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2. PERIODIC REVIEW OF TURKIYE

“The Systematic Failure of Turkiye to Implement the ECHR Decisions”

September 2024

Executive Summary

This report provides a critical overview of Turkiye's ongoing non-compliance with the rulings of the European Court of Human Rights (ECHR), highlighting the significant challenges this poses to the protection of fundamental human rights in the country. The report begins by outlining Turkiye's obligations as a signatory¹ to the European Convention on Human Rights, detailing its persistent failure to implement ECHR judgments.

Key cases are discussed, illustrating the breadth of non-compliance across various domains, including freedom of expression, the right to a fair trial, and the treatment of political prisoners. These cases underscore the systemic nature of Turkiye's disregard for the ECHR's authority, raising serious concerns about the rule of law and access to justice.

The report also emphasizes the critical importance of compliance with ECHR rulings as a mechanism to safeguard human rights in Turkiye. Upholding these decisions is not only a legal requirement but also essential for ensuring the dignity, freedom, and rights of individuals within the country.

Finally, the report offers proposed solutions to address Turkiye's non-compliance, focusing on both domestic reforms and international responses. It explores potential measures that the international community, including the Council of Europe and the United Nations, could take to compel Turkiye to meet its obligations, thereby strengthening the overall human rights framework.

¹ <https://www.coe.int/en/web/portal/46-members-states>

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I- INTRODUCTION

Context of Turkiye and ECHR Jurisdiction

1. Turkiye, a founding member² of the Council of Europe, ratified the European Convention on Human Rights (ECHR) in 1954, obligating itself to protect the fundamental rights and freedoms enshrined in the Convention. As part of this commitment, Turkiye accepted the jurisdiction of the European Court of Human Rights (ECtHR) to adjudicate alleged violations of the Convention by the state. The ECtHR serves as a supranational court tasked with interpreting the Convention and ensuring that member states adhere to its provisions. The Court’s judgments are legally binding³ on all Council of Europe members, including Turkiye, which has a duty under Article 46 of the Convention to abide by final judgments.

2. Despite this, Turkiye has frequently failed to implement the ECtHR’s rulings, particularly in politically sensitive cases involving opposition figures, journalists, and civil society leaders. This failure to comply with international human rights law has raised concerns about the rule of law, judicial independence, and democratic accountability in Turkiye.

Purpose of the Report

3. The purpose of this report is to bring attention to Turkiye’s systematic failure to implement ECtHR judgments and the resulting human rights implications. While Turkiye has historically

² <https://www.mfa.gov.tr/council-of-europe.en.mfa>

³ https://ks.echr.coe.int/documents/d/echr-ks/guide_art_46_eng

played an important role within the Council of Europe, its recent refusal to abide by the Court's rulings undermines both the Convention system and the fundamental rights of Turkish citizens.

This report aims to:

4. Highlight the Nature and Scope of Non-Compliance: Provide an overview of key cases where Turkiye has failed to execute ECtHR judgments, focusing on politically charged cases involving opposition leaders, journalists, and civil society figures.

5. Assess the Broader Human Rights Implications: Examine how Turkiye's non-compliance with ECtHR rulings has exacerbated the erosion of fundamental rights, weakened the rule of law, and fostered a climate of political repression. Special attention will be given to the impact on political dissidents, human rights defenders, and ethnic minorities.

6. Propose Solutions and Recommendations: Offer concrete suggestions for enhancing compliance with ECtHR judgments, including reforms to the domestic legal system, increased diplomatic pressure from the international community, and the potential for UN involvement in addressing Turkiye's human rights crisis.

7. By presenting these issues in the context of the UN Human Rights Committee (HRC), this report calls for urgent action from the international community to ensure that Turkiye upholds its obligations under the ECHR. Failure to do so not only weakens the European human rights system but also deepens the human rights crisis faced by millions of Turkish citizens.

II- Overview of Turkiye's Obligations under the European Convention on Human Rights (ECHR)

8. Turkiye's acceptance of the jurisdiction of the ECtHR holds special significance in terms of its legal obligations. The ECtHR, established as part of the Council of Europe's human rights machinery, serves as a supranational judicial body designed to enforce compliance with the ECHR. Turkiye, like all member states, must ensure that its laws and practices are compatible with the Convention, and any breach of the Convention may be adjudicated by the ECtHR.

Article 46: Obligation to Abide by Final ECtHR Judgments

9. One of the cornerstones of Turkiye's obligations under the ECHR is found in **Article 46**, which states that “[t]he High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.” This article creates a binding legal obligation for states to comply with ECtHR rulings, whether the judgment requires individual measures (such as compensation or release of unlawfully detained individuals) or general measures (such as changing laws or practices to prevent future violations).

10. Turkiye's commitment to Article 46 means it must not only provide redress to individuals whose rights have been violated but also reform its legal and institutional frameworks where necessary to prevent similar violations from occurring. The Committee of Ministers of the Council of Europe supervises the execution of these judgments, ensuring that states take the appropriate measures. Persistent non-compliance, as seen in several high-profile Turkish cases, poses a serious challenge to the integrity of the ECHR system and undermines the rule of law within the country.

A- Cases and Legal Areas Impacted

11. Turkiye's non-compliance with ECtHR judgments affects several key areas of civil, political, and human rights law. The following are the most prominent legal areas where Turkiye's obligations have been challenged:

i. **Civil and Political Rights: Freedom of Expression, Assembly, and the Press**

12. One of the most significant areas of Turkiye's non-compliance involves violations of freedom of expression, assembly, and the press. Turkiye has faced numerous ECtHR rulings condemning its detention and prosecution of journalists, political opposition members, and activists for exercising their right to free speech. Cases such as *Altan Brothers v. Turkiye*⁴ and *Ahmet Şık v. Turkiye*⁵ highlight how the government's actions, particularly during periods of heightened political tension, have restricted freedoms protected under Articles 10 and 11 of the ECHR.

13. The ECtHR has consistently ruled that Turkiye's broad application of anti-terrorism laws to silence dissent violates the Convention. Despite these rulings, the Turkish government has often delayed or refused to implement measures that would ensure these rights are fully respected.

ii. **Torture, Inhuman Treatment, and Detention Conditions**

14. The prohibition against torture and inhuman or degrading treatment is enshrined in **Article 3 of the ECHR**, and Turkiye has a well-documented history of ECtHR judgments finding it in violation of this article. This includes cases related to the treatment of detainees, particularly in the context of political unrest or counter-terrorism operations. Allegations of torture, ill-treatment, and poor detention conditions have been widespread, and the ECtHR has repeatedly called on Turkiye to improve its investigative and judicial processes concerning such abuses.

15. Despite these rulings, Turkish authorities have often failed to provide adequate redress to victims or take effective action to prevent further violations. The lack of independent and

⁴ <https://www.euronews.com/2021/04/13/Turkiye-violated-rights-of-jailed-journalist-ahmet-altan-echr-finds>

⁵ [https://hudoc.echr.coe.int/fre#{%22tabview%22:\[%22document%22\],\[%22itemid%22:\[%22001-206411%22\]}](https://hudoc.echr.coe.int/fre#{%22tabview%22:[%22document%22],[%22itemid%22:[%22001-206411%22]})

effective investigations into torture allegations has further eroded trust in the justice system and contributed to ongoing abuses.

iii. Due Process Violations

16. Türkiye's judicial independence **and** right to a fair trial under **Article 6 of the ECHR** have come under increasing scrutiny, particularly in cases involving politically motivated trials. High-profile cases like those of opposition politicians (*Selahattin Demirtaş v. Türkiye*)⁶ and civil society leaders (*Osman Kavala v. Türkiye*)⁷ exemplify how due process violations have become a tool for silencing political dissent. The ECtHR has repeatedly found that these cases involved violations of fair trial guarantees, yet Türkiye has failed to take meaningful steps to correct these deficiencies.

17. The use of prolonged pre-trial detention, politicized charges, and lack of judicial independence are central to many of these violations. The ECtHR's judgments have called for comprehensive reforms to Türkiye's judicial system to ensure compliance with due process standards, but these calls have largely gone unheeded.

III. Key Examples of Non-Compliance

18. Türkiye's systematic failure to implement judgments of the European Court of Human Rights (ECtHR) has been particularly pronounced in high-profile cases involving political opposition, human rights defenders, journalists, and minority groups. This section examines key cases of non-compliance, which highlight the broader human rights implications of Türkiye's disregard for ECtHR rulings.

A. Human Rights Defenders and Political Cases

Yuksel Yalcinkaya v. Türkiye⁸

19. The case of *Yuksel Yalcinkaya v. Türkiye* highlights serious issues in the Turkish judiciary, especially in the aftermath of the 2016 coup attempt. The European Court of Human Rights (ECHR) identified systemic problems, including the judiciary's reliance on questionable evidence like ByLock, an encrypted messaging app allegedly used by FETÖ/PDY members.

20. The *Yuksel Yalcinkaya v. Türkiye* case is a significant example of Türkiye's ongoing challenges in adhering to the European Convention on Human Rights, especially in the context

⁶ <https://hudoc.echr.coe.int/fre?i=001-207173>

⁷ [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-199515%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-199515%22]})

⁸ [https://hudoc.echr.coe.int/fre#{%22tabview%22:\[%22document%22\],%22itemid%22:\[%22002-14187%22\]}](https://hudoc.echr.coe.int/fre#{%22tabview%22:[%22document%22],%22itemid%22:[%22002-14187%22]})

of the post-coup environment. The ECHR's ruling in this case addressed three critical violations:

21. Right to a Fair Trial (Article 6 of the ECHR): The applicant's conviction relied heavily on evidence from the ByLock app, which was said to be used by members of the FETÖ/PDY. The court found that the Turkish judiciary did not properly evaluate the reliability or lawfulness of ByLock evidence, and this approach undermined the fairness of the trial. Thousands of individuals accused of links to FETÖ/PDY were convicted based on similar evidence, often without a thorough judicial review. This raised concerns about mass trials and the lack of individualized assessments in the Turkish legal process.

22. No Punishment Without Law (Article 7 of the ECHR): The Court found that the legal framework applied in the applicant's conviction was unclear. The definition of membership in a terrorist organization was interpreted broadly, with little legal certainty as to what constituted criminal behavior, particularly concerning the use of ByLock. This vague application of law violates the principle that one cannot be convicted of a crime unless the law clearly defines it.

23. Freedom of Association (Article 11 of the ECHR): The ECHR noted that mere association with a particular group, especially if based on weak or questionable evidence like the use of a messaging app, should not in itself result in criminal sanctions. The Turkish authorities' broad-brush approach violated the applicant's right to freely associate, particularly in an environment where political affiliations and expressions were being scrutinized intensely post-coup.

24. The problems identified in this case are not isolated to the individual applicant but represent deeper systemic flaws within Türkiye's legal and judicial system. The over-reliance on ByLock evidence, often without solid proof that the users were aware of the app's alleged purpose, is particularly concerning. The ECHR's judgment stressed that Türkiye must undertake general reforms to correct these systemic issues, particularly by revisiting its judiciary's approach to evidence and trial processes in FETÖ/PDY-related cases.

25. The fact that there are approximately 8,500 similar applications before the ECHR, all involving complaints about the right to a fair trial and/or no punishment without law, highlights the urgent need for reform. This overwhelming volume of cases suggests that the failures identified in *Yalçınkaya* are widespread and affect thousands of individuals, many of whom have been convicted under similar circumstances.

Selahattin Demirtaş v. Türkiye (No. 2)

26. Selahattin Demirtaş⁹, a Kurdish politician and former co-chair of the Peoples' Democratic Party (HDP), has been subject to prolonged detention since his arrest in 2016 on charges related to terrorism and incitement to violence. In its landmark judgment in 2018, the ECtHR ruled that Demirtaş's detention was politically motivated and aimed at stifling pluralism and limiting

⁹ <https://demirtasinfo.com/tr/hakkinda/biyografi>

political debate, which constitutes a violation of Article 10 (freedom of expression), Article 5 (right to liberty and security), and Article 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights.

27. The Court found that the Turkish government had failed to provide sufficient evidence justifying Demirtaş's prolonged pre-trial detention and emphasized the urgency of his release.

28. Despite this, Türkiye has refused to implement the Court's ruling, keeping Demirtaş imprisoned. The continued detention of Demirtaş not only violates his individual rights but also signals a broader trend of political repression and undermines Türkiye's commitment to democratic principles.

Osman Kavala v. Türkiye

29. Osman Kavala¹⁰, a prominent philanthropist and civil society leader, was arrested in 2017 and accused of attempting to overthrow the government during *the 2013 Gezi Park Protests*¹¹ and the failed coup attempt of 2016. In 2019, the ECtHR ruled that Kavala's detention was arbitrary and lacked sufficient evidence to justify the charges. The Court found that Kavala's arrest was part of a broader strategy to silence civil society and deter political dissent, violating Articles 5 and 18 of the Convention.

30. Despite the Court's judgment calling for Kavala's immediate release¹², the Turkish government has not complied and has instead continued to hold Kavala in detention under revised charges. This non-compliance has drawn widespread international condemnation and reflects Türkiye's ongoing disregard for ECtHR rulings in politically sensitive cases.

B. Freedom of the Press and Expression

Altan Brothers v. Türkiye

31. In 2016, Ahmet Altan, a renowned journalist, and his brother Mehmet Altan, an academic, were arrested on charges of attempting to overthrow the government by allegedly supporting the 2016 coup attempt through media activities. The ECtHR ruled in 2018 that their imprisonment violated their right to freedom of expression (Article 10) and their right to liberty and security (Article 5). The Court found that the Turkish authorities had not provided any credible evidence linking the Altan brothers to the coup attempt and concluded that their detention was unjustified and politically motivated.

32. Despite the ruling, Ahmet Altan remained in prison for several more years, and although Mehmet Altan was eventually released, Türkiye's delayed implementation of the judgment underscored its broader pattern of non-compliance in cases concerning freedom of the press. The Altan brothers' case is emblematic of the Turkish government's use of anti-terrorism laws

¹⁰ <https://www.osmankavala.org/en/about-osman-kavala>

¹¹ https://www.amnesty.nl/content/uploads/2016/11/gezi_park_protests_en_eur44_022_2013.pdf?x13692

¹² <https://www.omct.org/en/resources/statements/Turkiye-osman-kavala-must-be-released-immediately>

to suppress critical voices in the media, a practice that has been condemned by international human rights organizations.

C. Torture and Ill-treatment

33. Turkiye has been repeatedly found in violation of Article 3 of the ECHR, which prohibits torture and inhuman or degrading treatment. The ECtHR has ruled against Turkiye in numerous cases involving allegations of torture and ill-treatment in detention centers, particularly in the context of political unrest, counter-terrorism operations, and the aftermath of the 2016 coup attempt.

34. One such case is **Batı and Others v. Turkiye**¹³, in which the Court found that Turkish authorities had failed to investigate credible allegations of torture and ill-treatment of detainees held in police custody. The Court emphasized that the lack of effective investigations into torture allegations violated Turkiye's obligations under the Convention and highlighted the culture of impunity that has developed in Turkiye's law enforcement and judicial systems.

35. Despite these rulings, Turkiye has not taken adequate steps to investigate or address systemic torture and ill-treatment in detention centers. The lack of accountability for such abuses further erodes trust in Turkiye's judicial system and undermines the protection of human rights within the country.

IV. Impact of Non-Compliance on Human Rights and the Rule of Law

36. Turkiye's persistent failure to comply with judgments of the European Court of Human Rights (ECtHR) has profound consequences for both the country's human rights landscape and the rule of law. This non-compliance undermines democratic principles, weakens public trust in the judiciary, and perpetuates political repression, resulting in significant humanitarian and societal costs.

A-Wider Implications for the Rule of Law in Turkiye

i- Impact on Judicial Independence, Public Trust, and Democracy

37. Non-compliance with ECtHR rulings exacerbates the ongoing deterioration of **judicial independence** in Turkiye. The refusal to implement decisions that are legally binding under Article 46 of the European Convention on Human Rights signifies a disregard for the rule of law and challenges the authority of independent judicial oversight at both the national and international levels. In high-profile cases such as those involving **Yuksel Yalcinkaya**, **Selahattin Demirtaş** and **Osman Kavala**, the Turkish government's failure to release individuals despite clear ECtHR rulings has demonstrated how political considerations override

¹³ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-158562%22%5D%7D>

legal obligations. This has led to increasing political interference in the judiciary, with courts frequently being used as tools to suppress opposition and dissent rather than uphold justice.

38. The erosion of judicial independence has resulted in a **loss of public trust** in the legal system. Citizens, especially those critical of the government, view the courts as politicized institutions that do not provide fair trials or impartial justice. This mistrust undermines the legitimacy of legal institutions, creating a deep sense of legal insecurity. When a state fails to enforce judgments from its own courts or international courts, it signals to its citizens that the rule of law is secondary to political objectives, further eroding the foundational principles of democracy.

39. Furthermore, Turkiye's non-compliance with ECtHR judgments also threatens its **democratic institutions**. By disregarding rulings aimed at protecting freedom of expression, freedom of assembly, and political participation, the government is curbing the very rights that form the backbone of a functioning democracy. The suppression of opposition leaders, journalists, and activists weakens political pluralism, leaving limited space for dissent and reducing the accountability of the government. Over time, this diminishes the vibrancy of democratic discourse and contributes to the consolidation of power in the hands of the executive.

ii- Erosion of Civil Society and Individual Freedoms

40. Non-compliance with ECtHR judgments has a particularly detrimental effect on **civil society**. Turkiye has been found in violation of the Convention in cases involving human rights defenders, journalists, and civil society activists, such as in the cases of **Osman Kavala** and the **Altan brothers**. These rulings expose the government's strategy of silencing civil society actors through arbitrary arrests, detentions, and prosecutions. By disregarding these ECtHR judgments, the Turkish government continues to shrink the space available for civil society organizations to operate freely and independently.

41. The failure to respect international human rights standards has led to a broader **erosion of individual freedoms**. Violations of freedom of expression, assembly, and the press have been pervasive, contributing to a climate of fear and self-censorship. Journalists, academics, and civil society leaders often face legal repercussions for expressing dissenting views, with the government using vague anti-terrorism laws to justify their persecution. This stifling of free speech and assembly has a chilling effect, deterring individuals from participating in public debates, protesting government policies, or seeking accountability.

B- Humanitarian Consequences

i. Continuing Detentions, Political Repression, and Restricted Freedoms

42. The human cost of Turkiye's non-compliance is stark. Political detentions of individuals like **Selahattin Demirtaş**, **Osman Kavala**, and numerous journalists and opposition figures represent ongoing violations of fundamental rights. These individuals, detained under

politically motivated charges, suffer not only from loss of freedom but also from deteriorating health conditions, separation from families, and limited access to fair legal processes. The continued detention of these high-profile figures, despite clear ECtHR rulings, serves as a warning to others who may challenge the government, perpetuating a cycle of political repression and silencing dissent.

43. The use of prolonged pre-trial detention has become a central tool in repressing political opposition and civil society. Those accused of crimes against the state, particularly under counter-terrorism laws, face extended periods of detention without trial, violating their right to liberty and due process. This undermines the fundamental principle of the presumption of innocence and creates a repressive legal environment in which individuals are punished without fair and transparent judicial proceedings.

44. Furthermore, the **restriction of freedoms**, including freedom of expression, assembly, and association, has significant societal repercussions. Journalists, activists, and ordinary citizens are forced to operate in a constrained environment, where the exercise of their fundamental rights may lead to imprisonment or legal harassment. The government's non-compliance with ECtHR judgments related to these freedoms exacerbates the culture of fear and repression, limiting citizens' ability to engage in democratic discourse or hold the government accountable for its actions.

ii. **Impact on Vulnerable Groups**

45. Vulnerable groups, including **ethnic and religious minorities, political opponents, and human rights defenders**, are disproportionately affected by Turkiye's non-compliance with ECtHR rulings. These groups already face significant marginalization and discrimination, and the government's disregard for international human rights standards further entrenches their vulnerability.

46. **Political opponents:** Individuals aligned with political movements or parties that challenge the ruling government face significant persecution. This is evident in cases like **Selahattin Demirtaş**, where opposition figures are subjected to politically motivated charges, unfair trials, and prolonged detention. The failure to implement ECtHR judgments in these cases exacerbates political polarization and strengthens authoritarian tendencies, reducing opportunities for peaceful political engagement and reconciliation.

47. **Human rights defenders:** Those advocating for human rights are particularly vulnerable to government repression. The **Osman Kavala** case exemplifies how civil society leaders can be targeted for their activism, with politically motivated charges used to justify their detention. The government's non-compliance with ECtHR rulings in these cases has had a chilling effect on the broader human rights community, discouraging activists from engaging in human rights work due to fear of arrest or reprisal.

48. Turkiye's refusal to comply with ECtHR judgments has far-reaching consequences for the rule of law, civil society, and human rights protections in the country. The weakening of judicial independence and the erosion of civil liberties create a climate in which **political repression** and **human rights abuses** thrive. This non-compliance disproportionately impacts vulnerable groups, exacerbates political and social divisions, and perpetuates a cycle of **authoritarianism**. Urgent action from the international community is necessary to address these issues, restore the rule of law, and protect the fundamental rights of all individuals in Turkiye.

V. International and Domestic Responses

49. Turkiye's failure to comply with European Court of Human Rights (ECtHR) rulings has prompted a range of responses from international and domestic actors. This section examines the role of the Council of Europe, UN bodies, and international NGOs in pressing Turkiye for compliance, alongside the reactions within Turkiye itself, both in the legal system and among political and civil society actors.

A-Council of Europe's Role

50. The **Council of Europe** (CoE), of which Turkiye is a founding member, plays a pivotal role in overseeing the implementation of ECtHR judgments. **Article 46** of the European Convention on Human Rights places a binding obligation on member states to comply with the Court's final judgments, and the CoE's **Committee of Ministers** is responsible for supervising the execution of these judgments.

i. **Efforts by the Committee of Ministers to Enforce Compliance**

51. The Committee of Ministers has taken an active role in attempting to enforce Turkiye's compliance with ECtHR rulings. In key cases such as **Selahattin Demirtaş v. Turkiye** and **Osman Kavala v. Turkiye**, the Committee has issued several decisions and interim resolutions urging Turkiye to release these individuals in accordance with the Court's judgments.¹⁴ These resolutions emphasize that Turkiye's continued non-compliance undermines its obligations under the Convention and poses a threat to the integrity of the CoE's human rights system.

52. The Committee has also repeatedly called for legislative and institutional reforms in Turkiye to ensure that ECtHR rulings are effectively implemented. However, Turkiye's refusal to release high-profile political detainees and its broader pattern of disregarding ECtHR rulings have led to heightened frustration within the CoE.

ii. **Potential for Triggering Article 46(4)**

¹⁴ <https://www.coe.int/en/web/execution/-/t%C3%BCrkiye-the-committee-of-ministers-reiterates-calls-for-the-immediate-release-of-osman-kavala-and-selahattin-demirta%C5%9F>

53. **Article 46(4)** of the European Convention on Human Rights provides a mechanism to refer a member state to the ECtHR for failure to comply with a judgment. This measure, which was invoked against **Azerbaijan** in 2017 for its failure to implement a ruling, could be applied to **Turkiye** in the future. The Committee of Ministers has hinted at this possibility in relation to **Turkiye's** ongoing non-compliance, particularly in the **Demirtaş** and **Kavala** cases, as these cases represent flagrant breaches of **Turkiye's** obligations under the Convention.

54. Should the Committee of Ministers decide to trigger Article 46(4), **Turkiye** could face serious political consequences, including increased diplomatic pressure and potential sanctions from the CoE. Such a move would also send a clear message that **Turkiye's** non-compliance with ECtHR rulings is unacceptable and may have significant international repercussions.

B- UN and Other International Bodies

55. The **United Nations** and various **international non-governmental organizations (NGOs)** have expressed concern over **Turkiye's** human rights record and its disregard for ECtHR rulings. These actors play a critical role in raising awareness of **Turkiye's** human rights violations and advocating for stronger international action to address non-compliance.

i. Statements by the UN and International NGOs on **Turkiye's Human Rights Violations**

56. Various UN bodies, including the **UN Human Rights Council** and the **Office of the High Commissioner for Human Rights (OHCHR)**, have issued statements condemning **Turkiye's** failure to comply with international human rights standards. The UN Special Rapporteur on the independence of judges and lawyers, as well as the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, have both highlighted **Turkiye's** non-compliance with ECtHR rulings in their reports. These statements underscore concerns about the erosion of the rule of law, judicial independence, and the targeting of political dissidents and civil society actors in **Turkiye**.

57. **International NGOs** such as **Amnesty International**, **Human Rights Watch**, and the **International Federation for Human Rights (FIDH)** have been vocal in their condemnation of **Turkiye's** disregard for ECtHR decisions. These organizations have called for immediate action to secure the release of political prisoners like **Demirtaş** and **Kavala** and have urged the international community to increase pressure on **Turkiye** to uphold its human rights obligations. Their reports frequently highlight **Turkiye's** failure to investigate torture allegations, violations of press freedom, and the persecution of ethnic and religious minorities.

ii. Regional and Global Diplomatic Pressure

58. **Turkiye's** non-compliance with ECtHR rulings has also attracted **regional and global diplomatic pressure**. European states, particularly within the context of the **European Union**, have raised concerns about **Turkiye's** human rights violations in bilateral and multilateral diplomatic engagements. The European Parliament has passed resolutions calling for **Turkiye**

to respect its international obligations and urging EU member states to use their diplomatic channels to press for the release of political prisoners and an end to political repression.

59. Globally, Turkiye's human rights record has become a point of contention in its diplomatic relations with countries such as the **United States** and **Canada**, both of which have imposed sanctions on Turkish officials involved in human rights abuses. Diplomatic pressure from these states, combined with ongoing scrutiny from international organizations, contributes to the broader international effort to hold Turkiye accountable for its non-compliance with ECtHR rulings.

C- Domestic Legal Responses

60. While international bodies have been at the forefront of advocating for compliance with ECtHR rulings, responses within Turkiye itself have been more complex. The domestic legal system, heavily influenced by political pressure, has been inconsistent in addressing ECtHR judgments.

i. How Turkish Courts Have Responded to or Ignored ECHR Rulings

61. Turkish courts, particularly those handling politically sensitive cases, have often failed to comply with ECtHR rulings. In cases like **Demirtaş** and **Kavala**, Turkish courts have issued new charges or extended detention periods, effectively circumventing ECtHR judgments. This pattern reflects the broader issue of judicial independence in Turkiye, where courts are increasingly seen as instruments of political control rather than impartial arbiters of justice.

62. However, in some cases involving less politically charged issues, Turkish courts have demonstrated willingness to implement ECtHR rulings. These cases, often related to property rights or procedural matters, suggest that domestic legal compliance with ECtHR rulings is possible when there is less political interference. Nevertheless, the failure to comply in high-profile cases has severely undermined Turkiye's overall credibility in respecting international human rights law.

ii. Political and Public Reactions within Turkiye

63. Political reactions to ECtHR rulings in Turkiye have been largely polarized. The ruling government, led by President **Recep Tayyip Erdoğan**, has repeatedly dismissed ECtHR rulings as politically motivated and has characterized them as foreign interference in Turkiye's domestic affairs. This narrative is frequently used to galvanize public support for the government's defiance of international human rights obligations, portraying non-compliance as a defense of national sovereignty.

64. Among the **opposition and civil society**, however, ECtHR rulings are viewed as vital to safeguarding human rights and ensuring accountability. Political opposition parties have called on the government to comply with ECtHR judgments and have used the failure to do so as evidence of the ruling party's authoritarian tendencies. Civil society organizations continue to

push for the implementation of ECtHR rulings, seeing them as crucial to the protection of fundamental freedoms and the restoration of the rule of law in Türkiye.

65. The **international** and **domestic responses** to Türkiye's non-compliance with ECtHR judgments highlight the serious challenges facing human rights protection in the country. While international bodies such as the Council of Europe and the UN continue to advocate for compliance, the Turkish government's defiance has strained its relationships with the international community and undermined its standing as a member of the European human rights system. At the domestic level, political and judicial resistance to ECtHR judgments, coupled with growing public polarization, has further entrenched the human rights crisis in Türkiye.

VI. Suggestions for Solutions

66. To address Türkiye's ongoing failure to comply with European Court of Human Rights (ECtHR) rulings, a multi-faceted approach is required, involving stronger enforcement mechanisms, international pressure, support for civil society, and judicial reforms. These solutions aim to promote accountability, reinforce the rule of law, and ensure Türkiye upholds its human rights obligations.

A- Strengthening Enforcement Mechanisms

i. Proposals to Enhance the Council of Europe's Enforcement Capabilities

67. The **Council of Europe (CoE)** plays a central role in ensuring compliance with ECtHR rulings, but the current enforcement mechanisms require strengthening to address persistent non-compliance. **Article 46(4)**, which allows the CoE's **Committee of Ministers** to refer a state to the ECtHR for failing to implement a judgment, remains underutilized. To enhance its effectiveness, the Committee of Ministers should:

68. Increase the **frequency of public resolutions** and diplomatic engagement specifically targeting states that fail to implement ECtHR rulings, including Türkiye.

69. Impose **targeted sanctions** on Turkish officials involved in obstructing ECtHR compliance, similar to the approach used in other cases of human rights violations. These sanctions could include travel bans and asset freezes, signaling the seriousness of Türkiye's breach of its obligations.

70. Establish a system of **periodic review** that closely monitors Türkiye's compliance with ECtHR rulings and triggers automatic review procedures when non-compliance persists for an extended period. This would hold Türkiye accountable on a continual basis, rather than relying on intermittent responses from the CoE.

71. Additionally, the CoE should consider coordinating with other international bodies, such as the **European Union**, to increase pressure on Türkiye through diplomatic channels.

B-Enhanced Role for the UN

i. The Potential for UN Bodies to Play a More Active Role

72. While the **United Nations** (UN) typically defers to the **Council of Europe** on matters related to ECtHR rulings, there is significant potential for the UN to take a more active role in addressing Turkiye's non-compliance. This could include:

73. **Adopting UN General Assembly or Human Rights Council resolutions** that specifically call on Turkiye to respect its obligations under the European Convention on Human Rights. Such resolutions could highlight the systemic issues contributing to non-compliance, while reaffirming Turkiye's international human rights obligations.

74. **Targeted investigations** by UN bodies, such as the **Special Rapporteurs** on judicial independence, arbitrary detention, and human rights defenders, could examine Turkiye's failure to implement ECtHR rulings and report their findings to the UN Human Rights Council. These investigations would shed light on the broader impacts of non-compliance on human rights within Turkiye.

75. **International sanctions mechanisms** spearheaded by the UN could be explored, in coordination with other international actors, to penalize continued non-compliance. While the UN lacks direct enforcement powers over ECtHR decisions, it can play a critical role in galvanizing international attention and political will to address the issue.

C- Support for Civil Society

i. Enhancing the Capacity of Turkish Civil Society

76. Civil society in Turkiye plays an essential role in holding the government accountable for human rights abuses. However, civil society organizations (CSOs) face increasing repression and legal challenges. Strengthening their capacity is vital for ensuring sustained pressure on the Turkish government. Key proposals include:

77. **Increased funding and technical support** for Turkish CSOs, particularly those focused on human rights advocacy, legal aid, and monitoring state compliance with ECtHR rulings. International actors, including the **European Union**, **UN agencies**, and **international NGOs**, should prioritize capacity-building initiatives that provide legal training, advocacy tools, and financial resources to CSOs.

78. Promoting **international partnerships** between Turkish CSOs and foreign organizations to amplify their efforts and create a network of support. Such partnerships can enable Turkish civil society to access broader platforms for advocacy, including at the **UN Human Rights Council** and **EU Parliament**.

79. Encouraging **legal advocacy and strategic litigation** in Turkish courts that invoke ECtHR judgments, pushing the judiciary to respect the binding nature of these rulings. International partners can support such initiatives by providing technical expertise and resources to challenge government actions that undermine the rule of law.

D- Promoting Judicial Reforms in Turkiye

i. Recommendations for Reforms to Strengthen the Independence of Turkiye's Judiciary

80. One of the key barriers to compliance with ECtHR rulings is the **lack of judicial independence** in Turkiye. To address this, comprehensive judicial reforms are needed to restore the rule of law and ensure that the judiciary operates free from political influence. Key recommendations include:

81. **Reforming the appointment process** for judges and prosecutors to reduce political interference. This includes enhancing the transparency and independence of the **Council of Judges and Prosecutors** (HSK), which currently operates under significant government control. Ensuring that appointments to the judiciary are based on merit and not political loyalty is essential to restoring judicial independence.

82. Implementing **institutional safeguards** to protect judges from political pressure, including establishing mechanisms for the judiciary to review its decisions independently and without fear of reprisal. This would prevent the politicization of sensitive cases, particularly those related to human rights, political dissent, and opposition figures.

83. Providing **training and capacity-building programs** for judges and legal professionals on the application of ECtHR rulings and the importance of upholding international human rights standards. This would help ensure that the judiciary is both equipped and willing to implement ECtHR decisions effectively.

E- Diplomatic Pressure and Bilateral Relations

i. The Role of International Partners in Encouraging Compliance

84. **International diplomatic pressure** is crucial in pushing Turkiye towards compliance with its ECtHR obligations. Turkiye's key international partners, particularly the European Union (EU), United States, and Council of Europe, must take a more proactive role in using diplomatic and economic levers to encourage Turkiye to respect human rights and comply with ECtHR judgments. Key strategies include:

85. **Leveraging economic ties:** The EU, which remains Turkiye's largest trading partner, can utilize its economic leverage to condition future trade agreements and financial assistance on tangible progress in human rights compliance. **Customs Union modernization** discussions, for example, can be linked to Turkiye's respect for ECtHR rulings.

86. **Targeted diplomatic engagement:** Diplomatic missions in Türkiye can prioritize **human rights dialogues** with the Turkish government, emphasizing the need for compliance with ECtHR rulings as a key factor in maintaining strong bilateral relations. These discussions can also include Türkiye's role within the **Council of Europe** and its standing in international human rights forums.

87. **Bilateral pressure from influential states:** Countries such as Germany, France, and the United States can increase bilateral diplomatic pressure by raising Türkiye's human rights record in international settings, including NATO, the G7, and other forums where Türkiye has strategic interests. Coordinated efforts from these influential states can reinforce the message that non-compliance with ECtHR judgments will have serious consequences for Türkiye's international standing.

88. Implementing these solutions requires a **coordinated international effort**, combining diplomatic pressure, legal reforms, and support for civil society, to ensure Türkiye adheres to its human rights obligations. By strengthening enforcement mechanisms and promoting judicial independence, the international community can create a pathway towards greater accountability and respect for human rights in Türkiye.

VII. Conclusion and Outcome

A- Importance of ECHR Compliance for Türkiye's Future

89. Compliance with **European Court of Human Rights (ECHR)** decisions is not only a legal obligation for Türkiye but also a crucial step toward restoring its **democratic integrity, rule of law, and human rights protections**. As a founding member of the Council of Europe and a signatory to the European Convention on Human Rights, Türkiye has committed itself to uphold human rights and democratic principles. Respecting ECHR rulings is essential for Türkiye to:

90. **-Rebuild trust in its legal system:** Ensuring that ECHR judgments are implemented would strengthen judicial independence and restore public confidence in the rule of law. It would signal that Türkiye is committed to protecting individual rights and freedoms, enhancing the legitimacy of its legal and political institutions.

91. **-Safeguard democratic values:** Implementing ECHR decisions is central to reinforcing democratic governance in Türkiye. Compliance would demonstrate Türkiye's commitment to respecting **freedom of expression, political pluralism, and the rights of minorities and dissenting voices**. This, in turn, would help reduce political polarization and stabilize the country's democracy.

92. **-Improve international relations:** By adhering to its obligations under the ECHR, Türkiye can repair strained relations with its international partners, including the **European Union, Council of Europe, and United Nations**. Compliance would enhance Türkiye's standing in the global community and strengthen its diplomatic and economic ties with key partners.

B- Potential Outcomes if Compliance is Not Achieved

93. The failure to comply with ECHR rulings risks serious consequences, both domestically and internationally, for Turkiye:

94. **Deterioration of international relations:** Turkiye's non-compliance has already led to tensions with the Council of Europe and other international bodies. Continued defiance could result in more severe diplomatic actions, such as further sanctions, suspension of voting rights within the Council, or, in extreme cases, expulsion from the Council of Europe, which would significantly diminish Turkiye's international standing. Such a development would isolate Turkiye on the global stage and undermine its position in multilateral forums.

95. **Erosion of the rule of law and human rights:** Persistent refusal to implement ECHR decisions contributes to the **erosion of judicial independence** and the **rule of law** within Turkiye. This deepens existing human rights violations and further weakens the country's democratic institutions. It exacerbates the repression of **civil society**, **political opposition**, and **minority groups**, leading to continued **arbitrary detentions**, **torture**, **suppression of free speech**, and violations of other fundamental rights.

96. **Political instability and social unrest:** As non-compliance persists, the repression of civil liberties and human rights will likely intensify, contributing to growing **domestic instability**. This could result in increased public discontent, political dissent, and potentially unrest, further destabilizing the country and jeopardizing both social cohesion and economic stability.

C- Call for Immediate Action

97. The urgency of the situation requires immediate action by Turkiye to comply with ECHR rulings. The current trajectory of non-compliance threatens to deepen the ongoing human rights crisis and worsen political and social instability. To avoid such outcomes:

98. **Turkiye must urgently implement ECtHR decisions**, particularly in high-profile cases involving political prisoners, civil society leaders, and journalists. By demonstrating its commitment to upholding human rights, Turkiye can begin to reverse the erosion of its democratic institutions and foster a climate of political openness and dialogue.

99. The international community, including the Council of Europe, United Nations, and European Union, must maintain pressure on Turkiye through diplomatic, economic, and legal channels. Immediate, coordinated efforts are essential to ensure that Turkiye takes meaningful steps toward compliance with its international obligations.

100. **Civil society and human rights defenders** in Turkiye must continue to be supported by international actors. Strengthening the capacity of local organizations to advocate for the rule of law and human rights is critical to holding the government accountable and pushing for reforms.

101. In conclusion, Turkiye’s compliance with ECHR decisions is not just a legal requirement but a moral and political imperative. It is essential for restoring Turkiye’s democratic values, improving international relations, and preventing further deterioration of human rights and rule of law within the country. Without immediate action, Turkiye risks deeper political instability, continued human rights abuses, and isolation from the international community.