

**OBSERVATIONS BY THE GOVERNMENT OF THE REPUBLIC OF TÜRKİYE ON
THE MEMORANDUM FOLLOWING THE VISIT OF THE COMMISSIONER FOR
HUMAN RIGHTS OF THE COUNCIL OF EUROPE TO TÜRKİYE FROM 1 TO 5
DECEMBER 2025**

During the visit of the Commissioner for Human Rights of the Council of Europe, Michael O’Flaherty, to Türkiye from 1 to 5 December 2025, the Turkish authorities extended full cooperation to the Commissioner and his delegation to assist him in carrying out his functions independently and effectively in line with his mandate.

In this regard, the Commissioner held several high-level meetings and received first-hand information on matters related to Türkiye’s human rights policy and human rights-compliant practice. In addition to high-level meetings, the Commissioner was also granted full access to all the places he requested to visit and had the opportunity to meet with the institutions and individuals he requested.

Türkiye has always maintained close cooperation and dialogue with the Council of Europe and its mechanisms, and will continue to make active contributions to their work. The Turkish Government takes note of the efforts of the Commissioner in fulfilling his mandate and would like to thank him for his visit while underlining its commitment to continue and further its dialogue with the Commissioner and his Office.

The Turkish Government would like to submit the following observations and comments in order to highlight the steps taken with a view to further advancing the promotion and protection of human rights in Türkiye, and to contribute to a more accurate and comprehensive understanding of the situation in Türkiye.

While submitting its observations, the Turkish Government would like to state at the outset that some references based on the reporting of civil society organisations in the memorandum are of speculative nature and not grounded on verifiable data.

In addition, with regard to the reference to “minorities” in the memorandum, the Turkish Government recalls that, according to the Turkish constitutional order, the term “minority” encompasses only groups of persons defined and recognized as such under the multilateral or bilateral agreements to which Türkiye is party. In this context, according to the Lausanne Peace Treaty of 1923, only Turkish citizens belonging to non-Muslim communities fall within the scope of the term “minority”. All Turkish citizens, irrespective of whether or not they belong to a minority in this sense, enjoy the same and equal rights and freedoms in accordance with the principle of equality before the law enshrined in the Turkish Constitution.

In the following observations and comments, in order to better explain Türkiye’s position on the issues mentioned in the memorandum, detailed information on actual developments and practices have been provided regarding freedom of expression, peaceful assembly and association as well as administration of justice and protection of human rights in the justice system.

1. Overview

As a founding member of the Council of Europe, Türkiye is one of the first countries to sign the European Convention on Human Rights (ECHR), with a constitution based on the Council of Europe's founding values, namely human rights, democracy and the rule of law.

In the face of multiple challenges threatening democratic security in Europe, Türkiye reiterates its belief for a stronger Council of Europe. With this understanding, Türkiye has always played a significant role in the development of these shared values since the inception of the Council of Europe.

Türkiye's commitment and political will to uphold human rights, democracy and the rule of law remains resolute, even while simultaneously combating various terrorist organisations that target our democracy.

In recent years, Türkiye has implemented significant reforms in the realm of human rights and freedoms. Carried out within the framework of a human-centered policy committed to the rule of law, reform efforts continue evolving with global developments. Reforms in the field of justice are conducted in line with a dedicated strategy and action plans with a view to further improving the quality of the judiciary and raising human rights standards.

As part of these efforts to further protect and strengthen human rights and freedoms, the latest "Judicial Reform Strategy Document" was announced on 23 January 2025 by the President of the Republic.

In addition to the Judicial Reform Strategy Document, preparatory work is currently underway for a new Human Rights Action Plan. The drafting process takes into account the views and suggestions of all stakeholders as well as the decisions and recommendations of the European Court of Human Rights (ECtHR), United Nations (UN) human rights mechanisms and other international institutions as well as the decisions of the Constitutional Court.

In light of these reforms, Türkiye's execution rate of ECtHR judgments stands at 90%, reflecting Türkiye's firm commitment to and compliance with the principle of the rule of law. Moreover, Türkiye ranks second among all member states of the Council of Europe with respect to the number of leading cases which have been closed.

The Turkish Government considers that, in accordance with the principles of the independence and impartiality of the courts as well as the rule of law, comments and statements that could affect and interfere with the functioning of the judiciary at both national and international levels should be avoided.

2. As regards the general observations;

Türkiye recognizes violence against women as a global human rights problem and continues its efforts with firm determination guided by its principle of "zero tolerance". Protecting women, strengthening their rights and ensuring that they can live safely are among the fundamental

responsibilities of the State. In this regard, Türkiye makes contributions to initiatives carried out both within the Council of Europe and other international organisations.

Efforts to combat violence against women in Türkiye include establishing a robust legal framework, ensuring inter-institutional cooperation and coordination, protecting and empowering victims, punishing perpetrators, providing rehabilitation, raising public awareness and producing reliable data and statistics in order to develop government policies and public services.

In this context, a comprehensive and multidimensional legal and institutional framework has been established, primarily through the provisions of Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women, the Turkish Criminal Code as well as relevant secondary legislation and administrative regulations.

In terms of policy documents, Türkiye's efforts to combat violence against women has been guided by National Action Plans since 2007. The "Fifth National Action Plan on Combating Violence against Women" (2026-2030) has been developed through a scientific, participatory and sustainable approach, and is structured around thematic pillars addressing violence against women from a multidimensional perspective. Implementation and monitoring activities continue at both central and local levels in line with the Action Plan. To raise awareness and sensitivity in combating violence against women, nationwide training sessions and seminars are being organised for public officials and participants from various segments of the society. Since its launch in 2007, approximately 6.9 million people took part in these activities.

Protective and preventive measures are issued promptly while practices such as the provision of shelter, guidance and counselling as well as psychological, social and economic support mechanisms for victims are effectively implemented through a holistic approach. Several projects are being implemented to ensure that policies and services are developed on a scientific basis. These include "Development of a Psychosocial Intervention Model for Perpetrators of Violence", "Restoring and Strengthening the Preventive and Protective Services in Response to Violence Against Women and Girls Affected by the Earthquakes in Türkiye" and "A Specialized Approach in Women's Shelter Services: Efficient Integration Through Empowerment and Effective Support (GÜVEN Project)".

Türkiye has established solid legal, institutional and policy mechanisms to combat violence against women, and contrary to the comments in the memorandum, no legal gap exists regarding the protection of women against violence. Türkiye effectively implements necessary measures and will continue its efforts in this field consistently and with determination.

As regards the Commissioner's reference to the Human Rights and Equality Institution of Türkiye (TİHEK), TİHEK is firmly committed to attaining A-status by the GANHRI Sub-Committee on Accreditation, recognizing it as a vital benchmark for institutional excellence and international credibility. To align fully with the UN Paris Principles, TİHEK is actively initiating a multifaceted reform agenda. This includes expanding its rigorous program of unannounced monitoring visits as Türkiye's National Preventive Mechanism (NPM), monitoring the implementation of international human rights conventions to which Türkiye is party, combating discrimination and fostering transparent and constructive partnerships with civil society. According to Law No. 6701, TİHEK

cannot take orders or instructions from any governmental authority, body, office or individual. This independence is actively promoted in practice, ensuring that TİHEK functions with impartiality and legitimacy.

TİHEK has actively participated in the drafting process of the latest Human Rights Action Plan. One of the core proposals is to amend the founding law of TİHEK in order to diversify the selection process of its board members with a view to aligning with the requirement of the Paris Principles for institutional autonomy. The aforementioned Action Plan and Türkiye's "12th Development Plan" (2024-2028) explicitly state the goal of TİHEK attaining A-status, demonstrating that this is a well-documented governmental priority.

By embracing international standards, TİHEK aims to consolidate its role as a robust guardian of human rights in line with the recommendations of the Council of Europe and other international organisations.

TİHEK actively participated in the 4th cycle of the Universal Periodic Review (UPR) of Türkiye by submitting an independent report as well as a contribution to Türkiye's National Report under the UPR.

TİHEK has reactivated and restructured its "Anti-Discrimination Consultative Commission". The Commission is designed specifically to engage civil society organisations and stakeholders into decision-making processes. The Commission includes representatives from civil society organisations, professional organisations such as Bar Associations and academics, and serves as a channel for civil society to influence TİHEK's agenda. Representatives of civil society organisations participate also in awareness-raising activities organised by TİHEK such as panels, workshops, and symposiums as well as in the preparation process of TİHEK's annual reports.

Although the memorandum includes comments solely concerning TİHEK, the Ombudsman Institution of Türkiye (KDK) constitutes another human rights institution within the framework of independent and effective legal remedies available in Türkiye, providing for an effective and independent complaints mechanism. KDK has been established and operates in line with the Paris Principles, and derives its authority directly from the Constitution.

KDK is vested with the authority to examine all acts, actions, attitudes and behaviours of the administration. KDK may conduct any inquiry it deems necessary, request all kinds of information and documents from administrative bodies, appoint experts, hear witnesses, access all files and summon administrative authorities.

KDK functions as an effective and accessible complaint mechanism which is free of charge and available for electronic application. In terms of administrative capacity and staff structure, KDK meets the criteria set out in the Paris Principles as it employs personnel with different professions, thereby ensuring a plurality of perspectives and assessments based on multiple interdisciplinary diversity.

3. As regards the freedom of expression;

Freedom of expression and media freedom are the fundamental pillars of Turkish democracy. The Constitution safeguards the right to express and disseminate thoughts and opinions without interference from official authorities, as well as freedom of the media. Article 26 of the Constitution, in accordance with Article 10 of the ECHR, guarantees freedom of expression and stipulates that this freedom may be restricted for legitimate purposes such as national security, public order, prevention of crime and protection of the rights and freedoms of others.

The relevant regulations in the national legislation have been established in accordance with the requirements of a democratic society, the principle of the rule of law and legitimate purpose. Nonetheless, states have discretionary power in determining their criminal justice policies.

Articles 218 and 301 of the Turkish Criminal Code explicitly stipulate that statements of opinion made for the purpose of criticism and not exceeding the limits of reporting do not constitute a crime.

Journalistic activities, giving statements, participating in meetings and demonstrations or civil society activities are not considered as crime. Law No. 5187 on Press states that the press is free and that the exercise of the freedom of the press can only be restricted in accordance with the requirements of a democratic society for the purposes of protecting the reputation and rights of others, public health and moral, national security, public order, public safety, territorial integrity, prevention of crime and disclosure of state secrets, and ensuring the authority and impartiality of the judiciary.

Following the decisions of the Constitutional Court and the ECtHR, the Anti-Terrorism Law has been amended. As a consequence of these amendments, the offence of “terrorist propaganda” occurs only if an act legitimizes, praises or encourages the use of coercive, violent or threatening methods of terrorist organisations. Similarly, the offence of “praising an offence or an offender” may occur only in case of an explicit and imminent threat to public order. The possibility of recourse to the Court of Cassation following the appeal stage has been introduced for offences related to freedom of expression, regardless of the severity of the sentence, with a view to ensuring uniformity of judicial practice at the national level through the Court of Cassation’s supervision.

Having faced multidimensional and severe consequences of terrorism for many decades, the Government reiterates that Türkiye protects and respects human rights while fighting against multiple terrorist organisations. In order to prevent terrorist activities and maintain democratic order, the authorities take necessary and proportionate measures.

In conclusion, the relevant legislation is implemented in conformity with Türkiye’s obligations arising from international agreements to which it is party, and subject to continuous judicial review through the decisions of domestic courts.

3.1. Media pluralism and regulation

The Radio and Television Supreme Council (RTÜK) is an impartial and independent public institution, established under Article 133 of the Constitution, whose members are elected by the Grand National Assembly of Türkiye and vested with the authority to regulate and supervise the radio, television and on-demand broadcast services.

The fundamental criterion taken as a basis for the implementation of sanctions by RTÜK is the compliance with Law No. 6112 on the Founding and Broadcasting Services of Radio and Television. Principles such as “respect for national and moral values” and “the protection of the family” constitute universal standards that form the basis of media regulations in many democratic countries, and are not unique to Türkiye.

RTÜK’s practices aim to maintain the delicate balance between freedom of expression and public order. Broadcasts are carefully monitored by experts within the framework of the rule of law, public interest, pluralism and the principles of responsible broadcasting. RTÜK’s decisions are subject to judicial review according to Article 46 of Law No. 2577 on Administrative Jurisdiction Procedures.

The transmission of media services via the internet without a license has been facilitated by Articles 10 and 11 of the Regulation on the Provision of Radio, Television and On-demand Media Services via Internet Environment. As the license fees for on-demand media services provided via the internet are more affordable compared to the license fees for services provided via satellite and cable (amounting to approximately one-quarter of the cost), it is evident that, by adopting a distinct fee regime, the objective is to ensure a competitive environment and promote pluralism.

RTÜK plans to further carry out its work in the field of online freedom of expression based on the principles of transparency and accountability, in line with the Council of Europe and European Union acquis.

3.2. Online freedom of expression

While working to facilitate individuals’ access to news or information by providing internet services, governments should take measures to ensure the security of news or information and to allow ideas to circulate freely in a democratic environment. Internet governance places responsibility not only on governments but also on all stakeholders, including content and hosting providers who are required to act in accordance with business ethics and to comply with court decisions.

Any measure envisaged by Law No. 5651 is taken in compliance with the relevant articles of the Constitution as well as Article 10 of the ECHR and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) which stipulate that freedom of expression could be subject to some formalities, conditions, restrictions or penalties prescribed by law. Having regard to the prevalence of digital communication tools and the rapid dissemination of information, these protective measures, envisaged to combat online crimes, to protect personal rights, to ensure the right to privacy and to maintain public order, enable timely and effective intervention.

To combat illegal content on the internet, Law No. 5651 first applies the notice and takedown mechanism. If the relevant content and/or hosting provider does not comply with their responsibilities concerning the illegal content in question, an administrative measure is taken against the URL address where the violation occurred. In addition, in cases where administrative measures cannot be implemented due to technical inadequacies, a measure for blocking access to the entire website is applied as a last resort.

The proportional distribution of decisions applied by the Information and Communication Technologies Authority (BTK) shows that most of the decisions are taken to combat illegal content such as child abuse, illegal gambling, obscenity, prostitution, etc. The Commissioner's memorandum presents only the figures provided by third parties which are not reliable and it does not mention the contents of the blocked websites, causing misunderstandings about the interpretation of Law No. 5651.

In conclusion, measures involving access restrictions in the digital sphere constitute legal mechanisms that are based on clear legal grounds, that pursue legitimate aims, and that are implemented under judicial oversight, and, as such, these measures are compatible with the principle of the rule of law.

4. As regards the freedom of peaceful assembly and association;

The right to organise meetings and demonstrations is guaranteed by Article 34 of the Constitution. Accordingly, everyone has the right to organise unarmed and peaceful assemblies and demonstrations without prior authorisation. The right to assembly and demonstration may be restricted only by law and for the purposes of national security, public order, prevention of crime, protection of public health and morals, and the protection of the rights and freedoms of others, in conformity with Article 11 of the ECHR. The conditions and procedures to be followed in the exercise of the right to organise meetings and demonstrations are specified in Law No. 2911 on Meetings and Demonstrations.

In this context, all peaceful assemblies and demonstrations in Türkiye are organised in a free and open environment without any discrimination among the organisers and there are no restrictions beyond those specified in the relevant legislation.

Any intervention must comply with the principles of legality, legitimate purpose, necessity in a democratic society and proportionality. The authority of law enforcement to use force is not unlimited, but rather an exceptional power that may be exercised only in necessary cases. It is based on a clear, limited, proportionate and accountable legal framework within the context of national legislation and international human rights standards.

In all illegal or subsequently illegal actions and activities, the use of force is applied only as a last resort and gradually, in accordance with the principle of proportionality, to disperse demonstrators who persist in refusing to do so despite warnings from security forces, to prevent those dispersed from reassembling, to apprehend suspects who resist the security forces and to prevent possible attacks against participants and citizens in the vicinity.

The legitimacy of the force used to intervene in events is evaluated within the framework of the specific circumstances of the case, taking into account the purpose of the intervention, the nature of the means used, the duration and intensity of the intervention, and the consequences.

Out of a total of 88,367 activities or events organised with the participation of 33,752,175 people in 2025, only in 303 of the 692 activities which were attempted to be organised in violation of Law No. 2911 were intervened, which amounts to an intervention rate of 0.3% while 56.2% of the illegal activities were resolved through negotiation methods. This data indicates that more than 99% of the events taking place in Türkiye occur peacefully in a democratic and free environment, and that there are no blanket bans or legal action against all participants.

Basic and advanced training are provided to law enforcement officers for the use of tear gas agents in order to control social unrest and maintain public order. According to the principles mentioned above, such equipment is used by trained personnel as a last resort and in accordance with the law, as is the case in many other European countries. It should also be stated that Riot Police units within the National Police Force do not have rubber bullets in their inventory. There is a marble-sized projectile manufactured for defensive purposes that contains powdered tear gas and is encased in a wax or plastic shell, fired from simple rifles that operate by using air pressure. Therefore, claims regarding the use of rubber bullets do not reflect the truth.

No one may be subjected to treatment that is incompatible with human dignity, and torture and ill-treatment are absolutely prohibited by Article 17 of the Constitution. This constitutional guarantee is also directly binding on law enforcement officers who intervene in events. Effective, independent, impartial and prompt investigation into allegations of torture and ill-treatment is among the State's positive obligations.

Comprehensive and regular in-service training is provided to personnel by law enforcement units in order to ensure compliance with human rights in interventions and to protect the right to peaceful assembly, the safeguards provided by national and international law as well as the decisions by the Constitutional Court and the ECtHR. Particular attention is given to court decisions addressing allegations of human rights violations by law enforcement officers.

Allegations that law enforcement officers have used disproportionate force or engaged in ill-treatment during events are investigated under criminal law. In cases involving such allegations, it is essential that criminal investigations are carried out directly and without delay by public prosecutors. The relevant regulations ensure that criminal investigations are conducted under the direction and supervision of the public prosecutors, independent from the administrative hierarchy. Public prosecutors can initiate investigations directly into acts constituting serious human rights violations, such as torture and exceeding the limits of the use of force, without waiting for administrative permission or a preliminary investigation process.

Cases against law enforcement officers for these crimes are considered urgent and appeals are given priority to increase the effectiveness of criminal investigations and prosecutions. Furthermore, any such allegation is investigated not only through criminal proceedings but also under administrative disciplinary investigations.

According to Article 131 of Law No. 657 on Civil Servants, the initiation of criminal proceedings for the same incident does not delay the disciplinary investigation. In this context, criminal and disciplinary investigations can be conducted simultaneously as two separate accountability mechanisms that are independent of one another yet complementary. Acts constituting torture and ill-treatment are among the most severe disciplinary offenses and are punishable by dismissal from public service.

Moreover, the Law Enforcement Oversight Commission is authorized to request its Board Presidency to conduct disciplinary investigations in cases where disciplinary officers do not deem it necessary. This regulation allows for the review of applications deemed to be dismissible and, thus, strengthens the effectiveness of oversight and accountability in disciplinary processes. The Commission's monitoring function is of particular importance in rendering visibility to allegations of serious human rights violations and in developing institutional responses. The public is regularly informed through the annual activity reports prepared by the Commission. The Commission also ensures that applications are tracked through the Central Registration System established in 2020 and contributes to systemic improvements based on the data collected.

The Civil Inspection Board audits, examines and investigates acts of all units under the Ministry of Interior, including law enforcement units. The fact that civil inspectors are assigned independently from local law enforcement units, especially in cases of serious human rights violation allegations, is an important guarantee of the impartiality and objectivity of investigations. Civil inspectors at the Civil Inspection Board also provide expert training support for educational activities of law enforcement officers. This ensures that findings of the inspections do not remain solely in investigation files, but are transformed into preventive training and capacity-building activities.

In addition to the Civil Inspection Board, inspection and audit units operating within the Directorate of General Security, the General Command of Gendarmerie and the Coast Guard Command also play a role in investigating allegations against their personnel and conducting disciplinary processes. In this context, the inspection and audit units of law enforcement agencies, working together with the Civil Inspection Board, contribute to the investigation of these allegations.

In conclusion, the allegations in the Commissioner's memorandum asserting that the excessive use of force by the police is a persistent problem and that effective investigations into allegations of ill-treatment by law enforcement officers are not being conducted are not in conformity with the existing mechanisms, relevant legislation and practices. In order to effectively investigate allegations of law enforcement interventions in events; criminal and disciplinary investigations, inspection mechanisms, the central monitoring function of the Law Enforcement Oversight Commission and in-service training activities form a holistic structure that complement each other. This structure serves to ensure accountability and strengthen institutional capacity to prevent the occurrence of violations.

4.1. Freedom of association

The freedom to form associations is also one of the fundamental rights and freedoms protected by the Constitution, and can only be restricted by law for reasons specified in the Constitution.

Associations can be established without permission, subject to notification procedures, and can only be dissolved by a court decision as a last resort according to relevant law. Courts do not directly dissolve an association in cases where crimes have been committed within the association. However, they may issue a dissolution order if the association's declared purpose becomes unlawful.

Administrative fines imposed within the framework regarding associations are administrative sanctions concerning violations explicitly prescribed by law and fundamentally aimed at ensuring the performance of a public activity, and their primary purpose is to remind the relevant part of the duties and obligations that have not been fulfilled and to prevent unlawful actions. In addition, the administrative fines envisaged in Law No. 5253 on Associations are applied in accordance with the principle of proportionality set out in the Constitution and Law No. 5326 on Misdemeanours. In this context, the extent to which associations violate the relevant legal provisions is assessed, whereby less serious violations result in less severe sanctions, while more serious violations lead to the imposition of stricter measures. Pursuant to the provisions concerning legal remedies set out in the relevant legislation, the imposed penalties can be appealed before the courts.

With the amendment to Article 19 of the Associations Law by Law No. 7262 on the Prevention of Financing the Proliferation of Weapons of Mass Destruction, it has been stipulated that audits of associations shall be conducted on a risk-based approach. In this regard, the Associations Regulation provides that the General Directorate of Civil Society Relations of the Ministry of Interior shall conduct risk analysis of associations within the scope of combating the financing of terrorism.

On the other hand, in its decision in 2024, the Constitutional Court stated that the relevant provision of Law No. 5253 concerning the supervision of associations is clear, precise, specific, accessible and foreseeable in a manner leaving no room for doubt that it pursues a legitimate aim and that it does not contain any aspect contrary to the requirements of a democratic society or the principle of proportionality in terms of the right to freedom of association.

In the "Guide on the Auditing of Associations" published by the General Directorate of Civil Society Relations of the Ministry of Interior, it is clearly stated that the primary purpose of audits is to identify any potential non-compliance with the relevant legislation and to provide guidance to associations. The Guide further emphasises that, at all stages of the audit process, no action may be taken that would hinder or disrupt the activities of associations, in line with the principle of continuity and sustainability of their operations, and that all necessary measures shall be taken and facilitations be provided to ensure that associations can carry out their activities effectively.

5. As regards the administration of justice and the protection of human rights in the justice system;

Judicial independence is enshrined in Article 138 of the Constitution, entitled "Independence of the Courts," and subsequent articles provide guarantees to ensure it. Furthermore, Article 9 of the Constitution, titled "Judicial Power," states that judicial power shall be exercised by independent

and impartial courts on behalf of the Turkish Nation. According to the Constitution, judges are independent in the exercise of their duties and give judgment in line with the Constitution, laws and their personal conviction conforming to the law.

The Minister of Justice is *ex officio* member of the Council of Judges and Prosecutors (CJP), and non-judicial members, mostly elected by the parliament, also serve on the Board. The structure of the CJP has been based on the principles of “independence” and “impartiality” following the 2017 constitutional amendment. The number of members of the CJP was increased and its democratic legitimacy was strengthened by enabling the Grand National Assembly of Türkiye to also elect members from among judges and prosecutors who are members of the Court of Cassation or the Council of State as well as from among academicians and lawyers.

Judicial review has been established against dismissal decisions of the CJP and an effective internal appeals procedure has been introduced. The authority to grant permission for investigations and inquiries into judges and prosecutors has been transferred to the CJP. A Presidency of Inspection Board was established within the CJP, ensuring that inspectors conducting both audits and investigations are subordinate to the CJP. On the other hand, while the secretariat of the CJP was previously carried out by the units of the Ministry of Justice, a general secretariat was established under the CJP and the principle of appointing both the rapporteur judges and the CJP inspectors by the General Assembly was adopted. Furthermore, a separate budget was allocated to the CJP while it was provided with its own building, secretariat and organisational structure, which strengthened the CJP’s institutional capacity and ensured its administrative independence from the executive branch.

The institutional independence and functional autonomy of the CJP has thereby been strengthened and its pluralistic and representative structure has been expanded with the participation of members from different levels of the judiciary, academia and the legal profession. Additionally, accountability and legal oversight have been enhanced thanks to the judicial remedies and internal appeal mechanisms introduced against the decision-making processes.

The CJP attaches utmost importance to ensuring judicial independence and impartiality as a separate objective in its 2024-2028 Strategic Plan. In the high-level policy documents, such as the Judicial Reform Strategy Document and the Human Rights Action Plan, comprehensive goals and activities aimed at strengthening judicial independence and impartiality, reinforcing tenure of judges and effectively protecting the right to a fair trial have been determined. Furthermore, within the framework of the 2024-2028 Strategic Plan implemented by the CJP, efforts are underway to strengthen the criteria of merit, transparency and objectivity in the processes of admission to the profession, appointment, transfer and promotion, to develop mechanisms supporting the professional independence of judicial personnel and to disseminate ethical principles at the institutional level.

The CJP considers the case law of the ECtHR and the assessments of other international human rights mechanisms as an important reference in the reform processes regarding the independence and impartiality of the judiciary in Türkiye. Moreover, by way of the Human Rights Office operating within the CJP, the jurisprudence of the ECtHR and the decisions and reports of other international human rights mechanisms are regularly monitored. In this regard, evaluations and

recommendations are submitted to the relevant units in order to contribute to the improvement of judicial practices and policy-making processes.

As an institution guaranteed by the Constitution, the CJP fulfils its duties in accordance with the principle of judicial independence and continues to develop administrative and institutional measures to ensure that members of the judiciary perform their duties independently and impartially.

5.1. Prosecutorial practice and fair trial safeguards

Detention is an exceptional protective measure within the Turkish criminal procedural system that can only be resorted to if the conditions stipulated in the law are met. Detention is applied by a judge's decision within the framework of strong suspicion of crime, the existence of grounds for detention and the principle of proportionality. Detention decisions can be appealed through the legal remedies in Turkish system, including individual application before the Constitutional Court. Therefore, evaluating the practices related to detention measures from a generalizing perspective will not lead to a reliable conclusion.

The practice of anonymous witnesses is an institution accepted in comparative law with a view to combating crime and criminals for the purpose of addressing the difficulties encountered in the functioning of criminal proceedings, particularly in the course of investigations into organised crime and terrorist offenses. In the Turkish legislation, the institution of anonymous witnesses is regulated as an exceptional procedure and is a method of obtaining evidence that can be resorted to only under judicial supervision and only if the necessary conditions are met.

5.2. Allegations on restrictions to the work of the legal profession and bar associations

In Türkiye, Bar Associations are professional organisations. They have the status of public institutions, possess legal personality, operate in accordance with democratic principles and have their governing bodies elected by their members as specified by law. Bar associations aim to develop the legal profession, ensure honesty and trust in the relationships between their members and their clients, defend and protect the establishment, ethics and prestige of the profession, the rule of law and human rights, and meet the common needs of lawyers. It is legally impossible for any administrative body, especially the Ministry of Justice, to have any authority over or interference in the election and assumption of office of the organs of bar associations.

On the other hand, professional organisations bearing the status of public institution in general and bar associations in particular are prohibited, under the Constitution and the Attorneyship Law No. 1136, from engaging in activities outside their stated purposes. The term of office of the responsible bodies of bar associations that do not comply with the aforementioned prohibition and that operate outside their stated purposes can only be terminated by a court decision upon the request of the authority specified by law or the public prosecutor. Replacements for the dismissed bodies are elected by bar associations themselves from among their own members. The Ministry of Justice or any other administrative body has not been granted any authority on this matter.

Similarly, according to the second paragraph of Article 1 of the Attorneyship Law, a lawyer freely represents independent defence, which is one of the founding elements of the judiciary. According to Article 2 of the said Law, judicial organs, law enforcement authorities, other public institutions

and organisations, state economic enterprises, private and public banks, notaries, insurance companies and foundations are obliged to assist lawyers in the performance of their duties and are required to provide them with the information and documents they need. Investigations into lawyers regarding their duties are subject to special permission, and except in cases of flagrant offenses falling within the jurisdiction of the High Criminal Court, lawyers cannot be searched. Their offices and residences can only be searched with a court order and only in relation to the incident specified in the court order, under the supervision of the public prosecutor and with the participation of a representative of the bar association to which they are registered. These legal provisions indicate that the necessary guarantees for lawyers to perform their duties effectively have been provided at the national level.

The Government considers that, in accordance with the principles of the independence and impartiality of the courts and the rule of law, comments and statements that could affect the functioning of the judiciary at national and international levels regarding ongoing proceedings should be avoided, and that the internal dynamics of judicial processes should be respected.

5.3. Implementation of judgments of the ECtHR

Türkiye meticulously implements the judgments of the ECtHR. This is clearly evident from the statistics published by the Committee of Ministers of the Council of Europe which monitors the implementation of ECtHR judgments. According to the latest statistics of the Committee of Ministers, the average implementation rate of ECtHR judgments by all Council of Europe member states stands at 79% while Türkiye's implementation rate is around 90%.

As regards the claim that the execution rate for the leading cases is low, the Government emphasises that Türkiye ranks second among all member states in the number of leading cases which have been closed, after France (319 cases). Considering that the general measures taken have been sufficient, the Committee of Ministers has so far closed the examination of 312 leading cases. This data is an outcome of the reforms Türkiye has undertaken as well as an indication of Türkiye's firm commitment to complying with ECtHR judgments.

The fact that 145 leading cases are still under examination by the Committee of Ministers does not mean that Türkiye refuses to execute these judgments or neglects these cases. It is important to emphasise that closing the execution of a leading case (in addition to the individual measures that must be taken on behalf of the relevant person) requires a more difficult and lengthy process due to the nature of the general measures that must be taken to prevent similar violations.

The Turkish Justice Academy provides pre-service and in-service training for judges, prosecutors and prospective judges/prosecutors. Within the scope of in-service remote education from 2022 to 2025, 595 participants were provided with trainings on the right to a fair trial, freedom of expression and the effectiveness of investigations under the ECHR. In addition, offline trainings were provided to 220 participants on the right to assemble and demonstrate, the protection of freedom of expression online, the application of constitutional principles regarding striking a fair balance between freedom of expression and the protection of honour and reputation, and the right to a fair trial.

Within the scope of pre-service training for prospective judge and prosecutor candidates/assistants, the following trainings were provided: "Human Rights and Their Protection" training to 1491 prospective judges and prosecutors in 2024, 1250 in 2025, and 153 in 2026; "Freedom of

Expression” training to 1049 prospective judges and prosecutors in 2024, 2414 in 2025, and 45 in 2026; “Right to a Fair Trial” training to 1329 prospective judges and prosecutors in 2025 and 45 in 2026; and “Constitutional Justice and Individual Applications” training to 2566 prospective judges and prosecutors in 2024 and 1061 in 2025.

In addition, the Turkish Justice Academy’s Law Research Centre organises HELP trainings (Human Rights Training for Lawyers). In 2025, HELP platform trainings were conducted on topics such as introduction to the ECHR and the ECtHR, the right to a fair trial, ethics for judges and prosecutors, the right to life and the right to property. A total of 526 participants were involved in these trainings, including 143 judges and prosecutors, and 383 judge and prosecutor candidates/assistants.

Announced on 23 January 2025 as part of Türkiye’s ongoing efforts to further protect and strengthen rights and freedoms grounded on the rule of law, the latest “Judicial Reform Strategy Document” was prepared within the framework of six fundamental policy axes: the rule of law, legal security, judicial effectiveness, trust and satisfaction, technology-assisted justice and professional competence. In line with these axes, the document includes 5 objectives, 45 targets and 264 activities. The document aims to further strengthen the independence and impartiality of the judiciary. To ensure the monitoring of the document’s implementation, an Action Plan was prepared that clearly shows the responsible and collaborating institutions, the implementation schedule and the types of activities to be carried out, and was shared with the public on 13 May 2025. (The full texts of both the Judicial Reform Strategy Document and its Action Plan can be accessed via the website of the Ministry of Justice.)

To ensure that activities can be monitored in a transparent and measurable manner, a web-based “Electronic Monitoring, Evaluation and Reporting System” has been developed, reducing bureaucracy and speeding up processes. The system was designed by drawing on best practices and developing solutions that address the specific needs for monitoring the Judicial Reform Strategy.

In addition to the Judicial Reform Strategy Document and in light of the decisions and recommendations of the ECtHR, UN human rights mechanisms and other international institutions, as well as the decisions of the Constitutional Court, preparatory work is currently underway for a new Human Rights Action Plan that will further raise the bar for human rights, based on a participatory manner that takes into account the views and suggestions of all stakeholders.

The Turkish interface of the ECtHR’s Knowledge-Sharing Platform was launched on 27 February 2025 in Strasbourg at an event attended by high-level participants, including the Secretary General of the Council of Europe, the President of the European Court of Human Rights and the Deputy Minister of Justice from Türkiye.

Türkiye is among the first member states of the Council of Europe to have the Knowledge-Sharing Platform translated into its national language and included on the ECtHR website.

The inclusion of the most important case law documents on the ECtHR website in Turkish enables national courts, legal professionals and all relevant stakeholders to benefit from these documents in their national language.