

Shout Out, Let Them All Hear You

**Evolving International Advocacy
Approaches and Practices of
Civil Society in Turkey**

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FOREWORD

Hafiza Merkezi Berlin (HMB) was founded within a global context of rising authoritarian governments, increasing nationalism, racism, anti-gender politics/discourse and right-wing extremist movements. This increasingly alarming trend of the erosion of the rule of law and a setback in human rights of all kinds at a global scale is accompanied by the criminalization of different political and social movements and the targeting of human rights defenders and activists.

HMB was established with the aim to fight this global trend in alliance with other international actors, with the goal of fostering change at a global level. We wanted to engage more directly with the international human rights system, grapple with the common human rights issues in different countries and build bridges between different countries, groups and activists through internationalization, knowledge production and civil engagement.

To this end, we started our first activities in the summer of 2020. Within our first year, we focused on capacity building activities for international advocacy and workshops, where civil society actors from Turkey, Poland and Hungary came together. While trying to further strengthen human rights defenders in order to ensure the sustainability and efficiency of advocacy, we also wanted to analyse how international advocacy has been perceived among the actors of the human rights milieu in Turkey. This report is a modest attempt to explore the scope of the engagement with international organisations, to what extent this engagement leads to effective advocacy and which areas need to be developed.

While it is vital to analyse the existing advocacy strategies and support it with various capacity building attempts, we, in HMB, are also willing to develop a critical perspective towards the international human rights system, the underlying power dynamics supporting it and underline the relevance and importance of different forms of struggles to support each other in defending democracy, rule of law and peace. International advocacy is one of many ways to shout out loud, we hope to contribute to all the different and equally important attempts to let them all hear us!

INTRODUCTION

The purpose of this information brief is to frame the landscape of the rights-based civil society in Turkey with respect to international advocacy and to provide information for the identification of groups of contacts that will be defined below.

Hafıza Merkezi Berlin (HMB) was established as a Berlin-based organization in 2018 with the aim of engaging more directly with the international human rights system through international advocacy and solidarity among human rights actors both in Turkey and abroad. For that purpose, HMB defined three groups of contacts to exchange knowledge, develop joint advocacy and build solidarity networks: rights-based civil society actors from Turkey willing to take part in international solidarity and advocacy work, their European counterparts, and an advocacy group made up of actors within international organisations, institutions and global networks.

In this respect, this information brief focusing on the international advocacy approaches and practices of civil society in Turkey constitutes the first step in identifying these group of contacts; thereby contributing to the broader project “European-Turkish Network for Democracy and Civil Society” implemented by HMB with the support of Stiftung Mercator.¹

1 Data included herein is collected through desk research, a targeted search and five interviews with representatives of civil society, a support programme in Turkey and an international advocacy network based in Strasbourg. The desk research was conducted to collect data that would give insights into the approaches and practices of civil society in Turkey. Further, a targeted search was conducted in order to gain an in-depth understanding on the extent of the international advocacy among the rights-based civil society in Turkey. For this purpose, ten rights-based civil society organizations known for their human rights monitoring and reporting activities were selected. Namely these organizations are: Baran Tursun Vakfı (Baran Tursun Foundation), Cinsel Şiddetle Mücadele Derneği (Association for Struggle against Sexual Violence), Eşit Haklar için İzleme Derneği (Association for Monitoring Equal Rights), Göç İzleme Derneği (Migration Monitoring Association), Hakikat Adalet ve Hafıza Çalışmaları Derneği (Truth Justice and Memory Center), Hak İnisyatifi (Rights Initiative), İnsan Hakları Derneği (Human Rights Association), Kadının İnsan Hakları Yeni Çözümler Derneği (Women for Women’s Human Rights - New Ways), Mülteci Hakları Merkezi (Refugee Rights Turkey), and Türkiye İnsan Hakları Vakfı (Human Rights Foundation of Turkey). The source of the targeted research was the web sites of these organizations and the relevant links and documents directly accessible through them. The information obtained through the targeted search was last updated on 26 February 2021.

CIVIL SOCIETY IN TURKEY: THE CURRENT STATE OF PLAY

The European Council's declaration of Turkey as a candidate for accession in 1999 gave a fresh impetus to Turkey's long-term democratisation efforts.² With the aim of fulfilling EU's Copenhagen political criteria – a *sine qua non* for accession – Turkey launched a series of reform packages between 2001 – 2004.³ This reform process also included reforms affecting civil society.⁴ To a large extent, these reforms focused on bringing the legal framework in line with international standards relating to the freedom of association.⁵ Thereupon, the new Law on Associations widely eliminated the major obstacles with respect to the existence and operation of civil society organizations (CSOs)⁶ and consequently led to an increase in the variety of registered associations.⁷ These positive reforms also led to an expansion of the rights-based civil society in Turkey in the mid-2000s.

While an active civil society continued to develop following these reforms, the legal framework which is not fully in compliance with international standards has been used to hamper the work of civil society. These challenges included the lack of inclusion of CSOs in policy-making (decision-making) processes⁸ and subjecting the CSOs to disproportionate administrative checks and fines. Despite these constraints, civil society in Turkey has continued to expand and has become diversified in terms of its reach and activities.

Nevertheless, the mid-2010s marked the 'moment of truth' for civil society and human rights defenders (HRDs).⁹ Following the Gezi park protests that started in Istanbul and then spread across Turkey in May-June 2013, the Government began to pursue a widespread containment

2 Turkey is a long-lasting member of the United Nations, the Council of Europe, and the Organization for Security and Co-operation in Europe (OSCE) and party to these organizations' major treaties, conventions, protocols, and charters. However, it was always the European Union (EU) that had the most significant leverage with respect to enhancing democracy, rule of law, and human rights in Turkey. For instance, Turkey ratified the UN's International Covenant on Civil and Political Rights and its International Covenant on Economic, Social and Cultural Rights in 2003 as part of said reform packages. Also, despite Turkey's long history of engagement with the international human rights regime, the supremacy of international human rights instruments was only adopted in 2004 within the scope of the reform packages related to the EU accession process. For further information, please see Başak Çalı (2010), "The Logics of Supranational Human Rights Litigation, Official Acknowledgment, and Human Rights Reform: The Southeast Turkey Cases before the European Court of Human Rights, 1996–2006", in: Law & Social Inquiry, 35: 2, 311–337; Dilek Kurban (2014), "Europe as an Agent of Change: The Role of the European Court of Human Rights and the EU in Turkey's Kurdish Policies", SWP Research Paper; Başak Çalı, Betül Durmuş, and İlayda Eskitaşçıoğlu (2020), "Impact of United Nations Human Rights Treaties in Turkey: 1999–2020", Koç University Center For Global Public Law (KÜREM).

3 Following the constitutional amendment in 2001, the Government adopted eight reform packages with respect to human rights. Information on the reform packages is available at <https://www.ab.gov.tr/files/pub/prt.pdf>. However, this momentum has lost its pace around 2005.

4 Reform of the legal framework for associations began in 2001, continued in 2003 and 2004. In 2004, a new Law on Associations (Law No. 5253) was enacted. Later, a new Law Foundations (Law No. 5737) was enacted in 2008.

5 On that note, the reform process between 2001 – 2004 did not include a legal framework organising public consultations with civil society. Therefore, consultations with civil society have always taken place on an ad hoc basis – without applying any clear selection criteria. In the absence of structured participatory mechanisms that could enable civil society to take an active part in the entire legislative and policymaking process, the ad hoc consultations' impact in terms of delivering tangible policy outputs remained limited.

6 In terms of legal status, the term civil society organizations refers to associations, foundations, trade unions and political parties; it does however not comprise other forms of organized civil society such as platforms, initiatives, and groups. In practice associations are the most frequently preferred form of organization.

7 The number of active associations was 72,544 in 2000, 74,319 in 2001, 76,657 in 2002, and 79,052 in 2003. For further comparative information please see <https://yada.org.tr/wp-content/uploads/2020/03/11-Verilerle-Sivil-Toplum-Kurulu%C5%9Flar%C4%B1.pdf> (in Turkish). As per the statistics published by the General Directorate for Relations with Civil Society, there are currently 121,920 active associations. Please see <https://www.siviltoplum.gov.tr/dernek-sayilari> (last accessed on 25.01.2021).

8 See f.n. 5.

9 Please also see Bilge Yabancı (2019), "Turkey's tamed civil society: Containment and appropriation under a competitive authoritarian regime", in: Journal of Civil Society, 15:4, 285–306, DOI: 10.1080/17448689.2019.1668627.

strategy against civil society. During that period, disproportionate administrative checks and fines as well as the arbitrary use of legislation to limit the exercise of the freedoms of expression, peaceful assembly and association were frequently employed containment measures. In the aftermath of the collapse of the Kurdish resolution process in 2015, containment measures started selectively targeting certain rights-based CSOs and HRDs and the situation steadily deteriorated subsequent to the declaration of a state of emergency in July 2016.¹⁰ Since then, civil society has come under increasing pressure, including smear campaigns and arrests of representatives of rights-based CSOs, activists, and HRDs, as well as widespread bans on demonstrations and other types of gatherings.¹¹ Notwithstanding the given circumstances, civil society in Turkey continues to seek new opportunities to adapt and mobilize in order to be able to function.

A 'BOOMERANG PATTERN': ENGAGING IN INTERNATIONAL ADVOCACY

While the above-mentioned patterns of pressure on civil society became constant over the last years, they were at the same time coupled with the shrinking of the channels between government executives and rights-based CSOs. Rights-based CSOs increasingly began to be excluded from the ad hoc consultations and instead organizations aligned with the government were included to public consultations, if those took place at all.¹²

These circumstances of civil society work have triggered a shift in rights-based CSOs' practice who began to seek international connections to express their concerns – a dynamic Margaret E. Keck and Kathryn Sikkink conceive of as the 'boomerang pattern.'¹³

Since Turkey is part of the international human rights system, rights-based CSOs started conducting data-driven human rights monitoring already well before the European Council's declared Turkey a candidate for accession.¹⁴ Through this evidence-based advocacy they were able to set the human rights bodies of the international organizations in motion and gain a certain level of experience over the years. Hence, these international human rights bodies became the venues they addressed in the first instance against the domestic environment limiting their ability to perform their functions as CSOs.

10 In the aftermath of the coup attempt on 15 July 2016, a large number of organisations were closed and their assets seized by the authorities as a result of emergency decrees. As of 20 March 2018, 29 trade unions affiliated to two confederations, 1,419 associations, and 145 foundations were closed down. For further information please see the Human Rights Joint Platform's "*Updated Situation Report- State of Emergency in Turkey: 21 July 2016 – 20 March 2018*", available at http://www.ihop.org.tr/wp-content/uploads/2018/04/SoE_17042018.pdf. Among the closed associations and foundations, there were many rights-based CSOs actively monitoring the human rights situation in different areas. Their offices were locked up and sealed upon the announcement of the relevant decrees, their documentation and archives were handed over to the authorities; their web sites and web archives now no longer exist. Even though some of these CSOs have established new associations, the loss of quality data collected over years affects not only their motivation but also their data-driven monitoring and advocacy work. .

11 For more information on the experiences of civil society actors please see the report by Özlem Kaya and Pınar Ögünç, "*Chess, Hide-and-Seek and Determination: Civil Society in Difficult Times*", available at https://www.anadolukultur.org/FILES/Contents/991/aktivistoplumraporu_full_web.pdf?v=20210201011153

12 For more detailed information please see Commissioner for Human Rights of the Council of Europe Dunja Mijatović's "*Report Following Her Visit to Turkey From 1 To 5 July 2019*", in particular paras. 136-140, available at <https://rm.coe.int/report-on-the-visit-to-turkey-by-dunja-mijatovic-council-of-europe-com/168099823e>

13 Keck and Sikkink refer that when the channels between the state and its domestic actors are blocked, the boomerang pattern of influence characteristics of international networks may occur. In their 'boomerang model' the domestic CSOs search out international allies to try to bring pressure on their states from outside. Margaret E. Keck and Kathryn Sikkink, "*Activists beyond Borders: Advocacy Networks in International Politics*", Cornell University Press, 2014, eBook Kindle.

14 However, the role of the EU in steering the rights-based CSOs towards human rights monitoring is worth mentioning. The reform process initiated to meet the EU's Copenhagen political criteria created the need to monitor the implementation of the reforms, which eventually led civil society to conduct evidence-based advocacy through human rights monitoring. Also, the EU has used its financial instruments to support such civil society activities.

Rights-based CSOs use many diverse and evolving practices and strategies in channelling their voices into the international arena. This section addresses the approaches and practices of civil society in Turkey with respect to international advocacy.

The scope of international advocacy

A brief survey of the work/activities carried out by civil society indicates that almost all rights-based CSOs engage in human rights monitoring with respect to their field of work for the purpose of documenting human rights violations.¹⁵ From the publicly available information shared by the CSOs, one can infer that they always disseminate the results of their human rights monitoring to national authorities and often but not always to international stakeholders. International stakeholders in any instance refer to the international human rights bodies.

One interviewee, basing himself on the findings of a mapping study,¹⁶ shared that their desktop review indicated that there were more than 600 monitoring reports prepared by rights-based civil society and that the number of these reports continues to increase.¹⁷ He further noted that a great majority of the rights-based CSOs conduct human rights monitoring but lack a strategy with respect to engaging in international advocacy by drawing on the results of the human rights monitoring. He mentioned that rights-based CSOs oftentimes frame international advocacy as equivalent to any interaction with the international organizations that Turkey is a member of. In terms of international organizations, he observes that the European Court of Human Rights (ECtHR) is the main focus of civil society in Turkey and that awareness on the mechanisms of other international organizations is low. As a result, CSOs mainly use the European Convention on Human Rights as a benchmark in their work without linking existing international human rights instruments which in turn limits them in their capacity to develop a repertoire of actions and stakeholders.

In practice, not all CSOs identify ‘advocacy’ as a separate field of work and even if they do, they mostly do not clearly define its extent. Often, the “About” section of CSOs’ web sites state in very general terms that the organizations conduct advocacy activities. In the context of such vague references, ‘lobbying’ is not mentioned either.¹⁸ The targeted search indicated that only one CSO defines advocacy as a distinct field of work including its respective scope and stakeholders. The same CSO employs two staff responsible for advocacy.

This being the case, the scope of ‘international advocacy’ work is confined to the dissemination of the results of the human rights monitoring to the human rights bodies of the international organizations. In other words, international advocacy is predominantly envisaged as something akin to the engagement with international organizations.

15 Civil Society Development Center (Sivil Toplum Geliştirme Merkezi – STGM) and Civil Pages (Sivil Sayfalar) are the two important sources that provide information on the projects developed by the CSOs in Turkey. More information is available at their web sites <https://www.stgm.org.tr/> and <https://www.sivilsayfalar.org/>.

16 ETKİNİZ EU Support Programme conducted a mapping study in 2019 with the purpose of illustrating the current situation of human rights monitoring in Turkey and investigating the perceptions, practices and needs of CSOs in terms of their monitoring, reporting and advocacy works. The data for the mapping study was collected through a desktop review, seven focus group discussions in five cities including 59 CSOs and an online survey in which 62 CSOs participated. As a result of the mapping study, a draft version of a database consisting of 700 CSOs was created.

17 Online interview with Adem Arkadaş-Thibert, ETKİNİZ EU Support Programme, 30.10.2020.

18 The targeted search indicated that only two CSOs explicitly refer that they conduct lobbying activities. However, it was not possible to gain in-depth insights with respect to their lobbying activities through the information available on their web sites.

Our above-mentioned interviewee also frequently referred that CSOs frame the dissemination of their monitoring reports to the offices and/or human rights bodies of the Council of Europe (CoE) or the United Nations (UN) as an international advocacy activity and mostly complain about not receiving feedbacks.¹⁹ This demonstrates that CSOs do not only envisage international advocacy as something similar to the engagement with international organizations, but also that, when engaging in these activities, they usually provide information and expect these organizations to act without having to exert any extra pressure on them.

On the other hand, in most cases, human rights monitoring is designed as a component of a funded project²⁰ and therefore dependent on the respective call for proposals and duration of the project. In this respect, the priorities and the eligible type of activities of the funded project become the key determinant in setting the objective and means of human rights monitoring.

Media screenings, trial monitoring, field research, and examination of the institutions' data are the types of monitoring processes most commonly applied among the CSOs. However, there is no shared methodology in conducting human rights monitoring including data verification.²¹

Regardless of the choice of monitoring processes, the CSOs collect and analyse the data for the purpose of determining the state of play and deficiencies regarding a specific fundamental right. The output of the monitoring process always takes the shape of a written monitoring report.²² When the project proposal includes an activity concerning the dissemination of the results to international mechanisms, then the monitoring reports include recommendation. If this is not the case, the reports include only an analysis of the data and a conclusion. In this respect, CSOs generally adopt a process-oriented approach in human rights monitoring. Hence, oftentimes, the monitoring reports do not address recommendations.²³ Effective human rights advocacy on one part involves communicating a human rights situation and concern, but on the other part also requires moving the target stakeholders/audience to action. In order to achieve the latter, the message needs to be tailored to the target stakeholders/audience and state a clear call to action. In this respect, monitoring reports may serve as the basis for advocacy but can yield even better results when coupled with prioritized, precise and action-oriented recommendations.

Since the data collected by means of monitoring is analysed against the international human rights instruments, some CSOs also utilize the outcomes of the human rights monitoring in their advocacy work and provide information to national authorities and/or the human rights bodies of the international organizations.

In practice, few CSOs monitor and report on the human rights situation on a regular and systematic basis. Strikingly, the handful of CSOs that do, are the ones that benefit from long-term and/or core funding.

19 See f.n. 17.

20 Currently funded projects, save for the ETKİNİZ project, do not give sole priority to international advocacy. The ETKİNİZ project (Monitoring Compliance with International Human Rights Framework EU programme) is implemented by the EU and aims to contribute to the development of civil society's monitoring capacity. The 3-year programme was launched in January 2019. See f.n. 16. More information is available at <https://etkiniz.eu/english/>

21 For instance, Amnesty International Turkey, Truth Justice Memory Center, and Media and Law Studies Association (MLSA) all conduct trial monitoring. Truth Justice Memory Center and MLSA base themselves on the trial monitoring standards developed by the OSCE, whereas Amnesty International Turkey uses its own methodology.

22 The written monitoring reports do not refer to the project final narrative reports submitted to the funder.

23 For instance, the oldest and largest human rights organization in Turkey issues special reports on various human rights issues, including annual reports on human rights violations in Turkey. However, these regular annual reports on human rights violations do not include recommendations.

Engagement with the international organizations

As referred above, civil society in Turkey has been engaging with the human rights bodies of the international organizations for many years. In this context, the European Convention on Human Rights and the ECtHR enjoy a privileged position when compared to others. Given the ‘practical’ supremacy of the European Convention on Human Rights in Turkish law,²⁴ civil society actors mainly use the European Convention on Human Rights as a benchmark in their work.

Starting from the first Commissioner for Human Rights of the CoE, Álvaro Gil-Robles, who took office on 15 October 1999, all successive Commissioners for Human Rights conducted country visits to Turkey and issued statements with respect to the country’s human rights situation. During the country visits, the Commissioners also met with a wide range of civil society actors. Thus, many rights-based CSOs were able to make contact with the office of the Commissioner.

Alongside the office of the Commissioner, particularly CSOs working on torture and/or the right to liberty and security are also in contact with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the CoE, taking into account the frequency of its visits to Turkey.²⁵

As research on the impact of the UN human rights treaties in Turkey puts forward, engagement with the UN’s international human rights mechanisms receives less attention in civil society.²⁶ The Committee on the Elimination of all Forms of Discrimination Against Women (‘CEDAW Committee’) stands out among the UN treaty bodies in terms of civil society’s engagement.

On the one hand, this can be credited to the fact that the Convention on the Elimination of all Forms of Discrimination Against Women was the first UN human rights treaty ratified by Turkey, while on the other hand, women’s organizations’ ties with the global movement and the Turkish members serving office in UN mechanisms²⁷ have had a great impact.²⁸ With respect to the latter, two interviewees referred that particularly Ayşe Feride Acar’s and Yakın Ertürk’s extensive engagement with women organizations has made a significant impact and contribution to them pursuing international advocacy before the UN human rights mechanisms.²⁹

The CSOs most commonly use shadow reporting in their engagement with UN human rights bodies. Besides the CEDAW Committee, CSOs, either alone or as a member of a coalition, have submitted shadow reports before the committees of the Convention Against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention

24 Article 90 of the Turkish Constitution as amended in 2004 provides the supremacy of the human rights treaties in the domestic legal hierarchy, without specifically referring to the European Convention on Human Rights. Ever since Turkey has recognised the compulsory jurisdiction of the ECtHR in 1990, litigation before the ECtHR has been an important avenue in the human rights struggle. Thus, the right to individual application before the Turkish Constitutional Court, which was adopted in 2012 in order to decrease the high number of violation judgements before the ECtHR, was designed with reference to the European Convention on Human Rights. For further analysis on the ‘practical’ supremacy please see Başak Çalı, Betül Durmuş, and İlayda Eskitaşçıoğlu, *op. cit.*, p.14.

25 As of the date of this brief, the CPT has carried out 32 visits to Turkey – of which 8 were periodic, whereas 24 were unannounced (“ad hoc”). Information on Turkey is available at <https://www.coe.int/en/web/cpt/turkey>.

26 Başak Çalı, Betül Durmuş, and İlayda Eskitaşçıoğlu, *op. cit.*, p. 14.

27 Gül Aykor was the member of CEDAW Committee during 1993-1996, whereas Ayşe Feride Acar was a member during 1997-2004, 2011-2014, and 2015-2018. Yakın Ertürk was the UN Special Rapporteur on Violence against Women during 2003-2009.

28 Online interview with Şehnaz Kıymaz, Women for Women’s Human Rights - New Ways, 06.11.2020

29 See f.n. 17 and f.n. 28.

on the Rights of Persons with Disabilities.³⁰

The crackdown on human rights intensified in particular following the collapse of the Kurdish resolution process in 2015. The victims of human rights violations that occurred in the subsequent period initially resorted to the ECtHR for remedy. However, dissatisfaction with the ECtHR because of either the slow proceeding of applications or the high number of cases declared inadmissible led civil society and human rights lawyers to become more interested in the UN treaty body complaints mechanisms and the UN Special Procedures.³¹

Likewise, there has been growing interest in the Universal Periodic Review (UPR). While there were 15 individual submissions (3 of them from CSOs based in Turkey) and 12 joint submissions (in 2 cases all participants of the coalition were based in Turkey; in 5 cases at least one participant of the coalition was based in Turkey) in 2015, there has been a significant increase in the number of submissions for the 2020 review. In 2020, there were 49 individual submissions (9 of them from CSOs based in Turkey) and 49 joint submissions (in 3 cases all participants of the coalition were based in Turkey; in 6 cases at least one participant of the coalition was based in Turkey).³²

In contrast to the levels of engagement with the CoE and the UN, it appears that the CSOs do not address the EU in terms of advocacy – at least not publicly. This is quite striking when considering the EU's leverage on democratisation efforts in Turkey. The targeted search indicates that none of the selected CSOs refers to the EU when it comes to the advocacy. This may be precisely because of the scope in which CSOs define their international advocacy work.

Especially following the accession process in 1999, the variety of EU financial support programmes available to civil society in Turkey increased considerably – eventually making the EU the leading funder. When CSOs define the scope of their international advocacy as the dissemination of the results of their human rights monitoring to the international organizations, it may be reasonable for them not to specifically address the EU; especially considering that in most cases the EU is the financial funder of the respective project whom the results were reported to and considering the EU's lack of available judicial or quasi-judicial mechanisms for non-member states.

Choosing the avenue

As suggested above, when CSOs seek international actors to exert pressure towards change, they prioritize judicial or quasi-judicial mechanisms – or at least disclose information on these. Even though the circumstances in which civil society is currently operating push for a shift in such established patterns, CSOs still prefer to engage with the international organizations, but more specifically through their judicial or quasi-judicial mechanisms. The level of engagement with the CoE confirms this observation.

30 It should be noted that even though Turkey has not signed the UN International Convention for the Protection of All Persons from Enforced Disappearance, in particular the Human Rights Association, Truth Justice Memory Center and Human Rights Joint Platform engage with the Working Group on enforced disappearances extensively and provide information as to the situation regarding enforced disappearances.

31 Başak Çalı, Betül Durmuş, and İlayda Eskitaşçıoğlu, *op. cit.*, p.23; see f.n. 17

32 Information on Turkey's UPR process is available at <https://www.upr-info.org/en/review/Turkey>

As of 2019, a total of 689 judgments and decisions against Turkey were pending before the Committee of Ministers (CM) at different stages of execution.³³ This includes 155 leading cases (i.e. cases which have been identified as revealing new structural and/or systemic problems) and 534 repetitive cases (i.e. cases relating to a structural and/or general problem already raised before the CM in the context of one or several leading cases). However, it is striking that even though litigation before the ECtHR appears to be an important avenue, civil society's engagement with the CM is very low.

The execution of judgments before the CM does not solely relate to the individual applicant, but also requires states to take general measures such as changes of legislation and case law or other kinds of measures to prevent violations similar to those found by the ECtHR. The CSOs, by virtue of written submissions³⁴ ('Rule 9.2 communications'), do not only have a say in the monitoring of particular judgments, but can also prompt changes. CSOs can submit Rule 9.2 communications with respect to all issues relating to the implementation of ECtHR judgments in so far as the substance is concerned.

One interviewee stated that, although he represents the applicants, who are members of the CSO, before the ECtHR, neither himself nor the CSO he is working for ever discussed whether to submit Rule 9.2 Communications related to their field of work.³⁵ He explains this by a lack of knowledge. On the other hand, another interviewee noted that their organization, which was established in 2015, became aware of the Rule 9.2 communications through the ETKİNİZ project in 2019 and has been submitting Rule 9.2 communications since then.³⁶

One other interviewee, comparing CSOs in different countries, stated that involvement of CSOs and injured parties is not very frequent in general – thus judging the case of Turkey to be not so different from other countries.³⁷ Besides, the interviewee mentioned that Rule 9.2 communications should also support CSOs' advocacy work at the national level, e.g. in developing strategies, forming coalitions/networks and campaigning. In this context, it should be noted that even though civil society's level of engagement with the CM is very low, the targeted search showed that one CSO in its latest annual report refers to a Rule 9.2 communication filed together with other two CSOs, which are also among the CSOs selected for the targeted search.

Taken together with the reference made above regarding the ETKİNİZ project's influence, it appears that a new practice has started flourishing among civil society actors. Two examples are worth mentioning in this respect. The İfade Özgürlüğü Derneği (Freedom of Expression Association – IFOD), which was established in 2017, defines defending freedom of opinion and expression as its field of work. The publicly available information on their web site demonstrates that as of 2020, IFOD have begun to prioritize Rule 9.2 communications, i.e. they have submitted Rule 9.2. communications regarding all groups of cases against Turkey whose substance concerns the freedom of opinion and expression.³⁸

33 The CoE's 2019 annual report "*Supervision of the execution of judgments and decisions of the European Court of Human Rights 2019*" is available at: <https://rm.coe.int/annual-report-2019/16809ec315>

34 Pursuant to Rule 9 of the CM Rules, the injured parties and their legal representatives, CSOs as well as national human rights institutions and international organisations may submit written submissions to the CM to assist the execution process. The written submissions made by the CSOs are called 'Rule 9.2 communications', referring to the second paragraph of Rule 9 that enshrines the right of CSOs to address communications to the CM.

35 Online interview with Kerem Dikmen, Kaos GL, 30.12.2020

36 Online interview with Doğan Bermek, Alevi Düşünce Ocağı, 25.12.2020

37 Online interview with George Stafford, European Implementation Network, 15.01.2021

38 The Rule 9.2 communications made by the İfade Özgürlüğü Derneği are available at <https://ifade.org.tr/yayinlar/ak-bakanlar-komitesi-madde-9-2-bildirimleri/>

The supervision process of the execution of the *Kavala v. Turkey*³⁹ judgement is yet another example of this newly flourishing practice. Either alone or in coalition, CSOs strongly participate in the supervision process by filing Rule 9.2 communications⁴⁰ and, more importantly, supporting their submissions with campaigns and advocacy for the execution of the ECtHR's judgement, i.e. the immediate release of Kavala, before the CM.

These observations indicate that despite the strong overlap between the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights, the ICCPR as well as the individual communications to the Human Rights Committee have not received significant attention among civil society actors.⁴¹ As expected, this is the outcome of the 'practical' supremacy of the European Convention on Human Rights in Turkey. This 'practical' supremacy overshadows the strong overlap between the two conventions – CSOs have always applied the European Convention on Human Rights as the benchmark for their work.

Furthermore, given the legal framework providing for the applicability of ECtHR judgements in domestic jurisdiction, the judicial or quasi-judicial mechanisms of the UN appear comparably less preferable. Article 35.2(b) of the European Convention on Human Rights stipulates that the ECtHR shall not deal with any application that "is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information."

Therefore, even though CSOs generally prioritize judicial or quasi-judicial mechanisms, they tend to choose the ECtHR of the CoE when it comes to deciding between the judicial or quasi-judicial mechanisms of the CoE and the UN.

Although the level of engagement with UN human rights bodies is not high either, they are more known and visible to the CSOs. Two interviewees linked this knowledge and visibility to their organizations' affiliation with international CSOs.⁴² The women organizations and LGBTI+ organizations in Turkey maintain ties with the international community and participate in many different domestic and/or international initiatives.

The report of the Center for Global Public Law (CGPL) at Koç University on the domestic impact of the UN human rights treaty system indicates an increasing trend of submitting shadow reports among CSOs in Turkey since 2010.⁴³ However, CSOs have shared only very limited information with respect to means of involvement other than shadow reporting – such as communication with UN Working Groups and/or UN Special Procedures. The existing information can generally be found in the annual reports.⁴⁴ It should also be noted that the limited extent of information provided on the engagement with the UN bodies may be a practical outcome of the pressure on civil society in Turkey.

39 *Kavala v. Turkey*, Application No: 28749/18, Date of Judgment 10.12.2019, Judgment became final 11.05.2020. The case was related to businessperson and philanthropist Osman Kavala's arrest on 18 October 2017 and his continuing pre-trial detention on charges of attempting to overthrow the government within the context of investigations into the Gezi events of 2013 and to overthrow the constitutional order within the context of the attempted coup in July 2016. In its judgement the ECtHR found a violation of Article 18 (ulterior motives for restricting human rights) in conjunction with Article 5(1) (c), among other violations.

40 Rule 9.2 communications of CSOs are available at <http://hudoc.exec.coe.int/eng?i=004-55161>

41 Please also see Başak Çalı, Betül Durmuş, and İlayda Eskitaşçıoğlu, *op. cit.*, pp. 28-34.

42 See f.n. 28 and f.n. 35.

43 Annex II in Başak Çalı, Betül Durmuş, and İlayda Eskitaşçıoğlu, *op. cit.*, pp. 67-70.

44 In this connection, it needs to be noted that the number of CSOs sharing their annual reports with the public is very low in Turkey. For instance, among the ten CSOs selected for our targeted search, only three regularly publish their annual reports on their web sites, whereas one CSO only published its 2017 annual report. One other CSO shares the annual statements submitted to the General Directorate for Relations with Civil Society regularly. These annual statements include the activities conducted, but since these statements are submitted by filling out a form, they might not contain sufficient detail.

The CSOs rarely share/report on their advocacy at the international level publicly. It is likely that this and the low level of publication of annual reports among CSOs in Turkey are closely associated with concerns of being labelled and/or targeted by the national authorities, especially of being accused of conspiring against the state. Irrespective of the underlying causes for not sharing information on the advocacy conducted at the international level, it eventually prevents us from determining the channels of communication utilized and/or tracking the level of exchange with the international human rights bodies, if any.

Finally, despite the EU's leverage on the democratisation efforts in Turkey, it appears that civil society passes over the EU as an 'avenue'. Whatever the reason for this may be – either the scope of international advocacy activities defined by CSOs or the perceived position of the EU among the CSOs – it should be recalled that the bodies of the EU and other international institutions provide avenues where civil society's voice can resonate.

Forms of cooperation

The approaches and practices of civil society in Turkey regarding international advocacy are evolving as national and global dynamics change. Additionally, CSOs' approaches and practices change as they learn from experience.

Many of the rights-based CSOs in Turkey have longstanding ties and affiliations with international/regional organizations, federations, networks, and alliances. The targeted research indicates that five out of ten CSOs refer to their membership in transnational networks. Also, some of the prominent international human rights organizations have presence (either through a permanent office or a representative) in Turkey.⁴⁵

However, with the exception of women and LGBTI+ organizations, it is not common for the CSOs in Turkey to form a network/platform at the domestic level. One interviewee particularly highlighted that although there are well-established LGBTI+ CSOs, these CSOs do not establish branches throughout Turkey, but rather form coalitions/networks with LGBTI+ organizations established in other cities.⁴⁶ Likewise, one interviewee mentioned that many CSOs working on women rights do not always agree, but that networks/platforms make it easy for them to come together and do their advocacy around specific issues.⁴⁷

Apart from those, there are only a handful of networks and platforms related to human rights.⁴⁸ But although the legal and political environment is not conducive for rights-based civil society, journalists and human rights defenders have made a change.

Over the last years, people facing severe political pressure have fled the country or moved abroad. These include the journalists and academics who were dismissed from their posts by emergency

45 Amnesty International Turkey, Heinrich Böll Stiftung, Civil Rights Defenders, Human Rights Watch, Reporters Without Borders, and International Commission of Jurists can be named as examples.

46 See f.n. 35.

47 See f.n. 28.

48 İnsan Hakları Ortak Platformu (Human Rights Joint Platform – IHOP), Cezasızlıkla Mücadelede Güç Birliği Ağı (Network for Alliance against Impunity), Denge ve Denetleme Ağı (Checks and Balances Network) are the outstanding networks and platforms associated with human rights.

decrees for having signed the Peace Petition⁴⁹ during the two-year state of emergency that was first declared in July 2016. Especially academics have formed solidarity networks in the countries where they moved and created alternative channels of communication.⁵⁰ Furthermore, they used the tools of their disciplines to not only provide information on the context in Turkey but also carry the situation in Turkey into the international debate. Such dialogue generated new international connections and thereby enhanced the resources available to civil society in Turkey.

As a result, a growing number of networks/platforms was established particularly after the intensification of the attempts to contain civil society since 2015. It is noteworthy that these newly established networks/platforms include at least one international CSO that has no representation in Turkey.⁵¹ In such cases, the international CSOs procure visibility and international solidarity to the CSOs in Turkey and conduct international advocacy before the international actors. In conducting their international advocacy, these international CSOs inevitably take advantage of being abroad, which enables them to access international actors more easily. Furthermore, due to their experience in international advocacy, they have established contacts.

Even though the international advocacy is conducted by the international CSOs within these networks/platforms, the strategy and principles are developed together in a participatory manner – thus enabling the transfer of know-how to CSOs in Turkey. This seems to indicate another shift. In models where rights-based CSOs in Turkey trigger their transnational networks for international advocacy, the rights-based CSOs would provide the information, while the transnational networks prompt international actors to take action. However, in these networks/platforms, the relationship between the national and international CSOs is a less loosely connected one when compared to existing transnational networks.

This being the case, these newly established networks/platforms conduct international advocacy in a way that differs from what has been illustrated in the sub-sections above. They strategically identify the international actors to be engaged with, promote a certain issue or agenda, campaign, and act to mobilize the identified international actors.

Therefore, a noticeable shift in practice can be observed. For instance, the targeted search indicates that in their annual reports, three CSOs refer that they have attended the meetings of the Commissioner or UN Working Groups or UN Special Rapporteurs. These were the meetings held during the country visits. However, it is observed that, whether or not there is a country visit, the newly established platforms/networks approach the offices of these human rights bodies and try to schedule meetings concerning specific agendas.

In this regard, the current legal and political environment has led international CSOs providing support to human rights defenders at risk and international CSOs such as Frontline Defenders

49 In January 2016, the Academics for Peace, an informal group of academics and researchers, released a public petition titled “We will not be a party to this crime!” to oppose the resumption of armed clashes in the Southeastern provinces of Turkey at that time. The petition was signed by more than 2,000 academics and the signatories to the petition were widely targeted by state authorities and faced different measures including imprisonment, arrests, judicial prosecutions, university-based disciplinary investigations, dismissals and travel bans. A total of 406 academics who had signed the Peace Petition were dismissed from their posts with the emergency decrees. The petition is available at <https://barisicinakademyenler.net/node/63>.

50 It should be noted that there is a strong Kurdish political movement abroad. From the mid-1980s and onwards, they continue to mobilize international legal mechanisms, lobby foreign governments and international organizations and maintain links with transnational networks to bring pressure to bear on Turkey’s governments. However, the newly formed community abroad brought new international connections, enhancing the resources available to civil society in Turkey. Therefore, specific emphasis is put on this newly formed community abroad in this information brief.

51 For example, these include Sansüre ve Otosansüre Karşı Platform (Platform against Censorship and Self-Censorship), Hak Savunucuları için Sessiz Kalma (Keep the Volume Up), and İnsan Hakları Savunucuları Dayanışma Ağı (Solidarity Network for Human Rights Defenders).

and Civil Rights Defenders to expand their activities to include Turkey. The support provided by these international CSOs includes international advocacy on behalf of human rights defenders at risk before the international human rights mechanisms.

CONCLUSIONS AND OUTLOOK

Advocacy, whether domestic or international, by definition is the deliberate process of influencing those who make decisions about developing, changing and implementing policies. Although there is no one-size-fits-all approach, this study on the international advocacy approaches and practices of civil society actors in Turkey indicates that their understanding of international advocacy is rather limited.

Within this context, the international organizations that Turkey is a member of emerge as the main – and often enough sole – actor to be ‘approached’. Further, CSOs prefer to ‘approach’ the judicial or quasi-judicial mechanisms of the international organizations. For the majority of CSOs, advocacy at the international level means sharing their monitoring reports on issue-specific human rights situations with the human rights bodies of these international organizations.

The practices of women’s organizations and LGBTI+ organizations in particular set an example for civil society, demonstrating that the judicial or quasi-judicial mechanisms are not the only channels in the international arena to address with concerns. Much more effectively, international networks and alliances multiply and thus amplify their voices and demands.

To conclude, these practices and the ongoing shift in approaches and practices among civil society actors in Turkey have revealed specific areas in which civil society needs to be supported. These areas can be summarized as follows:

- Advocacy strategies need to be implemented. The monitoring reports on human rights situations should encourage the international actors to consistently defend the CSOs’ concerns within their spheres. However, the CSOs first need to be clear on their strategies, including who to influence and what to change, then integrate the data collected through the human rights monitoring into their advocacy works.
- In this respect, it is important to empower the CSOs vis-à-vis emerging trends and changing environments. For example, the changing approach and practice with regard to engagement with the CM offers an entry point to support civil society in Turkey in implementing advocacy strategies.
- There is also a strong need to foster channels of communication and exchange. Exerting pressure to prompt change requires using a smart mix of tools. However, civil society in Turkey overwhelmingly resorts to certain tools. International organizations’ human rights bodies and their mechanisms should be used as a tool for advocacy. On the other hand, international organizations are not the only ‘power holders’. Further, international networks and alliances and their member organizations have an enormous ability and power to multiply the voices and the channels of access to promote the demands.
- Communicating and working with their international counterparts is important for civil society actors in Turkey, as such contact will enable the sharing of knowledge, resources and capacities. However, there is a need for a hub that can enable/increase the channels of communication and encourage civil society and manage all international relationships in Turkey.

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