Mandates of 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 and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Ref.: AL TUR 10/2025
(Please use this reference in your reply)

8 September 2025

Excellency,

We have the honour to address you in our capacities as 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 and Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolutions 52/9, 59/4, 52/4 and 59/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **allegedly arbitrary detention and discriminatory judicial harassment of human rights defender Enes Hocaoğulları.** His arrest and prosecution were reported to be directly connected to the speech he gave at the Congress of Local and Regional Authorities of the Council of Europe.

According to the information we have received:

On 5 August 2025, Enes Hocaoğulları – a youth and LGBTI+ human rights defender who works as the international advocacy and fundraising coordinator at Ünikuir Association – was detained at Ankara Esenboğa Airport upon his return to Türkiye. His arrest was based on a warrant issued by an Istanbul court, pursuant to an investigation by the Ankara Chief Public Prosecutor's Office, in connection with a speech he delivered at the 48th session of the Congress of Local and Regional Authorities of the Council of Europe on 27 March 2025.

Following his selection in February 2025 as a youth delegate from Türkiye to the Congress of Local and Regional Authorities of the Council of Europe, Mr. Hocaoğulları attended the 48th session of the Congress from 24-27 March 2025, where he delivered a speech referring to alleged police violence against protesters in Türkiye, and calling on the international community to address alleged human rights violations in Türkiye. Subsequent to his remarks gaining traction on social media, he was subjected to a smear and hate campaign, and accused of being a foreign agent seeking to "spread LGBTI+ ideology".

The Chief Public Prosecutors' Offices of Ankara and Istanbul reportedly initiated investigations into Mr. Hocaoğulları's remarks under articles 216 (inciting public to hatred and hostility) and 217/A (defamation) of the Turkish Penal Code. The case is now being handled by the Ankara Chief Public Prosecutor's Office.

Following his arrest on 5 August, Mr. Hocaoğulları was transferred to the Ankara Chief Public Prosecutor's Office to provide a statement and subsequently brought before the Ankara 2nd Criminal Judgeship of Peace, which ordered his pre-trial detention under article 217/A(1) of the Turkish Penal Code. He was then transferred to Sincan Prison in Ankara, where he remains in pretrial detention.

Mr. Hocaoğulları is reportedly also under investigation in Kırşehir for alleged violation of article 301 of the Turkish Penal Code ("public denigration of the Turkish nation, state, or institutions"), a charge that requires authorization by the Minister of Justice.

On 8 September 2025, Mr. Hocaoğulları is scheduled to appear before the Ankara 86th Criminal Court of First Instance, which had earlier, on 8 August 2025, approved the continuation of his pre-trial detention. The indictment alleges that Mr. Hocaoğulları violated article 217/A(1) of the Turkish Penal Code by making false claims of human rights abuses in his speech before the 48th session of the Congress of Local and Regional Authorities of the Council of Europe, thereby creating divisions in society, disrupting public peace and order, and harming the reputation of Türkiye.

Without wishing to prejudge the accuracy of the information received, we wish to express our serious concern that the facts, as alleged, may be in contravention of the human rights of all persons to freedom from arbitrary detention, freedom of expression, freedom of association, and non-discrimination in relation to the enjoyment of all of those human rights, as provided by, *inter alia*, articles 2, 3, 7, 9, 19, and 20 of the Universal Declaration of Human Rights (UDHR), articles 2, 9, 19, 21, 22 and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which the State is party since 2003.

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 information on the legal grounds for the arrest, detention and criminal prosecution of Mr. Hocaoğulları, allegedly in response to the exercise of his right to freedom of expression and human rights activism before an international organization and explain how these measures are compatible with Türkiye's international human rights obligations.

3. Please provide the details, and where available the results, of any investigation carried out in relation to the allegations of the arbitrary

detention and prosecution of Mr. Hocaoğulları on the basis of his political or other opinion and freedom of expression.

4. Please provide detailed information on measures taken to protect the human rights of all persons without discrimination on the basis of their political or other opinion, including with regard to their rights to freedom of expression, freedom of peaceful assembly and of association, liberty and security of person, and to be protected against arbitrary detention.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a copy of this letter has also been sent to: Marc Cools, President of the Congress of Local and Regional Authorities of the Council of Europe; and Michael O'Flaherty, the Commissioner for Human Rights of the Council of Europe.

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

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

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Graeme Reid
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, , we would like to remind your Excellency's Government of its obligations under the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, in particular, articles 2, 9, 19, 21, 22 and 26, which respectively guarantee the human rights to non-discrimination, liberty and security of person, freedom of expression, freedom of peaceful assembly, freedom of association, and equality before the law without discrimination in relation to all Covenant rights.

We would like to emphasize that human rights are universal and apply to everyone, irrespective of their political or other opinion and exercising of their human rights in relation thereto. The principles of equality and non-discrimination are part of the foundations of the rule of law and human rights. They are reaffirmed in article 2 (1) of the ICCPR.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". 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. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

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). 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, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and any restrictions must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

In its general comment No. 34 (CCPR/C/GC/34), the Human Rights Committee underscored that:

- "The obligation to respect freedoms of opinion and expression is binding on every State party as a whole. All branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local – are in a position to engage the responsibility of the State party." (para. 6)

- "The Covenant does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events. Restrictions on the right of freedom of opinion should never be imposed and, with regard to freedom of expression, they should not go beyond what is permitted in paragraph 3 or required under article 20." (para. 49.)

Furthermore, we would like to refer your Excellency's Government to 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 Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realisation 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.

Likewise, 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 (b), which provides for the right to form, join and participate in non-governmental organisations, associations or groups;

- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights; and

- Article 12 (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 their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.