



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

Resolution CONF/PLE(2017)RES1 adopted by the Conference of INGOs on 27 January 2017

Protecting the freedoms of association and expression in Turkey under the State of Emergency

Context:

Following the attempted coup d'état on 15 July 2016, a prolonged State of Emergency in Turkey has seriously and directly affected civil society. Access to justice and certain human rights guaranteed by the European Convention for Human Rights have been derogated, suspended or limited. The State of Emergency and rule by decree lend themselves to potentially arbitrary decisions with severe consequences for NGOs, political parties, elected officials, civil servants, actors, performers, journalists and media outlets.

Civil society in its broadest sense is affected and diminished in this environment, including academic institutions and academics as individuals; media institutions and journalists as individuals. Hundreds of Turkish NGOs (associations and foundations) acting in the fields of human rights, education, protection of children and women's rights have been closed, banned and their assets confiscated without a judicial ruling. Civil society representatives, particularly human rights defenders and NGOs providing legal assistance, are afraid of arrest, prosecution, loss of jobs and seizure of assets, all of which can result even from unsubstantiated accusations. The lack of distinction between the culprits of the attempted coup, other longstanding conflicts, political opposition and persons expressing freely their critical thinking gives rise to the possibility of interpreting or criminalising critical or political speech as somehow "serving the interests" of criminal or terrorist groups. The resulting pressure and intimidation fosters self-censorship in the public space, which, in addition to internet blockages, slowdowns and closed outlets, seriously limits the public's access to reliable and independent information.

The Conference of INGOs of the Council of Europe and Civil Society Division of the Council of Europe, aware of the alarming situation for democracy, human rights and the rule of law in Turkey, organised an informal consultation in Strasbourg on 1-2 December, 2016 with a range of Turkish NGOs devoted to these fundamental values, which are the bedrock of the Council of Europe. Following the consultation and with a view to calling its INGO members to joint action, the Conference of INGOs resolves the following:

Resolution:

The Conference of INGOs of the Council of Europe:

Condemning the attempted coup d'état against Turkey's democratic institutions and the terrorist attacks which have targeted and victimized Turkish institutions and people;

Alarmed by disproportionate measures taken under the prolonged state of emergency which impact organised civil society as well as schools, universities and private medical institutions and which jeopardise the safety of journalists, lawyers, judges, elected representatives and human rights defenders;

Concerned that the prolonged state of emergency in Turkey contains inherent risks to life, security and social cohesion and that it opens the door to violence towards Turkish civil society and its activists under increasing polarisation and repression, and worried by calls promoting hatred by some leaders and activists;

Aware that a new commission has been announced which should provide a functioning domestic system of redress allowing individuals to contest a decision against them under the emergency decrees, and expecting that this mechanism will be independent, effective and fair;

Re-affirming with the Turkish NGOs a joint commitment to the rights contained in the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR);

Recalling Committee of Ministers Recommendation (2007)14 and the ongoing applicability of the terms of that Recommendation to the Turkish situation, most notably:

- "the essential contribution made by NGOs to the development and realization of democracy and human rights, in particular through the promotion of public awareness, participation in public life and securing the transparency and accountability of public authorities"
- "the contributions of NGOs are made through an extremely diverse body of activities which can range from[...] the advocacy of changes in law and public policy,[...] the monitoring of compliance with existing obligations under national and international law[...] and of pursuing, promoting and defending interests shared with others".

Referring to the

- **Statement** by the Secretary general of the Council of Europe [about state of emergency measures and freedom of expression in Turkey](#)
- [Memorandum](#) published by Commissioner for Human Rights, Nils Muižnieks on the human rights implications of the measures taken under the state of emergency in Turkey, CommDH(2016)35, on 07 October 2016
- [Observations by the Turkish authorities on the Commissioner's Memorandum on the human rights implications of anti-terrorism operations in South-Eastern Turkey](#) CommDH/GovRep(2016)26 on 02 December 2016

The Conference of INGOs:

Expresses its solidarity with Turkish NGOs and civil society which seek to defend and promoting Human Rights, Democracy and the Rule of Law;

Confirms that standing up and speaking up for justice, for civic participation, for accountability and for solidarity among citizens are legitimate activities of non-governmental organisations;

Underlines that in the context of a state of emergency, freedom of expression and the protection of journalists are even more important and the capacities of NGOs to monitor the respect for human rights and fundamental freedoms should be maintained. Any restrictions on access to public information through the media and social networks should be strictly limited to the requirements of national security or public safety in a democratic society.

Therefore, the Conference of INGOs commits itself to:

1. Visit Turkey with a fact-finding mission to Ankara and Istanbul but also in Diyarbakir or other regions/municipalities;
2. Advocate for Turkish civil society and freedom of association through the Conference's network of INGOs giving visibility to the positive contribution of NGOs to Turkish society;
3. Promote and assist the development of civil participation in decision-making in a broad sense in Turkey by implementing the instruments and applying the standards of the CoE;
4. Maintain open communication with the broad range of civil society actors and NGOs in Turkey, whether independent, critical of or closely affiliated with the government, as with the Turkish authorities;
5. Demonstrate solidarity with Turkish NGOs through encouraging their participation in Conference activities, debates and events, organised within the Council of Europe;
6. Explore the possible establishment of a solidarity fund to work with civil society under threat, where access to foreign funds may become impossible or controlled by the authorities, as was recommended after the debate "Only a matter for politicians? Civil society, money and political activities" organised by the Conference of INGOs at the Council of Europe on 6-7 June 2016.