

**Mandates of the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the right to development; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Working Group on the rights of peasants and other people working in rural areas and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

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(Please use this reference in your reply)

23 April 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the right to development; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Working Group on the rights of peasants and other people working in rural areas and Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolutions 57/31, 60/7, 55/2, 52/9, 59/4, 52/4, 54/9 and 54/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of human rights of two women environmental human rights defenders, and these situations being linked and originated because of their efforts to protect the environment and human rights, including the human right to a clean, healthy and sustainable environment, the right to access to information, public participation and access to justice, as well as freedom of expression and right to health. Concretely our concerns are related to **the arrest, pre-trial detention, and prosecution of Ms. Esra Işık and the judicial harassment and termination of the disability pension of Ms. Halime Şaman.**

*The case of Ms. Esra Işık*

According to information received:

Ms. Esra Işık is a prominent environmental human rights defender and a leading figure of the İzikköy Environment Committee. Since 2019, she has been actively involved in the peaceful efforts of the İzikköy community to protect the Akbelen Forest, olive groves, agricultural land, and family homes in southwestern Türkiye, being impacted by the lignite mining for thermal power plant. The İzikköy Environment Committee was created in this context to protect the local environment and community's livelihood and prevent its destruction. Ms. Işık's work has included several efforts in coordination with the Committee and the community, including litigation, community organizing,

and peaceful assemblies aimed at protecting human rights and the environment, as well as local livelihoods.

On 10 January 2026, 679 parcels in six neighbourhoods, including olive groves around Akbelen Forest, were expropriated by a presidential decree number 10848 (dated 9 January 2026), aimed to ensure the expansion of the lignite mine, covering agricultural land, olive groves, and homes of villagers where they have lived for years. One of the parcels belongs to Ms. Işık's family and includes the home in which she resides. Following the decision, villagers filed annulment actions before the Council of State and requested suspension of the execution of the decree while judicial review was ongoing.

On 30 March 2026, implementation steps in relation to the expropriation advanced, including on-site inspection procedures by the court officials. According to the information received, the inspections were carried out without prior notification to lawyers or property owners and outside official working hours. Upon learning of these developments and the information that an unmarked vehicle accompanied by gendarmerie officers had gone to the location, Ms. Işık and other affected villagers went to observe the situation and peacefully objected these actions, believing that the individuals present were representatives of the mining company. In public footage circulated widely, Ms. Işık was seen expressing opposition to the expropriation, stating that land, homes, and olive trees could not be reduced to numbers or prices imposed without consent.

On the night of 30 March 2026, at approximately 11.50 p.m., Ms. Işık was arrested at her home. On 31 March 2026, she was placed in pre-trial detention by the Milas Criminal Judgeship of Peace under article 265 of the Turkish Penal Code ("Resisting to Prevent the Performance of Duty"). Ms. Işık denied all accusations, stating that she used no force or threats, did not obstruct any procedure, and could not reasonably have known that the persons present were part of the court delegation, given the absence of official identification. On 1 April 2026, the objection filed by her lawyers against the decision of the pre-trial decision was rejected.

On 14 April 2026, Ms. Işık's lawyers were notified of the preliminary report (tensip zaptı) of the Milas 3<sup>rd</sup> Criminal Court of First Instance, which accepted the indictment and scheduled the first hearing for 27 April 2026.

In addition to article 265, Ms. Işık is also charged under article 125 of the Turkish Penal Code ("Insult"). The court ordered the continuation of her pre-trial detention based on generic grounds, despite the indictment confirming that the video evidence relied upon is already secured. Ms. Işık has since been transferred to İzmir Women's Closed Prison, approximately 300 kilometres from her family home.

### *The case of Ms. Halime Şaman*

According to information received:

Ms. Halime Şaman is a prominent environmental human rights defender. A biologist and economist by training, she is also a Member of the Executive Board responsible for environmental affairs within the Marmaris City Council. She also serves as the spokesperson of the Muğla Environmental Platform (MUÇEP), which is a broad civic platform that brings together residents and civil society groups in public awareness events on the impact of mining, coal, energy and construction projects on forests, water resources, and living spaces. She is known for her peaceful advocacy against environmentally harmful projects in Marmaris, including projects within Marmaris National Park. Since 2021, she has reportedly been subjected to administrative, judicial, and economic harassment linked to her work on human rights and the environment.

One of the projects that MUÇEP and Ms. Şaman have been following up is the hotel and timeshare development project by Sinpaş Real Estate Investment Trust and Kızılbük GYO. This project has been subject to administrative and judicial processes, including in relation to discussions on whether an environmental impact assessment was required. There have been judicial decisions annulling administrative actions and decisions, concluding that the project needed an environmental impact assessment before construction. The Marmaris Municipality has even issued demolition orders, based on the lack of compliance with existent legal framework. Despite these decisions, construction reportedly continued.

In 2021, companies involved – listed above - in the project filed a strategic lawsuit against public participation (SLAPP) against Ms. Şaman, seeking substantial non-pecuniary damages and an injunction restricting her public statements. This is after she publicly criticized the project and objected the decision at that time, as it proceed without an Environmental Impact Assessment. In response, the companies filed a lawsuit of TRY 300,000 (approximately 30,000 Euro) against her seeking significant financial damages. They also accused her of spreading false information and harming their reputation with customers and investors.

The lawsuit remains pending before the Istanbul 5th Commercial Court of First Instance. Based on information received, during the proceedings, an expert report attributed to her statements not made by Ms. Şaman and assessed such statements as “violence-connoting,” exposing her to the risk of severe financial sanctions. The next hearing in this case is scheduled for 3 June 2026.

This SLAPP was followed by further threats, detentions during peaceful environmental monitoring activities, administrative fines later annulled by courts, and verbal threats reportedly referencing her receipt of a disability pension. Information received also included that in January 2022, Ms. Şaman was threatened by a company representative while visiting the construction site with a journalist; the representative accused her of engaging with politically sensitive media.

Ms. Şaman's disability pension had been granted in 2007 following medical board reports confirming serious and permanent health conditions not susceptible to improvement and without any requirement for follow-up examination. She learned only in March 2025 that her pension had been terminated, after no payment was deposited into her account. The Social Security Institution (SGK) claimed to have initiated a review process in November 2024, but the relevant notification was never formally served on her. It is reported that a complaint has been made to the Presidential Communication Centre by an unknown individual that despite being on a disability-related pension, she continues to take part in human rights and environmental activism which the complainant referred to as "agent provocateur".

Although subsequent medical examinations confirmed her disability status, the SGK High Health Board reportedly disregarded these reports and relied solely on a later medical assessment based on a single secondary condition, without providing a scientific justification for departing from earlier findings. Despite repeated objections, court proceedings, and an application to the Ombudsman, the SGK decided in January 2026 to terminate her disability pension. As of the date of this submission, Ms. Şaman remains deprived of her pension.

Without prejudging the accuracy of these allegations, we would like to express our deep concern over the information outlined above, including the continued detention of Ms. Esra Işık and its impact on her community, as well as the decision to deny Ms. Halime Şaman her rights to social security, access to health, and other economic and social rights. We are deeply concerned that these situations are originated and directly linked with their role as women environmental human rights defenders and the exercise of their right to freedom of expression in that context.

We recall, as stated by the Human Rights Committee, that States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress" (CCPR/C/GC/34, para. 23).

We are also seriously concerned about the chilling effect that these cases are prone to create among environmental human rights defenders in Türkiye.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal grounds of Ms. Esra Işık's arrest and how it complies with Türkiye's obligations under international human rights law, including the rights to freedom of expression and of peaceful assembly, as stipulated by articles 19 and 21 of the International Covenant on Civil and Political Rights.
3. Please provide detailed information on the legal ground invoked to keep Ms. Esra Işık in prison while pending trial, and its compatibility with international human rights standards.
4. Please provide information on measures taken to ensure a fair trial and access to justice concerning the case against Ms. Esra Işık, including justification for transferring her to a prison 300 kilometers away from her home and community.
5. Please provide information on the justification for terminating the disability pension of Ms. Halime Şaman that was granted since 2007 based on her health needs, including its legal and factual grounds, and whether there is a process based on her human rights, in which this decision could be reviewed.
6. Please provide information on whether, and in what manner, environmental impact assessments have been carried out to identify, prevent, mitigate and monitor the human rights, environmental and climate impact associated with the construction and operation of the projects in Akbelen Forest and Masmaris National Park. Please also provide information about how the State ensured meaningful and inclusive consultations with the public and affected communities.
7. Please indicate the measures undertaken by your Excellency's Government to ensure that all environmental human rights defenders are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution and harassment, in full respect of their human rights, including in relation to their work protecting the environment, land and nature.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

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climate change

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Carlos Arturo Duarte Torres  
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Marcos A. Orellana  
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management and disposal of hazardous substances and wastes

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to applicable international human rights norms and standards.

#### **Right to a clean, healthy and sustainable environment**

We would like to draw your attention to the International Covenant on Economic, Social and Cultural Rights ratified by Türkiye on 23 September 2003. In its General Comment No. 27, the Committee on Economic, Social, and Cultural Rights highlighted that "States Parties must ensure the full enjoyment of procedural guarantees in environmental matters, including those concerning climate change mitigation, adaptation and reparation, access to information, inclusive and meaningful public participation in all relevant planning and decision-making processes, and access to justice and effective remedies" and that "States Parties should take all measures necessary to ensure that environmental human rights defenders and journalists can carry out their work, without fear of harassment, intimidation or violence, including by protecting them from harm by third parties" (E/C.12/GC/27).

We wish to recall that the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. These resolutions underscore that all States have a duty to respect, protect, and fulfill this right for present and future generations. As such, environmental protection is not only a matter of policy, but a binding human rights obligation, central to the enjoyment of related rights to life, health, water, food, housing, culture, and development.

In addition, the International Court of Justice, in its Advisory Opinion on the Obligations of States in respect of Climate Change of 23 July 2025, in its article 393 clarified that the human right to a healthy environment is a precondition and essential for the enjoyment of all human rights, and therefore fundamental for States in order to fulfill their obligation to guarantee the enjoyment of all human rights.

We wish to refer to the Framework for environmental, social and human rights impact assessments of the Special Rapporteur on the human right to a clean, healthy and sustainable environment (A/80/187), which clarifies States' obligations regarding environmental impact assessment processes, recalling that they are mandatory under customary international law, as the International Court of Justice has also concluded. States must facilitate public participation by strengthening marginalized groups' capacity to engage, adapting to social, economic, cultural, marginalization, geographical and gender characteristics and reducing obstacles and power imbalances between affected communities and implementers. It highlights that States must ensure that affected communities and the public have timely, meaningful participation in all stages of environmental, social and human rights impact assessment processes, as international law, jurisprudence and guidelines systematically agree. States must also ensure protection for individuals and organizations advocating for human rights and the

environment and environmental human rights defenders, ensuring their safe participation without fear of persecution or harm.

In addition, we also wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, Framework Principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, Principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 8 reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.

### Right to freedom of expression

We recall in particular article 19 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Türkiye on 23 September 2003, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice. As interpreted by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on one's own and on public affairs, cultural and artistic expression, and discussion of human rights (para. 11) as well as expression of criticism or dissent. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).

Restrictions to freedom of expression can only be imposed if adhering to the strict criteria established in article 19 (3) of the Covenant. Restrictions must meet the standards of *legality*, meaning that they are publicly provided by a law which meets standards of clarity and precision, and are interpreted by independent judicial authorities; *necessity and proportionality*, meaning that they are the least intrusive measure necessary to achieve the legitimate interest at hand, and do not imperil the essence of the right; and *legitimacy*, meaning that they must be in pursuit of an enumerated legitimate interest, namely the protection of rights or reputations of others, national security or public order, or public health or morals. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Although article 19 (3) recognizes “national security” as a legitimate aim, national security considerations should be “limited in application to situations in which the interest of the whole nation is at stake, which would thereby exclude restrictions in the sole interest of a Government, regime, or power group”. States should “demonstrate

the risk that specific expression poses to a definite interest in national security or public order, that the measure chosen complies with necessity and proportionality and is the least restrictive means to protect the interest, and that any restriction is subject to independent oversight” (A/71/373). In this context, we underscore that “It is not compatible with article 19 (3), for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security” (CCPR/C/GC/34 para. 30).

Article 19 (3) may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, be compatible with article 19 (para. 23).

In its general comment No. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

#### Right to freedom of peaceful assembly

We also wish to recall article 21 of ICCPR, stipulating the right to freedom of peaceful assembly. This provision protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches" (CCPR/C/GC/37, para. 6). States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1).

The recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants (CCPR/C/GC/37, para. 8). Likewise, States must ensure that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (A/HRC/41/41, para. 13).

We also wish to recall that the Special Rapporteur on the rights to freedom of peaceful assembly and of association has called on States to adopt all necessary measures to ensure that in particular individuals, organizations, and communities exercising their rights to freedom of peaceful assembly and of association in support of climate justice are not subjected to attacks, harassment, threats and intimidation, including conducting thorough, prompt, effective and impartial investigations into killings and violence against civil society actors, ensuring that perpetrators are brought

to justice and refraining from issuing official and unofficial statements stigmatizing civil society groups engaged in climate justice (A/HRC/76/222, para 90 (b)).

### Human Rights Defenders

We would also like to bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Additionally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 (a), which provides that everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- Article 6 (b) and (c), which state that everyone has the right, individually and in association with others, to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- Article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

In addition, the Special Rapporteur on the promotion and protection of human rights in the context of climate change highlighted in A/76/179 that “States have heightened obligations to protect climate activists, scientists and journalists as environmental human rights defenders”. In addition, she stressed that “intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information”. The Special Rapporteur also recommended in A/80/188 that “companies involved in renewables development, transition minerals and related supply and value chains should have robust human rights due diligence process, with a view: (...) i) Adopting enforceable zero-tolerance policies to prevent retaliation against environmental human rights defenders, including screening potential business partners for histories of retaliation”.

## Right to Development

We also wish to draw the relevance of the Declaration on the Right to Development (GA Resolution 41/128). Article 1 of the Declaration provides that the “right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” This right “implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.” (Article 1(2)). Article 2(3) of the Declaration further provides that “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.”

The Declaration further requires that States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights (article 8.2).

We also refer to the Guidelines and recommendations on the practical implementation of the right to development developed by the Special Rapporteur on the right to development (A/HRC/42/38). The Guidelines urge States to design and implement development projects after holding meaningful consultations to identify the development priorities of the communities in a project area and benefits-sharing arrangements that would be suitable for those affected. Specifically: consultation processes should be institutionalized rather than ad hoc, and any potential conflicts of interest among those convening the consultations should be addressed in order to ensure that the consultations truly reflect the viewpoints of affected stakeholders (para. 18 (a)). Whenever possible, States should decentralize participatory planning processes, thus enabling local communities to pursue development initiatives that reflect their interests and to draw more domestic resources (para. 19). Governments should implement coherent national policies that are in line with local development needs in order to foster synergies and correlation among institutions (para. 20). The Guidelines further recommend that States should provide a safe environment that protects human rights defenders and civil society organizations, thereby enabling them to freely play their role in protecting the right to development (para. 158). Specifically:

“(a) States and intergovernmental organizations should consult and collaborate with human rights defenders, recognizing the role they play in advancing the right to development, especially in the defence of land, natural resources and the environment more generally (see A/71/281); and

(c) States should recognize and protect the work of women human rights defenders, end all forms of persecution and violence against them, and ensure an enabling environment for their activism to realize the right to development.”