



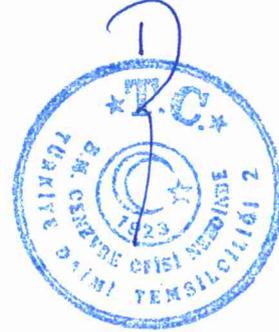
PERMANENT MISSION OF THE REPUBLIC OF TÜRKİYE
TO THE UNITED NATIONS OFFICE IN GENEVA

Z-2025/62441669/40707829 - URGENT

The Permanent Mission of the Republic of Türkiye to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Joint Communication from Special Procedures dated 7 August 2025 (Ref: AL TUR 8/2025), has the honour to enclose herewith the information note provided by relevant Turkish authorities.

The Permanent Mission of the Republic of Türkiye avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 6 October 2025



Encl: As stated.

**Office of the High Commissioner for Human Rights
Palais Wilson
Rue des Pâquis 52
1201 Geneva**

**INFORMATION NOTE IN REPLY TO THE COMMUNICATION FROM THE
SPECIAL PROCEDURES**

(Reference: AL TUR 8/2025)

With reference to the joint letter from the Special Procedures dated 7 August 2025, the Government of the Republic of Türkiye (hereinafter, “the Government”) would like to submit its responses and observations hereinbelow.

The Republic of Türkiye, a founding member of the Council of Europe and the United Nations, is a democratic state governed by the rule of law, which upholds and respects for human rights and freedoms. Article 90 of the Constitution of the Republic of Türkiye (hereinafter “the Constitution”) clearly stipulates that in case of a conflict between duly ratified international agreements concerning fundamental rights and freedoms and the domestic legislation, the provisions of international agreements shall prevail.

At the outset, the Government would like to reiterate that Türkiye is fully committed to protect and promote the human rights and fundamental freedoms and continues to take all necessary measures prescribed by law in order to full compliance with its international obligations.

A. Regarding the allegations of intervention in the assemblies/demonstration marches held on March 8, November 25, and December 5

1. According to Article 34 of the Constitution, everyone has the right to hold unarmed and peaceful assembly and demonstration marches without prior permission. The right to assemble and demonstration marches shall be restricted only by law, on the grounds of national security, public order, the prevention of crime, the protection of public health and public morals or the protection of the rights and freedoms of others as per Article 34 § 2 of the Constitution and Article 17 of the Law on Meetings and Demonstrations No. 2911, and as well as Article 21 of the International Covenant on Civil and Political Rights (hereinafter “the ICCPR”).

2. The purpose of the right to assembly is to safeguard the freedom of those who peacefully express their opinions without resorting to violence. In this context, the procedures, conditions, and formalities governing the exercise of the right to assembly and demonstration marches are regulated under the Law No. 2911.

3. Pursuant to Article 10 of the said Law, a prior notification must be submitted to the governor’s office or district governor’s office of the location where the meeting is to be held, at least forty-eight hours before the scheduled time of the meeting. The obligation of

notification envisaged under the Law No. 2911 aims only to ensure the safety of the meeting and the public in general. According to Article 23 of the said Law, if the notification is not submitted prior to the meeting, the meeting shall be considered unlawful.

4. The Government would like to draw attention to the fact that that States may impose “lawful restrictions” on the exercise of the right to freedom of assembly. Restrictions on freedom of peaceful assembly in public places may serve to protect the rights of others with a view to preventing disorder and maintaining the orderly circulation of traffic (*The European Court of Human Rights (hereinafter, “the ECtHR”), Eva Molnar v. Hungary, 10346/05*).

The prior notification obligation should not be considered as a form of permission. The notification procedure is not contrary to the spirit of the right to assembly if, for reasons of public order and national security, a priori, a High Contracting Party requires that the holding of meetings be subject to authorisation (*The ECtHR, Nurettin Aldemir and others v. Turkey, 32124/02, 32126/02, 32129/02, 32132/02, 32133/02, 32137/02, 32138/02*). It is acknowledged by the ECtHR that prior notification serves not only the purpose of reconciling the right to assembly with the rights and lawful interests (including the freedom of movement) of others, but also the purpose of preventing disorder or crime. In order to balance these conflicting interests, the institution of preliminary administrative procedures appears to be common practice in member States [of the Council of Europe] when a public demonstration is to be organised (*The ECtHR, Kudrevicius and Others v. Lithuania, 37553/05; Berladir and Others v. Russia, 34202/06*).

The subjection of public assemblies to an authorisation or notification procedure does not normally encroach upon the essence of the right as long as the purpose of the procedure is to allow the authorities to take reasonable and appropriate measures in order to guarantee the smooth conduct of any assembly, meeting or other gathering, be it political, cultural or of another nature (*The ECtHR, Sergey Kuznetsov v. Russia, 10877/04; Oya Ataman v. Turkey, 74552/01*).

5. According to Article 17 of the Law No. 2911, the regional governor, governor, or district governor may prohibit a meeting in order to protect national security, public order, public health, public morals, or the rights and freedoms of others, or where there exists a clear or imminent danger that an offence may be committed. Furthermore, under Article 19 of the said Law, where such grounds exist and a clear or imminent danger of an offence exists, the governor may prohibit all meetings in one or more districts of the province for reasons related to the

protection of national security, public order, public health, public morals, or the rights and freedoms of others, for a period not exceeding one month.

6. Demonstrations that are organised by or involve individuals with the intention of committing violence are excluded from the scope of peaceful assembly. Organisers of public gatherings should respect the rules governing that process by complying with the regulations in force (*The ECtHR, Primov and others v. Russia. 17391/06*).

The conduct of specific participants in an assembly may be deemed violent if authorities can present credible evidence that, before or during the event, those participants are inciting others to use violence, and such actions are likely to cause violence; that the participants have violent intentions and plan to act on them; or that violence on their part is imminent. Isolated instances of such conduct will not suffice to taint an entire assembly as non-peaceful, but where it is manifestly widespread within the assembly, participation in the gathering as such is no longer protected under the right to peaceful assembly (*General Comment No. 37 (2020) on the Right of Peaceful Assembly*).

While an unlawful situation does not, in itself, justify an infringement of freedom of assembly, interferences with the right to freedom assembly are in principle justified for the prevention of disorder or crime and for the protection of the rights and freedoms of others where demonstrators engage in acts of violence (*The ECtHR, Protopapa v. Turkey, 16084/90*). In the *Bozduman v. Turkey (9802/07)* case, the ECtHR found the application manifestly ill-founded, noting that the group in which the applicant participated in the gathering and demonstration had resorted to acts of violence and that the applicant did not deny nor contest this finding in her observations.

7. In this regard, all peaceful gatherings and demonstrations in our country take place in an atmosphere of peace and security, without any discrimination among organizers and in full conformity with the rule of law, subject only to restrictions prescribed by law. In this respect, it has been observed that 99% of social activities and public events held throughout the country take place freely and peacefully, reflecting the peaceful environment prevailing in Türkiye with regard to the exercise the right to assembly.

8. In cases of unlawful assemblies or demonstrations, or where illegal acts subsequently occur, the use of force may become necessary as a last resort, within the limits of the power granted by law and in strict observance of the principle of proportionality. Such measures are undertaken solely to disperse demonstrators who persist in refusing to lawful orders to disperse,

to prevent reassembly after dispersal, to overcome resistance against law enforcement, and to protect citizens participating in lawful assemblies or those present in nearby areas from possible attacks.

9. Under Article 24 of the Law No. 2911, the participants of illegal meetings shall firstly be notified of their meeting's illegal status and if the meeting is not ended upon such notification, a warning shall be made, stating that proportionate force will be used if the participants do not disperse after the warning. The principles regarding the law enforcement's authority to use force are stipulated in detail in the Law No. 2559. According to Article 16 of the said Law, if the police encounters resistance while performing their duty, they are authorised to use force in order to overcome it. Depending on the nature and degree of the resistance, law enforcement officers, in accordance with the principles of necessity and proportionality, use physical force. Furthermore, there exists a Directive on Procedures and Planning of Interventions Before and After Demonstration Marches issued for law enforcement officers.

Within this framework, statistical data regarding assemblies and demonstration marches organized on March 8 (International Women's Day), November 25 (International Day for the Elimination of Violence Against Women and International Solidarity Day), and December 5 (International Women's Rights Day) as of 2023 in Türkiye reveals that:

- In 2023, a total of 699 assemblies and demonstration marches were organized in 79 provinces with the participation of 54,995 people. In 6 incidents where unlawful acts were attempted, 63 individuals were apprehended. The overall intervention rate was 0.9%.

-In 2024, a total of 1.693 assemblies and demonstration marches were organized in 81 provinces with the participation of 176.506 people. In 8 incidents where unlawful acts were attempted, 256 individuals were apprehended. The overall intervention rate was 0.5%.

- In 2025, a total of 791 assemblies and demonstration marches were organized in 74 provinces with the participation of 89.176 people. In 5 incidents where unlawful acts were attempted, 177 individuals were apprehended. The overall intervention rate was 0.6%.

Based on these figures, it is ascertained that the average intervention rate concerning assemblies and demonstrations organised in violation of the law under the names of International Women's Day, International Day for the Elimination of Violence Against Women and International Solidarity Day, and World Women's Rights Day over the past three years was **0.7%**. These data clearly demonstrate that assemblies and demonstrations relating to women's rights in Türkiye have been held in a peaceful environment.

B. Regarding the allegations of police custody and detention

10. The Government wishes to note that the communication letter does not provide any specific identifying information regarding the persons' concerned in relation to the allegations on conditions of police custody and detention. Respectively, while the Government remains ready to provide the relevant information, details could only be submitted upon receipt of the information about the persons concerned.

11. On the other hand, the Government would like to once again reiterate that it fulfils its obligations arising from the relevant international agreements. The prohibition of torture and ill-treatment as well as the right to liberty and security are strictly observed throughout judicial proceedings.

12. In Turkish legal system, the domestic remedies are available to every person who believe that his/her fundamental rights or freedoms have been violated. Under Article 125 of the Turkish Constitution, judicial review is available in relation to all administrative acts. According to Article 40 of the Turkish Constitution, everyone whose rights and freedoms have been violated has the right to request prompt access to the competent authorities, and damages incurred by public officials shall be compensated by the State. According to Articles 141 and 142 of the Code of Criminal Code Criminal Procedure No. 5271, those who claim that their deprivation of liberty is illegal or arbitrary, or does not respect the standards of due process, or violates their rights or freedoms, are able to apply for compensation from the State. In addition to these administrative and judicial remedies, individuals can also apply directly to Human Rights and Equality Institution or the Ombudsman Institution.

C. Measures taken in order to further strengthen the right to peaceful assembly and association, and freedom of expression and demonstration marches

13. In recent years, Türkiye implemented significant reforms aimed at further strengthening the rule of law, protecting and enhancing rights and freedoms, and ensuring an effective and efficient justice system. In this context, the Judicial Reform Strategy Documents and Human Rights Action Plans have served as fundamental instruments for raising the country's democratic standards and for consolidating and advancing fundamental rights and freedoms.

14. In this regard, it is worth noting the substantial reforms introduced in recent years to further safeguard and promote freedom of expression:

- The Third Judicial Reform Package, adopted on 2 July 2012, introduced significant amendments in the field of press and freedom of expression in line with the principles

established by the European Court of Human Rights. Within this framework, the prosecution and enforcement of sentences for offences committed through the press and publications were suspended; the practice of imposing future publication bans on periodicals was abolished; and numerous prior seizure orders concerning printed works were rendered null and void.

- With the Fourth Judicial Reform Package, adopted on 30 April 2013, the constituent elements of the offences of printing or publishing statements and announcements of terrorist organisations and propagandising for a terrorist organisation under the Anti-Terror Law and the Turkish Penal Code were revised. Accordingly, legitimising methods involving coercion, violence, or threats was established as a fundamental element of these offences.

- By the amendment of 11 April 2013, it was stipulated that the offence of praising a crime or a criminal may only be deemed to exist where there is a clear and imminent danger to public order.

- The amendment of 2 March 2014 enabled election propaganda to be conducted in languages other than Turkish, thereby expanding the scope of linguistic freedoms within the electoral process.

- On 24 October 2019, Law No. 7188 introduced the principle that expressions of opinion made for the purpose of criticism shall not constitute an offence. In addition, legal safeguards concerning judicial decisions affecting the freedoms of expression and assembly were strengthened. Even in instances where decisions were not ordinarily subject to appeal, the possibility of applying to the Court of Cassation was granted against decisions issued by the criminal chambers of regional courts of justice concerning offences such as insult, incitement to commit an offence, glorification of crime and criminals, discouraging individuals from performing military service, and similar offences. Furthermore, it has been ensured that access-blocking measures apply solely to the specific publication, section, or part constituting the violation, rather than to the entire website.

- The Fourth Judicial Reform Strategy, prepared through a participatory process and announced to the public on 23 January 2025, is guided by the vision of “a justice system that is rule-based, prompt, and predictable.” The protection and promotion of human rights constitute one of the key priorities of this Document. To that end, the preparation and implementation of a new Human Rights Action Plan—aimed at strengthening human rights awareness and ensuring more effective protection of rights—has been identified as a principal objective.

15. In line with the approach of safeguarding and further advancing Türkiye's achievements in human rights, work is currently underway on the preparation of the Third Human Rights Action Plan. This process is being conducted through a participatory approach involving the analysis of national and international documents, as well as extensive consultations and correspondence with relevant institutions, in order to identify key challenges and develop effective solutions in the field of human rights.

D. Regarding the intervention allegations to the women's rights associations and human rights defenders

16. According to Article 33 of the Constitution, everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. The freedom of association may be restricted only by law on the grounds of national security, public order, the prevention of commission of crime, public morals, public health, and protecting the freedoms of other individuals in accordance with Article 33 § 2 of the Constitution.

17. The PKK terrorist organisation, erroneously referred to as "the Kurdistan Workers Party" in the joint communication, seeks to integrate women into its structure with the objective of extending its influence to families and, consequently, society as a whole. It is well established that such organisations often operate under the guise of associations in order to conceal terrorism related activities. These entities function under the terrorist organisation in line with instructions from its leaders, and organise events that serve the purpose of disseminating terrorist propaganda, particularly on dates regarded as significant by the organisation, under the pretext of women's rights and in connection with developments on the national agenda.

18. The Government wishes to contend that as a result of the police operation carried out on 5 April 2021 at Rosa Women's Association, a flag of the PKK terrorist organisation, numerous documents belonging to the terrorist organisation, firearm components and a large quantity of pistol cartridges were seized. Furthermore, it has been established that the activities of Rosa Women's Association and Women's Time Association were featured as a terror propaganda in publications affiliated with the PKK terrorist organisation.

19. Moreover, within the scope of investigations conducted by the competent judicial authorities, arrest warrants were issued against certain individuals for whom reasonable suspicion existed that they had acted in obedience to the terrorist organisation's instructions.

Individuals for whom the conditions prescribed by law for detention were met were decided to be detained, while others were released.

20. On various dates, based on inspections reports findings that indicate the breach of the Article 32 of Law No. 5253 on Associations and other relevant legislation, the Association Inspectors of the General Directorate of Civil Society Relations of the Ministry of the Interior, the Provincial Directorate of Civil Society Relations, or the District Governorates have taken administrative actions against the administrative representatives of the Rosa Women's Association, Tarlabası Community Centre, We Will Stop Femicide Platform Association, Women's Time Associaton. Where necessary, the competent Public Prosecutor's Offices were also notified.

21. According to Article 33 of the Constitution, associations may be dissolved or suspended from activity by a judicial decision in cases prescribed by law. In accordance with the Constitution, the Turkish Civil Code stipulates that associations shall be considered *ipso facto* dissolved upon the impossibility of their attainment. Any interested party may request the competent Civil Court of Peace to rule that the association has been dissolved accordingly.

22. Pursuant to the said Article, a lawsuit was filed with the Istanbul 8th Civil Court of Peace seeking the dissolution of the Tarlabası Community Centre on the grounds that the purpose for which it was established had become impossible to achieve. On 14 May 2024, the said court ruled to dismiss the case. The proceedings are pending appeal.

23. The Government recalls that in its *Herri Batasuna and Batasuna v. Spain* (25803/04, 25817/04) judgment, the ECtHR held that when an interference corresponds to a pressing social need and is proportionate to the legitimate aim pursued, the dissolution may be deemed to be necessary in a democratic society, notably in the interest of public safety, for the prevention of disorder, and the protection of the rights and freedoms of others, within the meaning of freedom of association.

E. Regarding the normative framework of the counter-terrorism

24. Türkiye's counter-terrorism legislation has been revised and updated in line with international standards, taking into consideration the delicate balance between protecting national security and public safety and order on the one hand, and safeguarding freedom of expression and press on the other.

25. Notwithstanding the foregoing, human rights and fundamental freedoms are not absolute, and the limitations may be imposed on these rights and freedoms in a democratic country are

set out in international law, and duly reflected in the Turkish Constitution and relevant legislation.

26. No one has the privilege of committing crimes in a State governed by the rule of law. Persons may be subject to investigation or prosecution for acts that are considered criminal, such as membership in a terrorist organization. Investigations and prosecutions are carried out by independent and impartial prosecutors and courts in line with the jurisprudence established by international courts and human rights mechanisms.

27. The Government is of the opinion that the legal elements of terrorism-related offenses are stipulated in the relevant legislation in a clear, predictable, and understandable manner and are consistent with international human rights law.

28. In light of the above, the Government is of the view that due respect must be given to the ongoing legal procedures and requests the Special Procedures not to allow persons who engage in terrorism related activities under the guise of human rights advocacy to abuse the right to submit an application.