedia Britannica, "History of Turkey"; European Commission, 2002 Regular Report) Even after the elections returned, many restrictive laws remained in place. Anti-terror laws and criminal provisions protecting the state were often used against political activists, journalists, Kurdish political actors, leftist groups, religious communities, students, and civil society organizations. As a result, rights were often treated as conditional rather than strong legal guarantees.

One major problem before the 2000s was the conflict between national security and basic freedoms. This was especially visible during the Kurdish conflict and periods of political violence. The state relied on emergency measures and security courts. Broad anti-terror laws, limits on Kurds to speak their mother tongue, State Security Courts, and prosecutions of writers and journalists raised serious concerns under the European Convention on Human Rights, specifically Article 5 on liberty, Article 6 on fair trial, Article 10 on freedom of expression, and Article 11 on peaceful assembly and association. (European Court of Human Rights, Guide on Article 10; European Court of Human Rights, Guide on Article 11)

As a result, the European Court of Human Rights became an important forum for people who could not find an effective remedy in domestic courts. Many individuals brought cases to Strasbourg because they believed domestic remedies were insufficient, thereby providing a systemic barrier. Rights existed in law, but they were not always protected in practice.

Education was also shaped by a centralized and restrictive system. Under the International Covenant on Economic, Social and Cultural Rights, education must support the full development of the human personality and must also promote respect for human rights. (Office of the United Nations High Commissioner for Human Rights, art. 13) The Convention against Discrimination in Education prohibits exclusion or unequal treatment in education. (UNESCO, arts. 1, 5) However, before the 2000s, education policy in Türkiye was closely connected to state ideology, national identity, and security concerns. Minority language education was restricted and religious communities also faced limits. The curriculum was highly centralized. For many communities, education was not always experienced as a pluralistic right. It often became a tool of state control and assimilation.

Media freedom was also fragile. Journalists, writers, publishers, and newspapers operated under pressure. Criticism of the state, reporting on security operations, discussion of minority rights, or criticism of military influence could lead to prosecution or censorship. (Human Rights Watch, World Report 2005) These practices conflicted with the protection of freedom of expression in the UDHR and ICCPR. (United Nations, art. 19; Office of the United Nations High Commissioner for Human Rights, art. 19) Freedom of expression is not only an individual right, but also essential for democracy. Thus, without independent media, citizens cannot evaluate the government, cannot expose corruption, or take part in public debate in a meaningful way. Civil society organizations additionally faced pressure. Associations, foundations, unions, student groups, and professional organizations could be monitored or restricted. Their practices could be accused of threatening public order.

By the end of the 1990s, Türkiye had elections and political parties. Civil society still existed. But democracy was incomplete. The rule of law was unstable. Courts were not always independent from state ideology or security priorities. Military influence continued to shape politics. Speech, assembly, association, and education remained restricted and unequal. Eventually, these problems formed the background for the reform period after 2002.

The early 2000s brought real legal reforms that were strongly influenced by the European Union accession process. However, existing problems were not fully resolved. Security-based governance, weak judicial independence, politicized prosecutions, and suspicion toward civil society remained. These issues returned more strongly during the period of political polarization between 2011 and 2015.

3. DEMOCRATIC REFORM AND EUROPEAN INTEGRATION: THE REFORM ERA OF 2002–2010

The years between 2002 and 2010 are often viewed as a crucial time for reform in Türkiye's recent history. The Justice and Development Party took power for the first time in 2002. At that time, Türkiye's vision of joining the European Union created strong pressure for legal and institutional changes due to the requirement to abide by a set of democratic standards that ensure equality, transparency and respect for fundamental human rights. These reforms were not just about technical adjustments. They were seen as steps toward democratic governance, stronger rule of law, increased civil liberties, and closer alignment with European and international human rights norms (European Commission, 2002 Regular Report; Amnesty International, Amnesty International Report 2004)

Several of these reforms addressed longstanding issues. The death penalty was eliminated. State Security Courts were abolished. Civilian control over the military was reinforced. Broadcasting and cultural expression in minority languages were partially liberalized. Additionally, legal changes were also made to reduce torture and mistreatment in detention. (European Commission, 2002 Regular Report; Human Rights Watch, World Report 2005) These reforms related to fundamental human rights principles. With Türkiye abolishing the death penalty, the protection of life and dignity was improved. Ending State Security Courts was vital for ensuring fair trial rights. Measures against torture and mistreatment were necessary because the ban on torture is absolute. Reforms on minority-language expression supported freedom of speech, equality, and cultural inclusion.

Moreover, the EU accession process also helped civil society gain visibility. Human rights groups, women's rights organizations, minority associations, trade coalitions, and faith-based civic networks found more space to operate. This was seen as important under Article 20 of the UDHR and Articles 21 and 22 of the ICCPR, which protect the right to peaceful assembly and association. (United Nations, art. 20; Office of the United Nations High Commissioner for Human Rights, arts. 21-22)

A democratic society needs more than just elections. It also requires civil society participation monitoring and reporting of human rights violations while holding state authorities accountable. Civil society organizations help monitor state power, provide empowerment programs to underserved communities, and articulate social needs. During the early reform period, Türkiye expanded its civic space as associations and foundations had more opportunities to engage in public life.

The evaluations of the Freedom House in Freedom in the World show how different the past is from the current situation. According to the 2005 report by Freedom House, the political rights and civil liberties ratings of Türkiye were 3 on both scales, thus making it “Partly Free.” Meanwhile, according to the 2026 report by Freedom House, the ratings of political rights and civil liberties of the country are 16 out of 40 and 16 out of 60, respectively, with an overall rating of 32 out of 100, which makes it “Not Free.” Despite the change in the method used by Freedom House to score countries, this shows a significant decline in the actual freedom of political participation, civil society engagement, freedom of speech, and civil liberties, among others. (Freedom House, Freedom in the World 2005; Freedom House, Freedom in the World 2026)

Education and access to information also grew in importance during this time. Reforms in minority-language broadcasting and cultural rights challenged the older notion that public identity had to be uniform. (Freedom House, Freedom in the World 2005; Freedom House, Freedom in the World 2026) While these reforms were limited, they reflected some recognition that education, media, and cultural life should respect diversity. These reforms aligned with the ICESCR's perspective on education and the Convention against Discrimination in Education. (Office of the United Nations High Commissioner for Human Rights, art. 13; UNESCO, arts. 1, 5)

However, the implementation of these reforms was uneven. Legal changes did not always lead to changes in judicial practice. Prosecutors and courts continued to apply broad criminal laws against speech and political activities. Anti-terror laws maintained the ability to limit expression and association. Judicial independence remained susceptible to political influence and internal conflicts. (Amnesty International, Amnesty International Report 2004; Human Rights Watch, World Report 2005) In practice, the reform period extended legal protections, but it did not fully shift the state's approach to dissent.

This became clearer after 2007 and was more evident following the 2010 constitutional referendum. The referendum was pitched as a democratic reform aimed at reducing military control and restructuring parts of the judiciary. While it continued the civilian reform agenda, it also raised new concerns related to judicial appointments, accountability, and the potential politicization of the judiciary. (International Commission of Jurists; Human Rights Watch, World Report 2015)

A rights-based democracy must do more than simply lessen military influence. It must also shield courts from executive or partisan control. If judges and prosecutors rely on political power, fair trial rights weaken and make effective remedies harder to access. Because of all this, the years between 2002 and 2010 should not be seen in only one way. It produced meaningful reforms and temporarily expanded democratic space while demonstrating that international human rights standards could facilitate domestic change. Yet, these reforms were incomplete. Türkiye moved away from some forms of military control but did not establish sufficiently strong institutions to safeguard rights over the long term. This incomplete transformation later made a democratic reversal easier.

4. EMERGING CHALLENGES AND DEMOCRATIC BACKSLIDING (2011–2015)

This part examines the political and institutional developments that unfolded in Türkiye in the period after 2011. These developments should be read not as a series of disconnected moments of crisis, but as a cumulative process of decline in which democratic institutions, the rule of law, and fundamental rights were progressively eroded. The sections that follow — spanning political

polarization, the Gezi Park protests, the corruption investigations, the divergence with the Hizmet Movement, and the collapse of the Kurdish peace process — trace these developments as successive stages of that decline.

4.1 Political Polarization after the 2011 Elections

The 2011 general elections marked an important turning point in Türkiye's democratic progress. The Justice and Development Party (AKP), winning roughly 50% of the vote, came to power alone for a third consecutive term with strong democratic legitimacy. The political climate that followed, however, pointed not toward a strengthening of democratic consensus but toward a period in which the executive steadily gained power and polarization deepened. While elections retained their competitive character, Türkiye drifted from a competitive democratic structure toward competitive authoritarianism as the executive's influence over state institutions grew. (Esen and Gümüşçü, 1582-86)

Following the 2011 elections, political polarization became a defining feature of Türkiye's political structure. Opposition parties, critical media outlets, and civil society organizations were increasingly sidelined from decision-making, and clashes between the AKP and dissident groups grew more adversarial. According to the 2014 Türkiye Progress Report, these developments produced “growing polarization across the political spectrum”; a number of laws of fundamental importance to Turkish democracy were also adopted without adequate parliamentary debate or consultation with relevant stakeholders. As a result, the AKP and the opposition's inability to reach a consensus on key reforms further impaired the effective functioning of parliament. (European Commission, Turkey 2014 Progress Report 4-5)

The effects of political polarization were not confined to political institutions; they extended to the media and the broader space for public debate. Growing pressure from President Erdoğan's administration on the media further polarized public discourse, dividing the public landscape sharply between “Erdoğanist” supporters and critics of the AKP. (Corke et al. 1, 8-15) As social media gained importance for political participation, administrative and legal oversight of the internet likewise expanded; content-blocking powers were strengthened, and restrictions on online expression intensified. (Freedom House, Freedom on the Net 2015 2-4) Ultimately, political polarization during this period extended well beyond political competition, increasingly shaping media pluralism, public debate, and the space available to civil society.

The developments examined in this and the following part engage a common framework of international human rights law. The Universal Declaration of Human Rights (UDHR) (United Nations, arts. 19-21), the International Covenant on Civil and Political Rights (ICCPR) (Office of the United Nations High Commissioner for Human Rights, arts. 19, 21, 22, 25), and at the European level, the European Convention on Human Rights (ECHR) together guarantee the freedoms of expression, peaceful assembly, and association, the rights to political participation and personal liberty, and the right to a fair trial before an independent tribunal. (European Court of Human Rights, Convention, arts. 10-11) Rather than restating these instruments at each turn, the sections that follow assess each development against this shared framework, drawing on the case law of the European Court of Human Rights (ECtHR) where it bears directly on Türkiye. Judged by that standard, the polarization that deepened after 2011 was more than a shift in internal political dynamics; it laid the social and political groundwork for the Gezi Park protests that would follow.

4.2 Gezi Park Protests and Civil Society Mobilization

The Gezi Park protests, which began in 2013, are regarded as one of the broadest civil-society mobilizations Türkiye had seen in recent years, and one of the clearest markers of the onset of democratic backsliding. The protests began on 27 May 2013 as a peaceful demonstration by a small group of environmentalists against an urban redevelopment project that would have reshaped Gezi Park in Istanbul; however, after the security forces' intervention against the protesters, they quickly spread across the country. According to Freedom House, roughly 3.5 million people took part in protests held in more than 80 provinces. (Freedom House, *Freedom in the World* 2015) The protests thus grew from an environmental demonstration into a broader civil-society movement voicing demands related to democratic participation, accountable governance, and the rule of law. (Corke et al.)

The security forces' intervention during the protests drew sharp criticism from international organizations on grounds of fundamental rights and freedoms. At the heart of this criticism lay the use of excessive force – tear gas, water cannon, and physical intervention – together with the deaths, thousands of injuries, and widespread detentions that occurred during the protests. (European Commission, *Turkey 2014 Progress Report*) (Freedom House, *Freedom in the World* 2015). Investigations into the Gezi events, however, made only limited progress, and shortcomings in the accountability of security forces persisted. (European Commission, *Turkey 2015 Report*)

The Gezi Park protests also brought existing problems concerning media freedom and the space for civil society into sharper view. In their aftermath, numerous journalists were dismissed or forced to resign, while media organizations increasingly turned to self-censorship under political and economic pressure. (Corke et al.) Social media, meanwhile, became one of the principal means of sharing information, communicating, and organizing demonstrations during the protests, even as President Erdoğan's administration came to view these platforms as facilitating their spread and adopted new measures to tighten its control over the digital sphere. Investigations into social media users increased after Gezi, access to online content was restricted, and legal regulations curbing online expression were expanded. (Freedom House, *Freedom on the Net* 2015)

The most significant debate that the Gezi Park protests raised under international human rights law concerns the protection of freedom of expression, the right to peaceful assembly, and freedom of association. In *Oya Ataman v. Türkiye*, the ECtHR held that public authorities must show a degree of tolerance toward peaceful assemblies, and that the aim of maintaining public order cannot, by itself, justify the dispersal of a peaceful demonstration. Viewed in this light, the Gezi Park protests went beyond an episode of mass civil-society mobilization; they prompted a re-examination of the state's security policies considering international human rights standards.

4.3 The 2013 Corruption Investigations and Judicial Independence

The corruption investigations that came to public attention on 17 and 25 December 2013 marked a critical juncture in executive–judiciary relations in Türkiye. They raised allegations of corruption, bribery, and abuse of office against several ministers, officials, and businessmen close to the AKP, quickly moving to the center of Türkiye's political agenda. President Erdoğan's administration, however, characterized the investigations not as independent judicial proceedings but as an attempted “judicial coup” carried out by the Hizmet Movement, which it accused of having organized itself within state institutions. (European Commission, *Turkey 2014 Progress Report*) This stance deepened debate not only over the future of the investigations themselves but also over the independence and impartiality of the judiciary.

Following the investigations, the administration reassigned numerous police chiefs, prosecutors, and judges, removing many from their posts. These developments raised serious concerns regarding judicial independence and the separation of powers; the legislative changes that restructured the Supreme Board of Judges and Prosecutors (HSYK) posed a risk of increasing executive influence over the judiciary. (European Commission, Turkey 2014 Progress Report) (European Commission, Turkey 2015 Report)

Judicial independence is not merely an institutional matter but a fundamental guarantee of the right to a fair trial and of the rule of law. The ECtHR has emphasized in numerous judgments that even the appearance of independence from the executive is essential to public confidence in the courts. (*Findlay v. the United Kingdom*) In this light, the developments following the 17–25 December corruption investigations went beyond debate over specific criminal investigations, leading to a marked increase in international concern regarding judicial independence, the separation of powers, and the rule of law in Türkiye. At the same time, the deepening political and institutional conflict between the AKP and the Hizmet Movement made its effects increasingly visible – revealing that the corruption investigations and the ensuing rupture were less two separate episodes than two faces of the same institutional realignment, in which the executive consolidated control over the bodies meant to check it.

4.4 AKP– Hizmet Movement Split and Its Impact on Civil Society

Following the 2013 corruption investigations, the political and institutional rift between the AKP and the Hizmet Movement became increasingly pronounced, marking the beginning of a new period that directly affected the space for civil society in Türkiye. The conflict between the movement and the AKP ruling party, previously thought to have acted in concert within various public institutions, was characterized by President Erdoğan's administration as a struggle against a “parallel structure” organized within the state. In this process, the administration began to step up administrative and legal measures against educational institutions, media organizations, business associations, and civil society organizations considered to be linked to the Hizmet Movement. (European Commission, Turkey 2014 Progress Report)

Some of the legislative and administrative measures adopted during this period affected not only specific institutions but also the broader operating environment for civil society as well. In particular, the regulations closing private preparatory schools, together with growing interference in civil society organizations and media outlets, made the impact of the divergence between the AKP and the Hizmet Movement on public life increasingly visible. (European Commission, Turkey 2015 Report) Against this backdrop, the administration's policies toward individuals and institutions deemed to be linked to the Hizmet Movement also gave rise to new debates concerning freedom of expression, freedom of association, and pluralism. (Freedom House, *Freedom in the World* 2015)

These developments led civil society in Türkiye to operate in an increasingly polarized environment. The divergence between the AKP and the Hizmet Movement did not remain a dispute confined to the two actors alone; a range of civil society organizations, educational institutions, professional associations, and media outlets came to be seen as parties to the rift as well. As a result, the independent space available to civil society narrowed during this period, and organizations representing differing views faced growing political pressure. (Corke et al.; European Commission, Turkey 2015 Report)

The most direct counterpart of these developments under international human rights law lies in the areas of freedom of association and civil society's ability to operate independently. The deepening rift between the AKP and the Hizmet Movement extended well beyond particular institutions, contributing to growing international concern over the space for civil society, pluralism, and freedom of association in Türkiye. This process, in turn, laid the groundwork for a new period in which debates over media freedom and freedom of expression would intensify still further. The designation of the Movement as an organized threat, first advanced in this period, would later become the central premise of the post-2016 emergency regime.

4.5 Emerging Concerns Regarding Media Freedom and Judicial Independence

International reports published in 2014 and 2015 found that concerns over the erosion of media freedom and judicial independence in Türkiye were steadily deepening. These reports painted a more critical picture than in previous years regarding freedom of expression, media pluralism, and the separation of powers, concluding that the executive's growing influence over the judiciary, together with political pressure on critical media outlets, was undermining the effective functioning of democratic institutions. (European Commission, Turkey 2014 Progress Report; European Commission, Turkey 2015 Report)

Criminal investigations of journalists, dismissals, and self-censorship all increased markedly during this period. Political and economic pressure on media ownership restricted critical reporting and made it harder for the public to access diverse viewpoints. (Corke et al.; Freedom House, Freedom in the World 2015) In addition, the blocking of access to websites, investigations opened against social media users, and administrative interference with online content became increasingly widespread. (Freedom House, Freedom on the Net 2015) Restrictions on freedom of expression extended beyond traditional media to cover the digital sphere as well.

Freedom of expression and the right to a fair trial both lie at the core of the framework set out above. In *Ahmet Yıldırım v. Türkiye*, the ECtHR held that broad restrictions on internet access could have a disproportionate effect on freedom of expression, and established that the digital sphere, too, falls within the protection of Article 10 of the ECHR. (*Ahmet Yıldırım v. Turkey*) Viewed in this light, the developments concerning media freedom and judicial independence that emerged between 2011 and 2015 came to be regarded less as isolated rights violations than as evidence of deepening international concern over the functioning of democratic institutions and the future of the rule of law in Türkiye.

4.6 Kurdish Peace Process and Its Collapse (2013–2015)

The Kurdish Peace Process launched in 2013 was among the most comprehensive initiatives aimed at ending the long-running conflict over the Kurdish question in Türkiye. In its early stages, the process aimed to reduce armed clashes, establish channels of communication between the state and Kurdish political actors, and strengthen democratic politics. (International Crisis Group)

However, the peace process grew increasingly fragile in the following years amid rising political tensions and mutual distrust. Developments in late 2014 and 2015 in particular led to the effective collapse of the peace process. During this period, channels of negotiation between the parties weakened, and the process was formally suspended. (Human Rights Watch, Turkey: Events of 2015)

With the collapse of the process, security-focused policies regained intensity in southeastern Türkiye, and intense clashes occurred in urban centers, particularly after 2015. Curfews were

extended during this period, and prolonged restrictions on movement were imposed in some areas. (European Commission, Turkey 2015 Report) During operations in towns such as Cizre and the Sur district of Diyarbakır, serious allegations emerged that many civilians sheltering in basements had been killed, and that these incidents were not effectively investigated. (Human Rights Watch, “Turkey: State Blocks Probes”; Office of the United Nations High Commissioner for Human Rights, South-East Turkey) During the same period, extensive demolitions took place in Sur, tens of thousands of people were displaced, and significant damage was done to the historic urban fabric. (Amnesty International, Displaced and Dispossessed)

Human rights assessments of the 2015–2016 period point to the impact of security operations on civilian life, allegations of loss of life, and disruptions in access to basic services. (Office of the United Nations High Commissioner for Human Rights, South-East Turkey) The same sources also raise concerns that allegations of ill-treatment during detention and security operations were not investigated independently or effectively. (Office of the United Nations High Commissioner for Human Rights, South-East Turkey; Human Rights Watch, World Report 2016) Documented examples include the case of a journalist in Cizre who, while attempting to help evacuate the wounded, was beaten while in police custody and was denied access to medical care for several hours. (Human Rights Watch, World Report 2016) Investigations and judicial proceedings against Kurdish political representatives also raised separate concerns regarding freedom of expression and political participation. (European Commission, Turkey 2016 Report) President Erdoğan's administration justified the security operations as a necessary response to barricades and trenches built by the PKK (Kurdistan Workers' Party) in urban areas and held the PKK responsible for civilian deaths; international organizations, for their part, emphasized the need for an independent inquiry into whether the principle of proportionality had been observed.

Overall, the collapse of the peace process is regarded not simply as the end of a negotiation process but as a structural rupture, marking a weakening of trust between the state and Kurdish society and a deepening of political polarization. It made visible the determining influence of security policy on the political sphere in Türkiye. These developments engage the right to life, the prohibition of ill-treatment, and freedom of movement under the ICCPR, together with the UN Guiding Principles on Internal Displacement. (Office of the United Nations High Commissioner for Human Rights, arts. 6, 7, 12; United Nations, art. 13; United Nations, Guiding Principles) The deepening distrust and polarization of this period soon fed into the far more sweeping crisis that followed the July 2016 coup attempt.

5. THE 2016 ‘FAILED COUP’ ATTEMPT

5.1 The July 15 ‘Failed Coup’ Attempt and Declaration of the State of Emergency

On 15 July 2016, a small faction within the Turkish Armed Forces were mobilized, which the country's political leaders described as an attempt to overthrow the government of Türkiye. Military units were mobilized and positioned in key locations in Ankara, Istanbul, such as the Bosphorus Bridge. A group identifying itself as the “Peace at Home Council,” forced a declaration to be read on government run TRT television channel that they were taking over to restore democracy and rule of law. As news of the ‘attempted coup’ spread, civilians gathered in streets and public squares to enter a standoff with soldiers. According to official sources, at least 246 people were killed, majority of whom by unidentified shooters, and more than 2,000 were injured. As the night progressed, it became clear that many of the military units did not know the real

reason for their mobilization and their communication with their commanders were cut off. Dozens of soldiers abandoned tanks and other military vehicles, only to be beaten and lynched by angry crowds. Forces loyal to the Government ultimately subdued the alleged coup plotters, and the 'attempted coup' was suppressed within approximately 12 hours.

The 'coup attempt' was widely condemned as a serious assault on the democratic constitutional order. (European Commission, Turkey 2016 Report) On 20 July 2016, a three-month nationwide State of Emergency (OHAL) was declared, a measure that would subsequently be extended on several occasions. (European Commission, Turkey 2016 Report; Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency)

In the immediate aftermath of the July 15 coup attempt, President Erdoğan accused late Fethullah Gülen and the Hizmet Movement of using their influence in the police, the judiciary, and some sections of the media to build an organized structure aimed at destabilizing the government. (Journalists and Writers Foundation 9) With the State of Emergency declared on 20 July 2016, and before any investigation or judicial proceedings had been conducted, the Turkish government formally attributed responsibility for the 'coup attempt' to the Hizmet Movement, which it designated as the "Fethullah Terrorist Organization (FETÖ)." (Republic of Türkiye) Late Fethullah Gülen rejected these accusations and called for the events to be investigated by an independent international commission. (Fethullah Gülen)

In the years that followed, the legal basis and implementation of the emergency measures became the subject of extensive review by international human rights mechanisms. The Venice Commission assessed that many individuals were targeted not on the basis of concrete evidence of personal involvement in the coup attempt, but for holding an account at a particular bank, membership in lawfully operating associations or trade unions, and similar lawful activities. (Venice Commission, Opinion on Emergency Decree Laws) The Office of the United Nations High Commissioner for Human Rights similarly reported that the emergency measures were applied on a large scale and without individualized evidentiary assessment, (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency) and the ECtHR concluded in subsequent judgments that a number of detentions carried out in this period failed to meet the standard of "reasonable suspicion." (Mehmet Hasan Altan v. Turkey; Şahin Alpay v. Turkey)

The state of emergency regime, the mass dismissals, arrests, and institutional closures examined in this part should therefore be assessed not only as security measures but as practices that drew serious criticism from international human rights bodies over their legal basis, evidentiary standards, and proportionality.

While states may take measures to protect public order and the constitutional system following a coup attempt, such measures must remain consistent with the rule of law and with the principles of necessity and proportionality (European Commission, Turkey 2016 Report); the numerous decree-laws (KHGs) issued during this period instead significantly curtailed legislative and judicial oversight and produced far-reaching effects on fundamental rights and freedoms. (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency)

International human rights law affords states only a limited capacity to derogate in emergencies. Article 4 of the ICCPR (Office of the United Nations High Commissioner for Human Rights, art. 4) and Article 15 of the ECHR (European Court of Human Rights, Convention, art. 15) permit temporary derogation in emergencies threatening the life of the nation, but only to the extent

strictly required and consistent with a state's other international obligations. Against this backdrop, the decree-laws and the manner of their application came under intense scrutiny for their effects on judicial independence, public service, freedom of expression, and civil society, as examined in the sections below.

5.2 Emergency Decrees and Mass Dismissals

Following the declaration of the state of emergency on 20 July 2016, Türkiye began to be governed by decree-laws (KHKs), which significantly expanded executive's power and enabled sweeping institutional changes in public administration. These regulations allowed public officials to be dismissed without the ordinary judicial safeguards and led to extensive structural changes in the civil service, the judiciary, education, and the security services. The scope of these measures extended well beyond immediate security needs, producing long-term effects on public administration and the rule of law. (European Commission, Turkey 2016 Report 30-33)

Under these decree-laws, approximately 152,000 civil servants were dismissed from their posts on allegations of links to the Hizmet Movement, among them thousands of judges and prosecutors removed from office in the early weeks of the state of emergency. (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency 5-7) Many of these dismissals were carried out through supplementary lists, without individualized justification or effective judicial review, raising serious concerns regarding legal certainty, proportionality, and the right to a fair trial. (Venice Commission, Opinion on Emergency Decree Laws 12-18)

The dismissals also produced serious socio-economic consequences: those affected lost not only their jobs but also their social security entitlements and access to effective legal remedies, causing long-term hardship for individuals and their families. (Amnesty International, Purged Beyond Return?) Although Turkish authorities later established the Inquiry Commission on State of Emergency Measures as a domestic remedy, serious criticism was directed at the independence and effectiveness of this mechanism.

From a human rights perspective, these developments engage a range of international obligations. The right to work and to just conditions of work, guaranteed under Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), was directly affected by the mass dismissals from public service. (Office of the United Nations High Commissioner for Human Rights, arts. 6-7) Article 6 of the ECHR, for its part, guarantees the right to a fair hearing before an independent and impartial tribunal in disputes over civil rights and obligations. (European Court of Human Rights, Convention, art. 6) The ECtHR has repeatedly emphasized that procedural safeguards must be preserved even where national-security concerns are present.

Although President Erdoğan's administration justified these measures as a necessary response to the extraordinary threat the state faced, international bodies have emphasized that emergency powers are legitimate only insofar as they are necessary, proportionate, and subject to effective oversight. The scope of the dismissals became central to international assessments of the rule of law in Türkiye and set the stage for the arbitrary detentions and restrictions on civil society examined in the next section.

5.3 Mass Arrests and Detentions

Following the declaration of the state of emergency, Turkish authorities launched extensive criminal investigations and detention operations against individuals alleged to have links to the Hizmet Movement and to other structures regarded as threats to national security. Over the course

of the eighteen-month state of emergency, nearly 160,000 people were arrested in operations that swept across the judiciary, the military, education, the media, and the civil service. The scale and speed of these operations affected the functioning of the criminal justice system and raised serious concerns regarding personal liberty and fair-trial guarantees.

Many detainees were held for prolonged periods with restricted access to legal counsel and limited procedural safeguards. The reach of these operations extended even to the most vulnerable: around 100 women who were pregnant or had recently given birth were detained, held for the most part not for any act of their own but on the grounds that they were “associates” of husbands suspected of links to the Hizmet Movement. (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency 8-10) Serious concerns also arose regarding allegations of ill-treatment and the effectiveness of judicial oversight mechanisms. (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency 9-12) The prohibition of torture and ill-treatment is non-derogable under Article 4(2) of the ICCPR and Article 15(2) of the ECHR, so that even during a state of emergency the state remained bound to investigate such allegations independently and effectively. (Office of the United Nations High Commissioner for Human Rights, art. 4(2); European Court of Human Rights, Convention, art. 15(2)) These practices accordingly risked undermining the presumption of innocence and the right to a fair trial, both fundamental principles of the criminal justice system.

In several cases arising from this period, including Mehmet Hasan Altan v. Türkiye and Şahin Alpay v. Türkiye, the ECtHR held that the right to liberty and security under Article 5 of the ECHR had been violated. (Mehmet Hasan Altan v. Turkey; Şahin Alpay v. Turkey) The Court emphasized in particular that, even where national-security justifications exist, detentions must rest on individualized grounds and be subject to effective judicial review.

Although President Erdoğan's administration justified these measures as a response to an extraordinary threat to national security, international bodies have emphasized that even exceptional circumstances cannot justify removing fundamental procedural safeguards altogether. The detentions became central to international assessments of Türkiye's compliance with rule-of-law standards and paved the way for the restrictions on freedom of expression and closure of media outlets examined in the next section.

5.4 Closure of Media Outlets and Restrictions on Freedom of Expression

The state of emergency period led to a serious contraction in media freedom and freedom of expression in Türkiye. Under the decree-laws issued after 2016, more than 180 media outlets were shut down and around 300 journalists were arrested, while more than 100,000 websites were blocked over the course of 2017 alone. During this period Türkiye became, for three consecutive years, the country that imprisoned the largest number of journalists in the world, according to the Committee to Protect Journalists; roughly one third of all journalists jailed worldwide were held in Türkiye. (Committee to Protect Journalists, Annual Prison Census) In the World Press Freedom Index compiled by Reporters Without Borders, the country fell to 157th place out of 180. (Reporters Without Borders, World Press Freedom Index 2018) The closure of media outlets and the legal proceedings brought against journalists during the state of emergency had serious and lasting effects on freedom of expression. (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency 13-15) The erosion of the public's right to access information, together with the decline in media pluralism, posed significant risks to democratic society. Interference with the media sphere was thus a matter to be assessed not only on security

grounds but also against the principles of the rule of law, proportionality, and necessity. (Venice Commission, Opinion on Freedom of the Media)

The case law of the ECtHR consistently emphasizes that freedom of expression is one of the fundamental elements of a democratic society. During this period, restrictions on digital expression — the blocking of social media platforms, content removal, and investigations against individual users — steadily increased. (Freedom House, Freedom on the Net 2017 2-6) This pointed to an expanding scope of state intervention at precisely the moment when digital communication tools had become the primary platform for public debate.

In *Ahmet Yıldırım v. Turkey*, the ECtHR held that broad restrictions on internet access could have a disproportionate effect on freedom of expression. (*Ahmet Yıldırım v. Turkey*) The Court has also recognized that interference with digital platforms affects not only individual rights but also the public's right to access information. Together with the closure of educational institutions, civil society organizations, and associations examined in the next section, these developments are regarded as a broader institutional transformation.

5.5 Closure of Schools, Universities, NGOs, and Associations

The decree-laws issued under the state of emergency did not target individuals alone; they also led to the large-scale closure of civil society organizations, educational institutions, foundations, and associations. Although these measures were carried out on security grounds, the result was a serious and lasting contraction in the space available to civil society.

During the state of emergency, more than 2,000 private educational institutions — schools, dormitories, and tutoring centers — along with 15 foundation universities affiliated with the Hizmet Movement were closed, and more than 1,500 associations, foundations, and civil society organizations linked to Hizmet Movement were dissolved by decree without individualized justification. (Amnesty International, “State of Emergency Has Ended”; United States Department of State) The assets of the closed institutions were transferred to the Treasury without compensation. Of these organizations, only eleven were subsequently permitted to reopen, after the State of Emergency Commission found insufficient evidence linking them to proscribed groups. (Amnesty International, “State of Emergency Has Ended”) The termination of their activities had a chilling effect on freedom of expression and association and narrowed civic space more broadly. (Amnesty International, *Purged Beyond Return?*) Under Article 11 of the ECHR and Article 22 of the ICCPR, interference of this kind with freedom of association is permissible only where it is necessary and proportionate in a democratic society. (European Court of Human Rights, Convention, art. 11)

Viewed in this light, the mass closure of educational institutions and civil society organizations amounted to more than an administrative security measure: it marked a significant transformation in the institutional structure of civil society in Türkiye. International organizations have warned that these developments could, over the long term, weaken mechanisms of democratic participation and narrow the independent space available to civil society. This process also contributed to the displacement of individuals and families and to a rise in emigration, directly connecting it to the dynamics of diaspora formation and migration examined in the following section.

5.6 Migration, Transnational Repression and the Formation of Communities Abroad

The state of emergency and the extensive administrative and judicial measures applied in its aftermath led to a marked increase in emigration from Türkiye. This movement took the form not of ordinary migration driven by economic or professional considerations, but of applications for international protection: asylum applications by Turkish citizens in the European Union rose roughly fivefold after 2016, placing Türkiye among the five leading countries of origin for asylum seekers in the EU — alongside states experiencing armed conflict, such as Syria, Afghanistan, and Iraq. (European Asylum Support Office; Eurostat) Those who left included people dismissed from public service, academics, journalists, and civil society actors, driven out by legal uncertainty, professional restrictions, and security concerns.

The rise in emigration during this period had significant effects on Türkiye's human capital; the departure of highly skilled professionals, in particular, carried the potential for long-term institutional and structural consequences. (European Commission, Turkey 2018 Report 18-20) This can be read as more than an economic brain drain: a broader social transformation linked to democratic tensions and institutional distrust.

Freedom of movement and the right to leave one's country are guaranteed under Article 13 of the UDHR and Article 12 of the ICCPR; any restriction on them — including the mass passport cancellations of this period — must be lawful, necessary, and proportionate. (United Nations, art. 13; Office of the United Nations High Commissioner for Human Rights, art. 12) In this light, the migration and formation of communities abroad that followed the state of emergency are regarded not merely as the outcome of individual decisions but as the international reflection of Türkiye's broader political and institutional transformation. These developments provide the socio-political and institutional backdrop for the more recent developments examined in Part 6.

For example, Turkish journalists in exile can reach millions of people because of their independent reporting, despite all the efforts by the government to censor them, including by blocking websites, content and social media accounts through court orders or targeted cyber-attacks. Working in exile enables them to remain credible sources of information about Türkiye, currently one of the most hostile countries for journalists. Journalists think that “[...] in the near future in Türkiye, news that makes headlines will be reported by journalists in exile, because only exiled journalists have the guarantee of not being arrested in the morning.”

Safety in exile however for Turkish journalists is far from guaranteed. Transnational repression against journalists in exile includes repeated calls for their assassination, extensive surveillance and monitoring, physical assaults and threats of physical violence, arbitrary detention, enforced disappearances and illegal transfers, systematic online harassment and defamation campaigns, fabricated terrorism-related charges, trial in absentia on bogus charges, extradition demands on politically motivated allegations and threats to journalistic sources and networks that they rely on for their work. These threats also result in serious restrictions on the freedom of movement, including their ability to travel or communicate with sources in Türkiye or abroad.

Passports of Turkish journalists in exile are unlawfully reported to Interpol as lost or stolen, and an unknown number of them are probably subject to Interpol notices and diffusions. Journalists in exile are routinely added to Türkiye's “Most Wanted” terrorist list, followed by restrictions of financial resources and denial [or threat to deny] of access to financial and banking systems or other platforms in host countries. Efforts by the Turkish government to silence journalists also entail constant intimidation and harassment of journalists' family members in Türkiye.

6. CONSTITUTIONAL CHANGES AND THE PRESIDENTIAL SYSTEM (2017–2022)

6.1 The 2017 Referendum and the Shift to a Presidential System

The 2017 referendum enshrined the powers that Türkiye's government had gained under the post-coup state of emergency into the constitution. Section 5 described how, after the July 2016 'failed coup' attempt, the AKP government ruled through emergency decrees that bypassed parliament and ordinary judicial review. On 16 April 2017, while the emergency was still in force, voters approved a package of eighteen constitutional amendments by a narrow margin of roughly 51 percent. (Organization for Security and Co-operation in Europe) The amendments replaced the parliamentary system with a presidential one. They abolished the Office of Prime Minister, made the President both head of state and head of government, and allowed the President to lead a political party, to issue decrees with the force of law, to shape senior judicial appointments, and to dissolve parliament. Most of these changes took effect with the elections of June 2018.

The Venice Commission, the Council of Europe's advisory body on constitutional law, reviewed the amendments before the vote and warned against them. It found that the package would concentrate executive power in one office and weaken parliament's ability to hold that office accountable. It described the reform as a step backward for Turkish democracy and concluded that the new arrangements would further weaken the judiciary's independence. (Venice Commission, Opinion on the 2017 Constitutional Amendments)

The emergency powers did not disappear when the state of emergency was lifted in July 2018. The government carried many of them into ordinary law through new antiterrorism legislation, so that measures once justified as a temporary response to the coup attempt became a permanent part of the legal system. The concentration of authority built up after 2016 was now fixed in the constitution and the statute book, and it no longer depended on the emergency to continue.

This permanence is what raised the concern under international human rights law. As Section 5 explained, Article 4 of the ICCPR and Article 15 of the ECHR allow a state to suspend certain rights during a genuine emergency, but only for as long as the emergency lasts and only to the extent the situation requires. During the emergency, Türkiye formally notified the United Nations that it was suspending obligations under several articles of the ICCPR, including Article 19 on freedom of expression, Article 21 on peaceful assembly, Article 22 on freedom of association, and Article 25 on the right to take part in public affairs. (Republic of Türkiye) Writing those powers into permanent law removed the time limit that had made the suspension lawful in the first place. The UN Human Rights Office warned that the repeated renewal of the emergency, and the use of emergency powers to reshape lasting institutions, had weakened the courts, the press, and civil society in their role of holding the government to account (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency). The sections that follow trace how that weakening produced specific violations of these same rights between 2017 and 2022, beginning with the courts.

6.2 Executive Control over the Courts and the Detention of Government Critics

The presidential system gave the executive lasting control over the courts through the body that manages judges and prosecutors. Before 2017, that body was the Supreme Board of Judges and Prosecutors, and most of its members were chosen by judges and prosecutors themselves. The constitutional amendments renamed it the Council of Judges and Prosecutors and reduced its membership from twenty-two to thirteen. Under the new rules, the President appoints four members directly. The Minister of Justice chairs the Council, and the Deputy Minister also serves

on it, placing six of the thirteen seats in executive hands. Parliament elects the remaining seven, and the President's coalition held the majority needed to fill them. The Venice Commission concluded that, taken together, these rules allow the executive choose at least ten of the thirteen members, and found that they give the executive complete control over the body that is supposed to guarantee the independence of the judiciary.(Venice Commission, Opinion on the 2017 Constitutional Amendments; Venice Commission, Opinion on the Council of Judges and Prosecutors)

This change did not stand on its own. As Section 5 described, the government had already dismissed about a third of the country's judges and prosecutors after the coup attempt and replaced them with new appointments. A judge who had watched colleagues removed, and who knew that promotions and transfers were now decided by an executive-controlled body, had good reason to avoid rulings that displeased the government. The Venice Commission described the resulting atmosphere as a climate of fear and submission among judges and prosecutors, (Venice Commission, Opinion on the Council of Judges and Prosecutors) Courts in this position cannot reliably protect someone the government wants prosecuted. The cases that followed show what this meant in practice.

The Büyükada case is a clear illustration. On 5 July 2017, police raided a routine workshop on well-being and digital security at a hotel on Büyükada, an island near Istanbul, and detained ten human rights defenders. Among them was İdil Eser, the Director of Amnesty International Türkiye. Weeks earlier, on 6 June 2017, the authorities had arrested Taner Kılıç, the Chair of Amnesty International Türkiye, claiming he had used an encrypted messaging application said to be favored by the Hizmet Movement volunteers. Two separate forensic examinations later found no trace of that application on his phone. (Amnesty International, Prosecution of 11 Human Rights Defenders) The defendants were charged with membership of, or assistance to, a terrorist organization. Eight of those detained on the island spent ninety-nine days in prison before they were released at the first hearing. (Amnesty International, "Countdown to Justice") Much of the evidence against them was their ordinary human rights work, including a campaign against the sale of tear gas and an application for a human rights grant. In July 2020 the court convicted Kılıç, Eser, and two others, and sentenced Kılıç to more than six years in prison. (Front Line Defenders, "Four Human Rights Defenders Acquitted") Türkiye's own Constitutional Court had already found, in the case of one of the defendants, that her detention breached her right to liberty.(Front Line Defenders, "Turkey: Four Human Rights Defenders") An appeal court overturned the convictions in 2022, and the defendants were acquitted in the retrial that followed, but only after years of prosecution.(Amnesty International, "Justice Prevails") The case shows a judiciary willing to treat human rights work as terrorism and to hold activists in prison without credible evidence.

The detention of Osman Kavala shows the same failure to reach the level of binding international rulings. Kavala, a businessman known for funding cultural and civil society projects, was held in pre-trial detention, was taken into custody in October 2017 and held in pre-trial detention thereafter. In December 2019 the European Court of Human Rights ruled that his detention breached his right to liberty under Article 5 of the European Convention. It also found a violation of Article 18, which forbids a state from restricting a person's rights for a hidden purpose. The Court concluded that the detention was intended to silence Kavala as a civil society figure, and it ordered his immediate release. (Kavala v. Turkey) Türkiye did not release him. The Council of Europe's Committee of Ministers, which supervises compliance with the Court's judgments, eventually referred the matter back to the Court. In July 2022 the Grand Chamber found that

Türkiye had failed in its obligation under Article 46 of the Convention to obey a final judgment. (Kavala v. Türkiye (Infringement Proceedings)) A few months before that ruling, a domestic court had sentenced Kavala to life imprisonment. (Human Rights Watch, “Landmark Judgment”) When a government keeps a person in prison after the Court has ordered his release, it is refusing to honor a duty it accepted when it joined the Convention.

These events engage several rights that Türkiye is bound to protect. The right to a fair hearing before an independent and impartial court appears in Article 10 of the Universal Declaration of Human Rights, Article 14 of the ICCPR, and Article 6 of the ECHR, and the UN Basic Principles on the Independence of the Judiciary set out what that independence requires in practice. (United Nations, art. 10; Office of the United Nations High Commissioner for Human Rights, art. 14; European Court of Human Rights, Convention, art. 6; United Nations, Basic Principles) The right to liberty, together with the ban on arbitrary detention, appears in Article 9 of the Universal Declaration, Article 9 of the ICCPR, and Article 5 of the ECHR. (United Nations, art. 9; Office of the United Nations High Commissioner for Human Rights, art. 9; European Court of Human Rights, Convention, art. 5) Article 18 of the ECHR adds that a state may not use its powers for purposes the law does not allow, and Article 46 requires states to carry out the Court's judgments. (European Court of Human Rights, Convention, arts. 18, 46) Türkiye accepted each of these obligations when it ratified the treaties, and both the Council of Europe and United Nations bodies have found that it broke them. The same loss of judicial protection reached the press, whose treatment during this period is examined next.

6.3 Silencing the Press and Controlling Information

During the presidential-system years, Türkiye became the country that imprisoned more journalists than any other, and most of its major news outlets came under owners close to the government. Section 5 described how emergency decrees shut down scores of newspapers, television channels, and news agencies in 2016 and 2017. Those closures were not reversed when the emergency ended. The government kept prosecuting journalists under anti-terrorism laws and under Article 299 of the Penal Code, which makes it a crime to insult the President. The Committee to Protect Journalists found Türkiye to be the world's worst jailer of journalists for three years running, with 68 reporters behind bars at the end of 2018. (Committee to Protect Journalists, 2018 Prison Census) Ownership narrowed the field further.

The Turkish government's use of the legal systems and intimidation to silence journalists also entail constant intimidation and harassment of journalists' family members in Türkiye. Efforts by the Turkish government to silence journalists in exile are not limited to direct threats and transnational repression, but often also form part of diplomatic negotiations with countries where the Turkish government can exert any form of political or other pressure. During deliberations at the Turkish Parliament, Turkish Deputy Foreign Minister Burak Akçapar inadvertently revealed that during discussions with the Swedish delegation on Sweden's protocol of accession to NATO, one of key demands by Türkiye for Sweden's NATO bid was the closure of “Nordic Monitor”, an online newspaper administered by Turkish journalists in exile. In the case of Finland and now mostly Sweden, Türkiye is trying to secure the extradition of journalists at risk not pursuant to applicable international law but rather based on extradition lists and political agreements, tied to Sweden's [and previously Finland's] NATO accession bid.

In 2018 the Doğan Media Group, which owned major outlets including Hürriyet and CNN Türk, was sold to a conglomerate widely seen as close to the President, leaving most of the mainstream media aligned with the government. (Reporters Without Borders, Türkiye Country Profile)

The Cumhuriyet case shows how the courts were turned against independent journalism. Cumhuriyet is one of Türkiye's oldest newspapers and one of the few critical voices among the larger outlets. Police raided its offices in late 2016 and detained its journalists and executives. On 25 April 2018, a court in Istanbul convicted fourteen people connected to the paper of aiding terrorist organizations and imposed prison terms ranging from about three to eight years. (Human Rights Watch, "Journalists Convicted"; Committee to Protect Journalists, "Turkey Convicts Cumhuriyet Journalists") The evidence consisted largely of their published articles, their reporting, and their contacts with sources, and none of it showed any involvement in violence. An appeals court upheld the convictions in 2019. (Committee to Protect Journalists, "Turkish Appeals Court") Convicting journalists of terrorism for doing their jobs sends a warning to every other newsroom in the country.

The government also restricted the public's access to information online. In late April 2017, days after the constitutional referendum, the authorities blocked every version of Wikipedia across the country, objecting to entries that described Türkiye's relationship with armed groups in Syria. The block lasted almost three years. Türkiye's own Constitutional Court ended it, ruling in December 2019 that blocking the entire encyclopedia violated freedom of expression, and access was restored in January 2020. (Library of Congress, "Blocking of Wikipedia"; Constitutional Court of Türkiye) For nearly three years, one of the world's most used sources of reference information was unavailable to people in Türkiye, which shows how far the state would go to control what the public could read.

Two features of the legal system kept this pressure constant. The first was Article 299, the offence of insulting the President, which the authorities applied to hundreds of thousands of people, including journalists and ordinary social media users. (Amnesty International, Disinformation Law) In Vedat Şorli v. Türkiye, decided on 19 October 2021, the European Court of Human Rights ruled that a prison sentence imposed under this article for two Facebook posts violated Article 10 of the Convention. The Court held that granting a head of state extra protection from criticism by imposing a heavier criminal penalty does not accord with the spirit of the Convention. (Vedat Şorli v. Turkey) The second was a new law. In October 2022, parliament added Article 217/A to the Penal Code, making it a crime punishable by up to three years in prison to spread "false or misleading information." (Library of Congress, "Parliament Adopts 'Disinformation Law'") The Venice Commission had urged the government not to adopt it, warning that its terms were too vague and that it would interfere with freedom of expression. (Venice Commission and Directorate General) Once it passed, prosecutors used it to investigate dozens of journalists.

These measures conflict with the protections Türkiye has accepted. Freedom of expression is guaranteed by Article 19 of the Universal Declaration of Human Rights, Article 19 of the ICCPR, and Article 10 of the ECHR. (United Nations, art. 19; Office of the United Nations High Commissioner for Human Rights, art. 19; European Court of Human Rights, Convention, art. 10) The right covers the freedom to speak and publish, and it also covers the public's right to receive information from a range of sources. During the state of emergency, Türkiye had formally suspended its obligations under Article 19 of the ICCPR, as noted earlier, and the restrictions that followed gave that suspension lasting effect. The European Court repeatedly held that a free press is one of the foundations of a democratic society, because without it citizens cannot hold those in power to account. The same period brought similar pressure on the rights to gather and to organize, which the next section examines.

6.4 Restricting Peaceful Assembly and Independent Associations

The government also kept the space for peaceful protest and independent civil society narrow. Section 5 described how emergency decrees closed thousands of associations, foundations, and other civil society groups in 2016 and 2017. When the emergency ended, the state did not restore the freedom to gather and to organize. Provincial governors kept broad powers to ban public gatherings, and parliament passed new laws that gave the executive lasting control over associations.

In defiance of constitutional and other legal provisions, 29 trade unions, 1,419 associations and 145 foundations affiliated with the Hizmet Movement were permanently closed following the attempted coup. According to the Venice Commission, *“The emergency decree laws under examination [667 and 676] contain measures which transcend the period of the emergency. Thus, Article 2 of Decree Law no. 667 orders permanent dissolution of over two thousand (2,000) private institutions: under this Decree Law, 35 health institutions, 934 schools, 109 student dormitories, 104 foundations, 1125 associations, 15 universities and 29 trade unions have been liquidated. Pursuant to Article 2 (2) of this Decree Law, all assets of those legal entities are to be transferred to the State, permanently and without compensation. Articles 3 and 4 of Decree Law no. 667 provide for the dismissal of judges and other public servants, to be implemented by decisions of relevant judicial bodies or administrative entities.”*

In addition to significant limitations on the right to Freedom of Association, on December 24, 2020, the Parliament adopted a new law, significantly increasing the powers of the Ministry of Interior to limit CSOs activities and seriously threatening this freedom. The law arbitrarily curtails legitimate activities by CSOs and its implementation has seriously impaired this right.

The Saturday Mothers, one of the world's longest-running peaceful protests. Since 1995, relatives of people who were forcibly disappeared in police custody in the 1980s and 1990s have gathered every Saturday at noon in Istanbul's Galatasaray Square, holding photographs of their missing family members and asking the state to account for them. For years the vigil went ahead without serious trouble. In 2018, at the group's 700th gathering on 25 August, the Beyoğlu district governor banned it. Police broke up the crowd with tear gas, water cannon, and plastic bullets, and detained 47 people, including a child. Forty-six of them were then prosecuted for taking part in an unlawful assembly. (Human Rights Watch, Amnesty International, and Front Line Defenders) The authorities have kept Galatasaray Square closed to the group ever since, behind police barriers. Türkiye's Constitutional Court ruled twice, in 2022 and in 2023, that the ban violated the right to peaceful assembly, and the government did not lift it. (Amnesty International, “Thirty Years of Struggle”) A peaceful gathering of grieving families, held for decades, was treated as a threat to public order.

The second example concerns associations. In December 2020, parliament passed Law No. 7262, the Law on Preventing Financing of Proliferation of Weapons of Mass Destruction. Its stated aim was to bring Türkiye into line with international standards against terrorist financing, following a review by an intergovernmental watchdog. Most of its provisions had little to do with that aim. The law gave the Interior Ministry the power to inspect associations every year, to suspend board members who were under investigation for terrorism offences, to appoint government trustees in their place, and to restrict associations' online fundraising. (Human Rights Watch, “Draft Law Threatens Civil Society”) Because terrorism charges in Türkiye are drawn so broadly, and because the courts lack independence, as noted earlier in this section, these powers could be used against lawful civil society groups with little effective check. The Council of Europe's Venice Commission

and three United Nations special rapporteurs both warned that the law reached well beyond its stated purpose and threatened freedom of association. (Venice Commission, Opinion on Law No. 7262; United Nations Special Rapporteurs) Türkiye's own Constitutional Court later struck down several of its key provisions in 2024. (International Center for Not-for-Profit Law)

These measures conflict with rights that Türkiye is bound to uphold. The right to peaceful assembly and the right to freedom of association appear in Article 20 of the Universal Declaration of Human Rights, in Articles 21 and 22 of the ICCPR, and in Article 11 of the ECHR. (United Nations, art. 20; Office of the United Nations High Commissioner for Human Rights, arts. 21-22; European Court of Human Rights, Convention, art. 11) During the state of emergency, Türkiye had suspended its obligations under Articles 21 and 22 of the ICCPR, as noted earlier, and the measures that followed gave that suspension a lasting form. These rights matter because associations and public gatherings are the main ways citizens raise concerns, support one another, and press the government between elections. When the state can ban a decades-old vigil and place associations under the control of the interior ministry, it removes one of the few remaining checks on its power. The next section draws these threads together and assesses what the presidential-system years meant for the rule of law as a whole.

6.5 The Presidential System and the Rule of Law: An Assessment

The changes described in this section worked together as a system. The 2017 Referendum concentrated power in the presidency and removed the limits that had checked it. A judiciary that depended on the executive for appointments and promotions could not restrain that power, and at times it enforced the government's will, jailing judges, journalists, and civil society figures on weak or political grounds. A press that faced prosecution and closure could not report freely on what the government did. Associations and public gatherings that faced bans and trustee appointments could not organize against it. Each measure removed a different check, and together they left the executive with little effective restraint at home.

There is one pattern that runs through the whole period. When courts did rule against the government, the government ignored them. The European Court of Human Rights ordered the release of Osman Kavala and Selahattin Demirtaş and found the detention of purged judges unlawful, and Türkiye did not comply. Türkiye's own Constitutional Court found the ban on the Saturday Mothers unlawful, but it remained in place. When a state disregards its own highest court and the European Court whose authority it accepted by treaty, the failure runs deeper than any single case. It points to a breakdown in the rule of law itself. This is why the matter reaches beyond Türkiye's borders. The rights at stake are guaranteed by treaties Türkiye has ratified, including the International Covenant on Civil and Political Rights and the European Convention on Human Rights, and both United Nations bodies and the institutions of the Council of Europe have repeatedly that Türkiye has breached them. (Office of the United Nations High Commissioner for Human Rights, Impact of the State of Emergency; Venice Commission, Opinion on the 2017 Constitutional Amendments)

These patterns did not stop in 2022. The presidential system built during these years set the stage for the period that followed, when the government turned the same tools against the elected opposition. Section 7 examines developments, from the 2023 elections to the present, and considers how international observers now classify Türkiye's system of government.

7. CONTEMPORARY DEVELOPMENTS (2023–PRESENT)

7.1 The 2023 Elections and an Unequal Contest

In May 2023, Türkiye held presidential and parliamentary elections under the system created in 2017. President Erdoğan was re-elected in a second round on 28 May with 52.18 percent of the vote, and the alliance supporting him kept its majority in parliament. Turnout was high, international observers agreed that voters had a real choice between candidates, and election day itself was well run. The problem lay in the conditions under which the campaign took place.

Observers from the OSCE, together with the Parliamentary Assembly of the Council of Europe, concluded that the incumbent enjoyed an unjustified advantage. State broadcasters gave President Erdoğan and his alliance overwhelmingly favorable coverage while giving the opposition far less airtime and more negative treatment. The restrictions on assembly, association, and expression described in Section 6 persisted through the campaign and limited the ability of opposition politicians, civil society, and independent media to participate. Observers also found that the prosecution and detention of some opposition politicians prevented full political competition and blocked some individuals from standing for office. Their overall conclusion was that Türkiye did not meet the basic principles for a democratic election. (Organization for Security and Co-operation in Europe)

International law protects more than the act of voting. The right to take part in public affairs, guaranteed by Article 25 of the ICCPR and Article 21 of the Universal Declaration, includes both the right to vote and the right to stand for election in genuine periodic elections. At the European level, Article 3 of Protocol No. 1 to the European Convention adds a specific duty: the state must hold free elections at reasonable intervals, by secret ballot, under conditions that let the people express their opinion freely, and this protects both the right to vote and the right to stand as a candidate. (Freedom House, *Freedom in the World* 2026) A genuine election under these standards requires a level field. Voters need access to a range of information, candidates need to be free to campaign and to stand, and the press and civil society need to be able to operate. When state media favor the incumbent, when protest and association are restricted, and when opposition figures are prosecuted and detained, those conditions are not met, even when the count on election day is accurate.

The 2023 result confirmed the presidential system built in 2017. In the period that followed, the government used the tools described in Section 6 against the opposition more directly, beginning with the elected mayor of Istanbul.

7.2 The Criminalization of the Opposition

The tools described in Section 6 were turned against the elected opposition after it won the 2024 local elections. On 31 March 2024, the CHP finished first in a nationwide vote for the first time since 1977, holding Istanbul and Ankara and taking cities the governing party had controlled for years. In the months that followed, the government used criminal investigations, suspensions from office, and the appointment of unelected trustees to weaken the party's hold on the places it had won. The campaign began in October 2024 with the arrest of Ahmet Özer, the CHP mayor of the Istanbul district of Esenyurt, on terrorism charges; the Interior Ministry removed him and installed a state-appointed trustee in his place. Twenty-five CHP mayors were suspended from office, and by 2026, more than a dozen were in prison. (Human Rights Watch, “Leading Opponent of Erdoğan on Trial”)

The center of this campaign was Ekrem İmamoğlu, the mayor of Istanbul and the figure widely seen as President Erdoğan's main rival. On 22 February 2025, the day after İmamoğlu announced that he would seek the presidency, the Istanbul prosecutor's office opened an investigation into his university diploma. On 18 March 2025, Istanbul University annulled that diploma, citing irregularities in a transfer he had made in 1990. Because the constitution requires a presidential candidate to hold a university degree, the annulment blocked him from running. The next morning, 19 March, police detained İmamoğlu at his home along with about a hundred other people, on allegations of corruption and of aiding a terrorist organization. On 23 March he was formally arrested on the corruption allegations, removed from office by the Interior Ministry, and sent to Silivri Prison, where he has remained. (Human Rights Watch, “Leading Opponent of Erdoğan on Trial”; Al Jazeera)

The detention did not, on paper, end İmamoğlu's candidacy. On the same day he was arrested, the CHP held a primary and named him its presidential candidate. The party opened its ballot boxes to non-members as well, and it said that around fifteen million people cast votes in his support. The vote showed the scale of his backing, but it did not change his situation. He was in prison, removed from his post, and blocked from standing by the loss of his degree. (Norwegian Helsinki Committee)

The way the case was built and prosecuted followed the pattern set out in Section 6. The investigations against the CHP in Istanbul came after the appointment, in October 2024, of Akın Gürlek, a former deputy justice minister, as the city's chief public prosecutor. Gürlek's office prepared the case against İmamoğlu. In November 2025 it produced an indictment of nearly four thousand pages that charged him with more than 140 offences and asked the court to jail him for up to 2,430 years, alongside more than 400 co-defendants. A separate indictment for espionage followed in February 2026. The trial opened in March 2026 in a courtroom inside the Silivri prison complex. On 10 February 2026, once the investigation into İmamoğlu was complete, Akın Gürlek was appointed minister of justice, so the prosecutor who built the case was placed in charge of the ministry that oversees the courts. (Human Rights Watch, “Leading Opponent of Erdoğan on Trial”) Separate lawsuits sought to overturn the CHP's own leadership, though as of mid-2026, the courts had not annulled it. (Human Rights Watch, “Leading Opponent of Erdoğan on Trial”) The government maintains that these are genuine corruption cases. Opposition figures and international observers, including Human Rights Watch, describe them as politically motivated efforts to remove Erdoğan's main rival from the race.

These actions engage several rights at once. Holding the leading opposition candidate in prison before an election is a deprivation of liberty that raises the concern of arbitrary detention under Article 9 of the ICCPR and Article 5 of the European Convention, both defined in Section 6.2. Prosecuting and jailing him and annulling the degree he needed in order to run, restricted the right to stand for election, protected by Article 25 of the ICCPR and Article 3 of Protocol No. 1 to the European Convention, as set out in Section 7.1. Because these measures appear aimed at removing a political rival, they also raise the concern addressed in Section 6.2 that state powers were used for a purpose the law does not permit, which Article 18 of the European Convention prohibits. The right to a fair trial before an independent court, under Article 14 of the ICCPR and Article 6 of the European Convention, is hard to guarantee when the prosecutor who assembled the case is then promoted to lead the justice ministry. (Office of the United Nations High Commissioner for Human Rights, arts. 9, 14, 25; European Court of Human Rights, Convention, arts. 5-6; *Selahattin Demirtaş v. Turkey*) The harm here is not limited to one person. When the state removes a

candidate that millions supported, it also restricts voters' right to choose their representatives. The pattern found in the Kavala and Demirtaş cases, where detention served a political purpose, now reached the leadership of the main opposition. The arrest set off the largest protests Türkiye had seen in more than a decade, which the next section examines.

7.3 The 2025 Protests and the Right to Peaceful Assembly

In March 2018, the Office of the High Commissioner for Human Rights (OHCHR) released a report on Türkiye covering the period January to December 2017. The report documented serious human rights violations during the state of emergency declared after the July 2016 coup attempt. It highlighted widespread restrictions on freedoms of expression, assembly, and association, including the closure of media outlets and NGOs, as well as the arrest of journalists, academics, and civil society members who are mostly affiliated with the Hizmet Movement. The report also raised concerns about arbitrary detentions, torture and ill-treatment, lack of judicial safeguards, and mass dismissals from public service without effective remedies.

Istanbul's mayor Ekrem İmamoğlu's arrest brought people onto the streets in the largest protests Türkiye had seen in more than a decade. The demonstrations began in Istanbul on 19 March 2025 and spread across much of the country, with the largest crowds in Istanbul, Ankara, and İzmir. University students led much of the movement. Observers who monitored the protests, including Amnesty International and Human Rights Watch, described them as overwhelmingly peaceful. (Human Rights Watch, "Ensure Peaceful Assembly")

The authorities responded by banning the protests and forcibly breaking them. At least four provincial governors imposed blanket bans on demonstrations, beginning with a four-day ban in Istanbul that was later extended. Police used tear gas, pepper spray, water cannon, and plastic bullets against the crowds, and in many cases beat protesters with batons or kicked them while they were on the ground. Amnesty International reported that pepper spray was fired into people's faces from less than a meter away and that projectiles were aimed at the head and upper body. In November 2025, a court found that the blanket ban in Istanbul had been disproportionate and unlawful. (Amnesty International, "Unlawful and Indiscriminate Attacks"; Amnesty International, State of the World's Human Rights)

The scale of the arrests and the treatment of those detained drew particular concern. The Interior Ministry said that 1,879 people were detained during the protests, at demonstrations or in raids on their homes, and that 260 were formally arrested. (Human Rights Watch, "Ensure Peaceful Assembly"; Amnesty International, State of the World's Human Rights) Seven women detained in Ankara reported that they had been strip-searched and beaten at a police anti-terrorism unit. After reviewing the evidence, Amnesty International concluded that the force used amounted to cruel, inhuman, or degrading treatment, and in some cases may have amounted to torture. (Amnesty International, "Unlawful Use of Force"; Amnesty International, State of the World's Human Rights) Journalists covering the protests were among those detained, and the authorities throttled social media platforms in Istanbul for about forty-two hours, which limited access to information about what was happening. (Human Rights Watch, "Ensure Peaceful Assembly")

These actions engage the right to peaceful assembly, protected by Article 20 of the Universal Declaration, Article 21 of the ICCPR, and Article 11 of the European Convention, as set out in Section 6.4. As Section 4.2 noted, the European Court has held that the authorities must show a degree of tolerance toward peaceful gatherings, and that any use of force must be necessary and proportionate. A blanket ban on all protests, enforced with tear gas, water cannon, and plastic

bullets against peaceful crowds, does not meet that standard, and a Turkish court itself found the Istanbul ban unlawful. The strip searches and beatings raise a further and graver concern. The prohibition of torture and of cruel, inhuman, or degrading treatment, under Article 7 of the ICCPR and Article 3 of the European Convention, is absolute. As Section 5.3 explained, it cannot be suspended even during a declared emergency, and it applies regardless of why a person is in custody. Detaining more than a thousand people for taking part in peaceful protest also raises the concern of arbitrary detention under Article 9 of the ICCPR and Article 5 of the European Convention. The detention of journalists covering the protests and the throttling of social media also restricted freedom of expression, protected by Article 19 of the ICCPR and Article 10 of the European Convention. The next section examines the pressure on the press and the control of information in more detail. (United Nations, art. 20; Office of the United Nations High Commissioner for Human Rights, arts. 7, 9, 19, 21; European Court of Human Rights, Convention, arts. 3, 5, 10, 11; Oya Ataman v. Turkey)

7.4 Press Freedom and Access to Information

The pressures on the press described in Section 6 continued and grew heavier after 2023. Reporters Without Borders ranked Türkiye 163rd out of 180 countries in its 2026 press freedom index, and by early 2026, some twenty-six journalists were in prison for their work. The public broadcaster, the state news agency, and most large private television channels were aligned with the government. The broadcasting regulator, RTÜK, whose members are chosen by the governing majority in parliament, fined and suspended the television stations that remained critical. (Reporters Without Borders, 2026 World Press Freedom Index; Stockholm Center for Freedom, “Media Crackdown”; Human Rights Watch, World Report 2026)

The disinformation law described in Section 6.3 became a routine tool against journalists. Article 217/A of the Penal Code, which criminalizes the spread of “false or misleading information,” was used to jail reporters, including investigative journalists who had covered the cases against opposition officials. Prosecutors brought the same charge against public critics of the government, including leaders of Türkiye's main business association, who were prosecuted after they criticized the country's human rights record. Other journalists were prosecuted for criticism of the President himself: the veteran broadcaster Fatih Altaylı was sentenced to four years and two months in prison for allegedly threatening him, on charges that Human Rights Watch described as baseless. Because the law does not clearly define what counts as false information, it allows the authorities to treat ordinary reporting and criticism as a crime. (Human Rights Watch, World Report 2026; Stockholm Center for Freedom, “Media Crackdown”)

Control over broadcast media tightened during the crisis over İmamoğlu's arrest. In 2025, RTÜK imposed ninety-nine penalties, fining broadcasters and online platforms about 5.3 million dollars, and most of those penalties fell on outlets that had covered İmamoğlu's case and the protests. It ordered ten-day blackouts of the opposition channels Sözcü TV, Halk TV, and Tele 1. (Stockholm Center for Freedom, “Press Freedom in Turkey: 2025 in Review”) In September 2025, the authorities seized Can Holding, the owner of the television channels Habertürk, Show TV, and Bloomberg HT, on fraud allegations, and transferred its assets to a state fund. The government presented the seizure as a financial matter. Press freedom groups and independent analysts saw it as a move to bring more of the country's broadcast media under government-aligned ownership. (Reuters Institute for the Study of Journalism)

Access to information online has narrowed as well. According to the Freedom of Expression Association, the authorities blocked more than 311,000 web addresses in 2024, the highest number

since 2007, and many of them were social media accounts or individual posts. The government also fined social media companies that refused to remove content or suspend accounts linked to the protests. These measures limited both what journalists could publish and what the public could read. (Freedom House, Freedom in the World 2026)

These actions restrict freedom of expression, protected by Article 19 of the Universal Declaration, Article 19 of the ICCPR, and Article 10 of the European Convention, as set out in Section 6.3. That right protects the journalist who reports and the citizen who reads, and it includes the public's right to receive information from a range of independent sources. Prosecuting journalists under a vague law, penalizing broadcasters for their coverage of a political case, transferring critical outlets to government-aligned control, and blocking hundreds of thousands of web addresses each narrow that space. The European Court has held that a free and plural press is one of the foundations of a democratic society, and the pattern documented here runs in the opposite direction. This pressure on the press was part of a wider narrowing of civil society and the rule of law, which the next section examines. (United Nations, art. 19; Office of the United Nations High Commissioner for Human Rights, art. 19; European Court of Human Rights, Convention, art. 10)

7.5 Civil Society, the Rule of Law, and the Legacy of the Post-2016 Measures

The changes traced in Sections 6 and 7 are clearly reflected in independent measures of the rule of law. In the World Justice Project's 2025 Rule of Law Index, which draws on household and expert surveys across 143 countries, Türkiye ranked 118th. It placed 136th for constraints on government power and 134th for fundamental rights, near the bottom of both measures. Türkiye has fallen 38 places since 2015, when it ranked 80th. The World Justice Project links this decline to the purge of judges and prosecutors after 2016 and to the presidential system introduced in 2018, which reduced the checks on the executive. These are the same developments described in Section 6. (World Justice Project)

The measures taken after the 2016 coup attempt have not been wound down. Years later, tens of thousands of people are still being prosecuted for alleged links to the Hizmet Movement, which the government groundlessly designated a terrorist organization and held responsible for the 'failed coup' attempt. In July 2025 the Justice Ministry reported that investigations against about 58,000 people and trials of about 24,000 were continuing, and that 11,640 people convicted or held on remand in connection with the movement remained in prison. The government maintains that these are legitimate counter-terrorism cases. International courts have found that many of the convictions rest on unsound foundations. (Human Rights Watch, World Report 2026)

The clearest such finding came in European Court of Human Rights' (ECHR) landmark decision on Yüksel Yalçınkaya v. Türkiye. The applicant, a teacher, had been convicted of membership of a terrorist organization on the basis of his alleged use of an encrypted messaging application called ByLock, together with an account at a particular bank and membership of a trade union and an association. In September 2023, the Grand Chamber of the European Court of Human Rights found that this conviction breached three rights. The first was the right to a fair trial, because he could not properly see or challenge the evidence against him. The second was freedom of association, because his lawful union and association membership had been treated as proof of a crime. The third was the rule that there can be no punishment without law, protected by Article 7 of the European Convention and Article 15 of the ICCPR, which means that a person may not be convicted for conduct that was not a clearly defined criminal offence at the time it was committed. The Court found that Turkish courts had treated use of the application as almost automatic proof of guilt, an interpretation that people could not have foreseen. It described the problem as systemic

and ordered Türkiye to take general measures to fix it, because the same reasoning affected tens of thousands of other cases. (*Yüksel Yalçınkaya v. Türkiye*)

Türkiye did not carry out that ruling. Senior officials publicly rejected it, and in December 2025, the European Court faulted Türkiye again for convicting more than 2,400 further applicants on the same basis. This places Yalçınkaya alongside the Kavala and Demirtaş cases, examined earlier, as a binding judgment that Türkiye has refused to implement. The government says it complies with the great majority of European Court rulings, but the judgments it has left unimplemented are the ones that would require it to change how its courts and prosecutors work. (Turkish Minute; Human Rights Watch, World Report 2026)

In *Yüksel Yalçınkaya v. Türkiye*, the Grand Chamber of the European Court of Human Rights held that Türkiye's reliance on ByLock use, together with lawful acts such as Bank Asya transactions and association or union membership, violated the principles of legality, fair trial, and freedom of association under Articles 7, 6, and 11 of the European Convention on Human Rights. The Court made clear that such acts, without individualized evidence of criminal intent or concrete participation in violent or terrorist activity, cannot lawfully serve as a basis for treating a person as a member of a terrorist organization.

Likewise, United Nations human rights mechanisms, including the Working Group on Arbitrary Detention, have criticized Türkiye's reliance on generic indicators such as ByLock, financial activity, professional affiliations, or alleged movement-linked associations as a basis for detention or prosecution. These findings demonstrate that the authorities' recurring reliance on such criteria does not amount to credible evidence of terrorist activity, but rather reflects the criminalization of ordinary, previously lawful conduct and protected association.

Most recently, on May 5, 2026, the Grand Chamber of the European Court of Human Rights (ECtHR) issued its final judgment in the case of *Yasak v. Türkiye* (application no. 17389/20). The case concerned the conviction of a former teacher for membership of Hizmet Movement, designated [by the Turkish authorities] as an armed terrorist organization under the assigned names FETÖ/PDY, and considered by the same authorities to be behind the attempted coup d'état of July 15, 2016. In its decision, the European Court of Human Rights held: by eleven votes to six, that there had been a violation of Article 7 (no punishment without law) of the European Convention on Human Rights, and by nine votes to eight, that there had been a violation of Article 3 (prohibition of inhuman and degrading treatment). The case concerned the applicant's conviction, under Article 314 § 2 of the Turkish Criminal Code, for membership of an armed terrorist organization, and the conditions in which he was detained in Çorum Prison. The case is one of many sets of criminal proceedings brought against persons accused of membership of an armed terrorist organization, namely the group described by the Turkish authorities as the "*Fetullahist Terror Organization/Parallel State Structure*" ("*the FETÖ/PDY*"), an organization that the Turkish authorities have held responsible for the attempted coup d'état in Türkiye on 15 July 2016.

The Court found that the domestic courts, contrary to the requirements of national law, had not explained why the fact that the applicant had held certain responsibilities within the organization's educational branch – well before the FETÖ/PDY was designated as a terrorist organization by the national authorities and the courts – had led to the conclusion that he was aware of the organization's nature and terrorist objectives, intended to be part of that organization, and had actively and continuously contributed to it. This failure to conduct any assessment of the applicant's intent – namely the mental element of the offence of membership of a terrorist organization – in the light of concrete evidence regarding his actions and the role played by him

had amounted to a fundamental breach of the requirement to conduct an individualized assessment of criminal liability. With regard to the conditions of detention, the Court noted that the applicant had been held for almost four years in a situation of serious and persistent overcrowding, marked in particular by the lack of an individual bed for around 14 months, insufficient sanitary facilities, lack of privacy and limited access to activities and outdoor exercise. Taken cumulatively, those conditions had amounted to treatment attaining the level of severity required to fall within the scope of Article 3 of the Convention.

The reach of the post-2016 measures extend beyond Türkiye's borders. Human Rights Watch reported that the authorities increasingly issued unlawful deportation orders and pressed people to sign "voluntary" return forms, at times sending or seeking to send people to countries where they faced a real risk of harm. (Human Rights Watch, World Report 2026) Returning a person to such a risk is barred by the prohibition of ill-treatment under Article 3 of the European Convention, explained in Section 5.3, a rule known as non-refoulement. It also engages the right to seek asylum from persecution, recognized in Article 14 of the Universal Declaration of Human Rights. (United Nations, art. 14; European Court of Human Rights, Convention, art. 3)

A single thread runs through this section and the last. The rights at stake are guaranteed by treaties Türkiye has ratified: the right to a fair trial and to no punishment without law, under Articles 14 and 15 of the ICCPR and Articles 6 and 7 of the European Convention; freedom of association, under Article 22 of the ICCPR and Article 11 of the Convention; and the protections owed to people facing removal. What makes these failures a matter for the international community, and not for Türkiye alone, is that its courts have stopped serving as a check on the government, and that it refuses to carry out the binding judgments meant to correct that. The final section sets out how independent monitors now classify the system that this has produced. (Office of the United Nations High Commissioner for Human Rights, arts. 14, 15, 22; European Court of Human Rights, Convention, arts. 6, 7, 11, 46)

7.6 Assessment: Türkiye as an Electoral Autocracy

By 2026, the independent bodies that measure democracy had reached a shared conclusion about Türkiye. Each uses different methods and different labels, but they describe the same system: one that still holds elections while lacking the freedoms and checks that make elections meaningful. The Varieties of Democracy project classifies Türkiye as an electoral autocracy, a term for a state that holds multiparty elections but restricts the freedoms of expression, association, and the press to the point where those elections are no longer a fair contest. (V-Dem Institute) The Economist Intelligence Unit places Türkiye in a comparable category, which it calls a hybrid regime, ranking it 103rd of 167 countries in its 2024 Democracy Index. (Economist Intelligence Unit) Freedom House rates Türkiye "Not Free." (Freedom House, Freedom in the World 2026) The World Justice Project, as Section 7.5 noted, ranks it 118th of 143 on the rule of law. (World Justice Project) These are the assessments of four separate organizations, using four separate methods, and they point in the same direction.

These classifications rest on the developments traced through Sections 6 and 7. The courts were placed under the control of the executive. The leading opposition figure was imprisoned and put on trial, and other elected mayors were removed and replaced by appointees. The press was prosecuted, penalized, and brought under government-aligned ownership. Peaceful protests were banned and forcibly dispersed, and independent associations were restricted. Elections in Türkiye remain competitive, and the opposition won real victories in 2024, but the conditions that surround those elections have been steadily hollowed out.

The period was not without positive change. In May 2025 the Kurdistan Workers' Party (PKK), which had fought a four-decade armed conflict with the state, announced that it would disband and disarm, opening the possibility of an end to that conflict. Even so, bias against Kurdish politicians and voters continued alongside the peace process. (Human Rights Watch, World Report 2026) The government, for its part, rejects the classifications set out above. It maintains that Türkiye is a democracy with free elections, that the prosecutions are ordinary criminal cases, and that it complies with the large majority of European Court rulings.

One feature stands out as the clearest measure of the problem. Türkiye has accepted the authority of the European Court of Human Rights, yet it refuses to carry out the Court's binding judgments in the cases that would require real change: the release of Osman Kavala and Selahattin Demirtaş, and the correction of the mass convictions addressed in Yalçinkaya. A state that ignores the rulings of the court it has agreed to obey removes the last external check on its own conduct. This is why the situation is a matter for the international community, and not for Türkiye alone. The rights described in this report are obligations that Türkiye assumed under the treaty, and the bodies tasked with enforcing them are being sidelined. The recommendations that follow address what the United Nations and its member states can do in response. (Kavala v. Türkiye; Selahattin Demirtaş v. Turkey; Yüksel Yalçinkaya v. Türkiye; European Court of Human Rights, Convention, art. 46)

8. RECOMMENDATIONS

These recommendations follow from the findings above and rest on obligations Türkiye has already accepted under the UDHR, ICCPR, ICESCR, and ECHR. They are addressed to the actors with the authority to act on them.

8.1 To the Government of Türkiye

- As the Venice Commission has recommended, reform the Council of Judges and Prosecutors so that its members are chosen mainly by the judiciary rather than the executive and parliamentary majority, and end executive control over judicial appointment, promotion, transfer, and discipline.
- Implement the binding judgments of the European Court of Human Rights, which Article 46 of the Convention requires Türkiye to abide by, including the release of Osman Kavala and Selahattin Demirtaş and the reopening of the ByLock convictions addressed in Yalçinkaya.
- End arbitrary and prolonged pretrial detention, guarantee access to counsel and to the evidence, and narrow the terrorism laws used to prosecute lawful conduct.
- Release imprisoned journalists, repeal or amend Article 299 and the "disinformation" offence in Article 217/A, and end politically targeted broadcasting penalties.
- Lift blanket protest bans, keep the policing of assemblies within the limits of necessity and proportionality, and amend Law No. 7262's controls over civil society associations.
- Halt the removal and prosecution of elected officials for political ends and provide independent review and reparation for those affected by the post-2016 measures.
- Cooperate with United Nations human rights mechanisms, including standing invitations to the Special Procedures and implementation of treaty-body recommendations.

8.2 To the United Nations

- The Human Rights Council should keep Türkiye's situation under active scrutiny and consider dedicated action.
- The Special Procedures should pursue communications and country access, and the Human Rights Committee should review Türkiye's compliance with the ICCPR and follow up its concluding observations.
- The Office of the High Commissioner for Human Rights should resume regular public reporting on Türkiye, building on its 2018 report.

8.3 To the Council of Europe

- The Committee of Ministers should escalate its supervision of the *Kavala*, *Demirtaş*, and *Yalçınkaya* judgments under Article 46, including further infringement proceedings for continued non-compliance.
- The Parliamentary Assembly should continue the monitoring procedure it reopened for Türkiye, and the Venice Commission should press for reform of the judiciary and the anti-terror and association laws.

8.4 To UN Member States and the International Community

- Raise these concerns bilaterally and in multilateral fora, scrutinize extradition requests, and uphold the prohibition on returning people to a real risk of harm.
- Support independent Turkish journalists, human rights defenders, and civil society, both in the country and in exile.

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