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To the attn. of:

Mr Charles Michel
President of the European Council
European Council

EU Heads of State and Government

Brussels, 3 November 2023

Dear President Michel,

Dear Heads of EU States and Governments,

EU LEADERS SHOULD PUT HUMAN RIGHTS AT THE FOREFRONT OF THEIR RELATIONS WITH TÜRKIYE

We are writing in view of ongoing discussions on EU-Türkiye relations and ahead of the 14-15 December European Council, to urge you to put respect for human rights and support to independent civil society at the forefront of EU engagement with the Turkish authorities.

In June 2023, the European Council [tasked](#) the High Representative and the European Commission with submitting a report on the state of play of EU-Türkiye relations. Following this decision, [EU Foreign Ministers](#) underlined the need to engage and build stronger relations with Türkiye amid rapidly changing geopolitical realities. More recently, EU officials have [signaled](#) an intention to intensify dialogue and cooperation with the Turkish authorities, including on issues such as visa facilitation, trade and migration.

While engagement and a rethink in the EU's policy towards Türkiye may be necessary, EU leaders must **resist any calls to pivot towards more transactional relations, where human rights are side-lined in favour of cooperation on "issues of mutual interest"**. Whether in the framework of the EU accession process or the EU-Türkiye association agreement, the EU's commitment to human rights must apply across all areas of cooperation. To sacrifice human rights where other interests are at stake, would be at odds with the EU's own commitments and its hopes of building a sustainable and [predictable](#) partnership with Türkiye. Indeed, the EU's experiences in Tunisia and Libya, among others, have shown the dangers of pursuing short-sighted cooperation with unaccountable and rights-abusing authorities, who rarely make for reliable, stable and accountable partners. In an era of increasing geopolitical upheaval, it is therefore crucial that adherence to human rights and the rule of law becomes more, not less central to the EU's relations with its strategic partners.

Prioritizing human rights in EU-Türkiye relations is all the more important given that ongoing discussions on engagement with Türkiye take place against the backdrop of a **protracted erosion of the rule of law and a sustained crackdown on human rights in the country**. This has included the government's persistent weaponization of the judiciary to silence critical voices; the systematic violation of the rights to freedom of expression, association, and peaceful assembly; a widening crackdown on independent civil society and mounting attacks on the rights of LGBTI people, refugees and migrants. The Court of

Cassation's recent [decision](#) to uphold the unjust sentences against Osman Kavala and the four other Gezi Park Prisoners of Conscience illustrates just how far Türkiye has drifted from the rule of law. Meanwhile, the swelling arsenal of restrictive laws at the governments' disposal raises serious concerns about the future of fundamental freedoms in the country. For a more detailed overview of the human rights situation in Türkiye, please see the annex below.

Amid this continued backsliding, any potential moves to side-line human rights in the EU's broader relations with Türkiye would only further embolden the government's repressive policies while isolating independent civil society and undermining the EU's influence and credibility as an international actor. Instead, EU leaders should ensure that all opportunities to engage with Türkiye and all tools at their disposal are used to shift the government's corrosive trajectory on human rights. This will require the EU to **invest more in protecting the space for human rights defenders, independent civil society and other dissenting voices in Türkiye while seeking tangible human rights improvements in the country.**

Amnesty International, therefore calls on the EU and all EU member state leaders participating in upcoming discussions on EU-Türkiye relations to:

- **Reaffirm that respect for human rights and the rule of law is essential to EU-Türkiye relations and that the deteriorating human rights situation in the country will hamper relations based on shared values and mutual interests:** European Council Conclusions should reaffirm that the EU and its member states will uphold the centrality of human rights in all areas of cooperation and in any considerations to bolster relations with the authorities.
- **Use all tools at their disposal to promote progress on human rights, including by ensuring that this is a key objective in any moves toward modernising the EU-Türkiye Customs Union,** increasing trade and investment or enhancing high level dialogue with the authorities.
- **Publicly address the authorities' crackdown on human rights in upcoming council conclusions, while ensuring strong and consistent human rights messaging across all EU and EU member state public communications:** Human rights should be consistently raised across the different EU institutions, including in the forthcoming report of the High Representative and the European Commission on EU-Türkiye relations, statements on behalf of EU leaders and conclusions of the European Council. Inconsistent messaging on human rights risks undermining EU positions and its credibility as a foreign policy actor.
- **Reaffirm the EU's commitment to Türkiye's independent civil society and step up its support to these actors:** The EU should enhance its assistance to independent civil society through more flexible and sustainable funding as well as more robust political support to human rights defenders and other actors facing unjust prosecution, restrictive legislation and closure proceedings.
- **Ensure that discussions around the implementation of the 2016 EU-Turkey Statement and any future cooperation in the field of migration, are conditional upon reinforced guarantees of compliance with the human rights of refugees and migrants, including by:**
 - Upholding EU member states' commitments to protect refugees and asylum seekers by stepping up their efforts to resettle a substantial number of people from Türkiye and providing other safe and legal routes for refugees in Türkiye to reach the EU. This can include offering humanitarian visas, family reunification, and student visas.
 - Ending the practice of fast-tracking and rejecting asylum applications of people crossing from Türkiye to Greece under the false premise that Türkiye can be considered a safe third country. Ensure that individual asylum claims are registered, examined and, where appropriate, that people are swiftly offered protection. Dignified reception, without undue restrictions on people's liberty and freedom of movement, must be made available to people arriving on the Greek islands.
 - Urging the Turkish authorities to immediately halt practices endangering refugees and migrants at EU borders, as highlighted in Amnesty International's [research](#).

- Urging the Turkish authorities to uphold their international obligation of non-refoulement, by ending all unlawful forcible returns and deportations of refugees and migrants to countries where they would be at risk of serious human rights violations, including returns of [Syrians to Syria](#) and [Afghans to Iran and Afghanistan](#).
- Renewing commitments to substantively increase support to refugees in Türkiye while ensuring that such financing is directed toward addressing humanitarian needs, rather than migration control, as these needs remain high.
- Guaranteeing that all migration related funding is equipped with the necessary safeguards to ensure that no EU funding benefits government bodies or institutions involved in or contributing to human rights violations. This includes [EU funding to removal centres](#) in Türkiye, in which Amnesty International [found](#) Afghans were being detained prior to being unlawfully returned.
- Assessing the human rights impact of EU cooperation with Türkiye on migration. Develop monitoring mechanisms which allow for public scrutiny of third country cooperation including through public reporting of human rights implications. This could be done through the reports on the Facility for Refugees in Türkiye and other European Commission reports.
- **Mainstream human rights across all areas of cooperation with Türkiye, including areas of common interest such as digitalization and climate change:** Respect for human rights, civil society and public participation are crucial to effective cooperation in these fields. Any dialogue or engagement with the Turkish authorities in these fields should be used to address human rights concerns, promote the involvement of independent civil society and address any restrictions on public participation. This includes [undue restrictions](#) on the right to freedom of expression and information online and crackdowns on [environmental activists](#) in the country.
- **Put in place adequate systems of due diligence to ensure that the EU's financial assistance to the government of Türkiye is consistent with international human rights standards and principles of equality and non-discrimination.**
- **Use all upcoming exchanges with the Turkish authorities to seek tangible human rights improvements and the full implementation of Türkiye's human rights obligations, including concrete steps towards:**
 - Ending the prolonged and arbitrary detention and prosecution of human rights defenders, lawyers, journalists, politicians and others solely for exercising their rights to freedom of expression, association and peaceful assembly and guaranteeing their access to fair trials;
 - Fully implementing the judgments of the European Court of Human Rights and, as a priority, ensuring the immediate and unconditional release of Osman Kavala and the other Gezi Park Prisoners of Conscience as well as Selahattin Demirtaş;
 - Ensuring that all laws regulating the right to freedom of expression, including those intended to address disinformation, are brought in line with Türkiye's obligations under international human rights law, and that credible, reliable, objective, and accessible information is disseminated to all as the best way to address the challenges posed by disinformation;
 - Ending arbitrary and disproportionate restrictions on the right to peaceful assembly, including the use of blanket bans;
 - Repealing or significantly amending the "Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction", which the authorities have increasingly used to hinder the legitimate work of civil society.

- Ensuring that public officials do not engage in any inflammatory, harmful and stigmatizing rhetoric against LGBTI people, refugees and migrants. Promptly condemn smear campaigns directed towards refugees, migrants and LGBTI rights defenders.

Many thanks in advance for your continued action on human rights.

Yours sincerely,



Eve Geddie

Advocacy Director and Head of Office

Amnesty International – European Institutions Office

Annex - Further information on the deteriorating human rights situation in Türkiye

ABUSIVE INVESTIGATIONS, POLITICALLY MOTIVATED PROSECUTIONS AND UNFOUNDED CONVICTIONS

The Turkish authorities have relentlessly targeted human rights defenders, journalists, opposition politicians and other critical voices with abusive investigations, politically motivated prosecutions and unfounded convictions.

Illustrative of how far Türkiye has deviated from the rule of law, Türkiye's Court of Cassation recently [decided](#) to uphold the aggravated life sentence against **Osman Kavala** and the 18-year jail sentences against **Çiğdem Mater**, **Can Atalay**, **Mine Özerden** and **Tayfun Kahraman**. The fact that these [convictions were upheld](#) despite the prosecuting authorities' repeated failure to provide any evidence against the Gezi Park Prisoners of Conscience, is a chilling example of the government's systematic use of detention and criminal proceedings as instruments of political repression. The Court of Cassation's failure to even reference the binding judgements of the European Court of Human Rights, which has twice ruled against Türkiye and ordered Osman Kavala's immediate release, reveals the judiciary's brazen disregard for the authority of the European Court and the entire protection system afforded under the European Convention on Human Rights.

Similarly, the continued detention of **Selahattin Demirtaş**, as well as the ongoing [lawsuit](#) to close the Peoples' Democratic Party (HDP) and the steps to impose a five-year political ban on 451 of its members, offers further proof of Türkiye's persistent weaponization of the courts to silence critical voices.

These and other politically motivated prosecutions are made possible by Türkiye's **overly broad anti-terrorism laws** and the executive's widespread control and **political influence over the judiciary**.

SYSTEMATIC VIOLATIONS OF THE RIGHT TO PEACEFUL ASSEMBLY

Whether in the run up to the May 2023 elections or the months thereafter, the Turkish authorities have continued to systematically violate the right to peaceful assembly. During Pride season this summer, the authorities [imposed](#) blanket **bans on Pride Marches** or other LGBTI rights related events in several provinces across the country. The police used excessive and unnecessary force against peaceful protestors and detained at least 224 people for allegedly violating the Law on Meetings and Demonstrations (Law no 2911). The pride marches took place amid an increasingly hostile environment, fueled by the discriminatory anti-LGBTI rhetoric of high-ranking government officials whose discourse stirred prejudice and had a chilling effect on LGBTI activists. Among those detained were children, lawyers, journalists, human rights defenders, and foreign nationals.

The authorities have also [continued to deprive](#) the "**Saturday Mothers/People**" of their right to freedom of peaceful assembly in Galatasaray Square, where they seek to hold weekly vigils to demand justice for the enforced disappearances of their loved ones in the 1980s and 1990s. The government's [crackdown on this group continues](#), despite two consecutive Constitutional Court [rulings](#) arguing that the ban and use of excessive force by the police during the 700th vigil of the Saturday Mothers on 25 August 2018, violated Article 34 of the Turkish Constitution. The Constitutional Court also found that the governorate of Beyoğlu, who imposed the ban, should be informed of the ruling 'so as to prevent further violations.' Despite these emphatic rulings, representatives of the Saturday Mothers/People and their supporters are detained by police every week, often through the use of force, on Galatasaray Square which remains subject to a police blockade.

Moreover, in July Turkish police [arrested](#) and used excessive force against **environmental activists** protesting the felling of thousands of trees in order to expand a coal mine in Türkiye's western Muğla province. Given the centrality of civil society and public participation in the [EU's climate policy](#), these actions raise serious questions about the Turkish authorities' commitment to promoting effective climate action.

UNDUE RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

Adding to the climate of repression, Turkish lawmakers have adopted a spate of laws in recent years, which only further curtail the right to freedom of expression in the country. This includes, the [October 2022 disinformation law](#) and the already draconian [social media law](#) of 2020. These laws have tightened the government's control over social media platforms and news websites while also criminalizing the sharing of information that Turkish courts deem "false" or "misleading". Under

the disinformation law, individuals could face prison sentences of up to three years for retweeting, liking or sharing information that the authorities deem “false”.

In the immediate aftermath of the **February 2023 earthquakes**, **undue restrictions on freedom of expression and information** also threatened to undermine the authorities’ disaster response and the human rights of affected populations. Among [other shortcomings](#) in the government’s disaster response, the authorities sought to ban Twitter and Tik Tok and reportedly [detained](#) at least 257 people for criticizing the government’s earthquake response.

CRACKDOWN ON INDEPENDENT CIVIL SOCIETY

Despite this spiraling crackdown and growing fears that the government may seek to further consolidate its power, independent civil society has continued to play a crucial role in holding the authorities to account and in protecting people’s human rights. Yet the EU will need to significantly step up its support to civil society, as they too have faced mounting challenges to their work.

Illustrative of this, is the fact that Türkiye [remains](#) on the “[grey list](#)” of the intergovernmental Financial Action Task Force (FATF), in part for using the FATF’s recommendations on **combating money laundering and financing terrorism as a smokescreen** to justify and facilitate harassment of civil society organizations. Indeed, in 2020 the Turkish authorities referred to the FATF’s recommendations to justify the passing of the draconian “[Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction](#)”. This law greatly exceeds the aim of preventing the financing of terrorism and has increasingly been used by the authorities to hinder the work of civil society through intrusive audits and inspections.

Meanwhile, various civil society organizations have faced **closure or dissolution in proceedings that contravene** the right to association. Although closure proceedings against the organization “We Will Stop Femicides Platform” was [recently rejected](#) by a court in Istanbul, the Tarlabası Community Centre in Istanbul continues to [face closure](#) for allegedly “attempting to influence children’s sexual orientation” and for “normalizing the sexuality of LGBTI people in society”.

ATTACKS ON RIGHTS OF LGBTI PEOPLE

The mounting clampdown on Pride marches and civil society organizations, has been accompanied by a broader **attack on the fundamental rights of LGBTI people** in Turkish society. The restrictions on LGBTI people’s right to peaceful assembly were accompanied by discriminatory and stigmatizing rhetoric against LGBTI people instigated by politicians and high-level government officials, which escalated further in the run up to the 2023 elections.

Anti-LGBTI groups and platforms organized a demonstration in Istanbul on 17 September 2023, openly calling for a ban on “LGBTI propaganda” and the closure of LGBTI organizations. In its efforts to rally people to join the demonstration, the platform’s public service advertisement used discriminatory and harmful narratives against LGBTI people, presenting them as a threat to society. This advertisement was approved by the state broadcasting body, the Radio and Television Supreme Council (RTÜK).

At the beginning of 2023, the government also proposed an **amendment to article 41 of the Turkish Constitution**, relating to “protection of the family and rights of the child”. This amendment sought to redefine marriage by stipulating that it “shall consist only of the union between a man and a woman.” This definition of marriage discriminates against LGBTI people as the right to family life should be accessible to everyone without discrimination on grounds of gender identity and sexual orientation. Although this amendment was not voted on prior to the May 2023 elections, the risk that the current parliament tables similarly discriminatory amendments in Turkish laws, that would threaten the fundamental rights of LGBTI people, remains real.

RIGHTS OF REFUGEES AND MIGRANTS

Refugees and migrants face discrimination and an increasingly hostile environment in Türkiye. This was on full display in the run up to the May 2023 elections, where the campaigns of leading political candidates were marred by racist and anti-refugee rhetoric.

Refugees and migrants in Türkiye continue to live in **dire economic conditions** and are often unable to fully access their [economic and social rights](#). This has been exacerbated further by the [increasing](#) levels of **discrimination and cases of violent, xenophobic attacks** against refugees and migrants across the country. In April 2023, Amnesty International and Human Rights Watch [documented](#) cases of xenophobic attacks and **torture and other ill-treatment** by law enforcement officials sent to police the regions devastated by the February 2023 earthquakes. Victims of these abuses included Syrian refugees who were found to be particularly reluctant to file official complaints, out of fear of further attacks and reprisals.

The Turkish authorities have prevented refugees from [accessing territory](#) in Türkiye and have summarily and unlawfully forced people back to Iran. Those who managed to enter Turkey are sometimes **unable to promptly access protection procedures and, depending on their nationality, do not receive the same type or level of protection**. Across the country, barriers to registration of applications for protection remain a significant concern. While refugees from Syria are granted “temporary protection” status, people from non-Council of Europe countries face significant limitations accessing protection. People from non-Council of Europe countries can only be granted “conditional refugee status” or “subsidiary protection”, which afford them lower guarantees compared to beneficiaries of the refugee status.

Refugees in Türkiye remain at risk of being **unlawfully returned**, even to countries such as Syria and Afghanistan. In 2022, [hundreds of Syrian men and boys](#) were unlawfully deported to northern Syria, often by being detained and coerced into signing “voluntary return forms.” In the same year, Amnesty International [documented](#) how the Turkish authorities used unlawful force to summarily return to Iran thousands of Afghans seeking international protection and unlawfully deported people to Afghanistan under the guise of “voluntary returns”.

Over the past year, there continue to be numerous accounts of refugees and migrants, including people with international protection, being detained for prolonged periods of time in **overcrowded removal centres** before being forcibly returned. Disturbingly, [Amnesty International](#) and [Human Rights Watch](#) found that EU funding was being provided to removal centres of this type, where Afghans were being detained in appalling conditions, before being unlawfully returned.

There are therefore reasons to consider that upon return to Türkiye, refugees and migrants are likely to face risks of serious human rights violations, including unlawful returns in violation of the principle of non-refoulement. As such, EU countries should refrain from returning people based on [safe third country criteria](#).

Nonetheless, it is against the backdrop of these well-documented violations, that EU leaders are [considering](#) to revise the implementation of **the 2016 EU-Türkiye Statement** and further cooperation with Türkiye in the field of migration. The 2016 deal has [resulted](#) in tens of thousands of people who arrived from Türkiye being forced to stay in inhumane conditions on the Greek islands and has left thousands of asylum seekers in limbo after seeing their claims rejected on admissibility grounds in Greece. These and [other deals](#) like it, are corrosive to the EU’s human rights record.

Given that Türkiye continues to host the world’s largest number of refugees, it is crucial that the **EU maintains and increases its support to refugees in Türkiye**. However, it should ensure that such financing is directed toward addressing the dire humanitarian needs of refugees, rather than to supporting migration control. Moreover, all EU funding in this field should be equipped with the necessary safeguards to ensure that no funding benefits government bodies or institutions involved in or contributing to human rights violations.