

# SUBMISSION TO UN SPECIAL RAPPORTEUR ON FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

WRITTEN CONTRIBUTION FOR THE REPORT ON “FREEDOM OF ASSEMBLY  
AND ASSOCIATION RIGHTS, COLLECTIVE ACTION AND HUMAN  
SOLIDARITY FACING EXISTENTIAL THREAT: PRESERVING THE  
FUNDAMENTAL PRINCIPLES ”

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## FAIR - Fide Research Monitoring Reporting

FAIR IS A HUMAN RIGHTS ORGANISATION SPECIALISING IN THE RELIABLE COLLECTION, ANALYSIS, AND REPORTING OF DATA ON HUMAN RIGHTS VIOLATIONS IN TURKEY. WITH SPECIFIC EXPERTISE IN DEVELOPING SOUND DATA COLLECTION METHODOLOGIES, FAIR ENSURES THE ACCURACY, CONSISTENCY, AND CREDIBILITY OF ITS FINDINGS. THE ORGANISATION TAILORS ITS DATA COLLECTION METHODS TO LOCAL CONTEXTS AND SENSITIVITIES, ENSURING A CLEAR AND ACCURATE PORTRAYAL OF THE EXTENT OF HUMAN RIGHTS VIOLATIONS.

IN TURKEY, THE COLLECTION AND ANALYSIS OF HUMAN RIGHTS-RELATED STATISTICS FACE SEVERAL CHALLENGES. DATA ON ISSUES LIKE FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY, ARBITRARY DETENTION AND POLICE BRUTALITY, TORTURE AND ILL-TREATMENT, VIOLENCE AGAINST WOMEN, AND MINORITY RIGHTS ARE OFTEN INCOMPLETE, INCONSISTENT, OR DIFFICULT TO ACCESS DUE TO LEGAL AND POLITICAL CONSTRAINTS. THIS LACK OF RELIABLE DATA HAMPERS EFFORTS TO UNDERSTAND THE FULL SCOPE OF VIOLATIONS AND LIMITS THE ABILITY OF CIVIL SOCIETY ORGANISATIONS TO ADVOCATE EFFECTIVELY FOR CHANGE.

# 1. Introduction

The Fide Research, Monitoring and Reporting (FAIR) Association, established in 2024 in Ankara, Türkiye, is an independent human rights organisation committed to advancing universal human rights and freedoms. FAIR focuses on rigorous documentation, evidence-based reporting and strategic advocacy. It adopts a rights-based, inclusive and gender-sensitive approach in all activities. FAIR's mission is to strengthen civic space in Türkiye by highlighting and countering systemic violations.

This submission is prepared in response to the call of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, who seeks to understand the existential threats posed to civic space in the wake of a global aid crisis and rising authoritarianism. The report is grounded in FAIR's ongoing monitoring efforts in Türkiye and structured according to the thematic focus areas outlined by the Special Rapporteur.

## 2. Immediate Impacts on Freedom of Assembly and Association

### 2.1. Legislative and Legal Restrictions Undermining Civil Society and Freedom of Expression

Following the Büyükada/Princess Island incident, which resulted in the detention and prosecution of ten prominent human rights defenders, threats against human rights defenders (HRDs) and civil society organisations (CSOs) have significantly intensified. The arbitrary state of emergency (SoE) measures imposed between 2016 and 2018 exacerbated an already oppressive environment, fostering a pervasive climate of fear. Although the formal SoE ended in 2018, its impact continues to weigh heavily on civil society, particularly through persistent judicial harassment targeting CSOs broadly. Furthermore, the political authorities institutionalised many of these emergency powers by adopting the Law on the Amendment of Some Laws and Emergency Decrees, effectively making the state of emergency permanent as of 31 July 2018.<sup>1</sup>

Since 2020, Türkiye's legal and political climate has grown increasingly hostile towards independent civil society organisations (CSOs), especially those working on human rights, gender equality, LGBTI+ rights, environmental protection and labour rights. A major turning point was the adoption of Law No. 7262 on Preventing the Financing of the Proliferation of Weapons of Mass Destruction.<sup>2</sup> Ostensibly introduced to align with FATF recommendations, this law expanded state powers to:

- Suspend CSO board members without judicial oversight,
- Appoint government trustees to CSOs under investigation,
- Impose heightened reporting obligations and heavy penalties.

It goes without saying that the misuse of the Anti-Terror Law and the Turkish Penal Code is all too common. Additionally, a recent piece of legislation, the Law on Disseminating Disinformation, covers a wide range of areas including social media and traditional media. This law regulates all forms of communication -from the press to online platforms- effectively opening the door to heightened censorship and increased governmental control over information.<sup>3</sup>

The proposed legislation on "Agents of Influence" has been submitted to parliament twice but withdrawn prior to discussions in the General Assembly. However, the government has announced its intention to reintroduce the draft bill to parliament once again in 2025.

This amendment introduces a broad and potentially ambiguous definition that encompasses a wide array of activities. The rationale provided for this provision states that its purpose is to penalise actions deemed harmful to the state's internal or external political interests. These interests are broadly defined to include economic, financial, military,

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<sup>1</sup> IHD's views regarding Law no. 7145 regulating permanent state of emergency:  
<https://ihd.org.tr/en/regarding-law-no-7145-regulating-permanent-state-of-emergency/>

<sup>2</sup> <https://www.resmigazete.gov.tr/eskiler/2020/12/20201231M5-19.htm>

<sup>3</sup> <https://www.bbc.com/turkce/articles/cp87g4r7711o>

national defence, public health, public security, public order, technological, cultural, transportation, communication, cyberspace, critical infrastructure, and energy sectors.

These developments have had a chilling effect on civic organising. Many grassroots associations have ceased operations, citing fear of inspections, criminal charges, or reputational attacks. The perception of risk among volunteers and donors has increased markedly. Since these measures primarily target rights-based groups, they disproportionately affect organisations defending the most marginalised.

Additionally, the state's imposition of compulsory disclosure of individual member data, introduced in 2018 and formalised via legislative amendment in 2020, has seriously undermined privacy and deterred individuals from joining or supporting CSOs. The provisions of the regulation in question were annulled by the Council of State in September 2021 on the grounds that fundamental rights and freedoms can only be restricted by law.<sup>4</sup> However, this amendment had already been added to the Associations Law in March 2020 through an omnibus bill.<sup>5</sup> Although this legal basis cannot be applied retroactively, it is now impossible to change the fact that many associations facing administrative fines have already shared all information about their members.

## 2.2. Funding Challenges Facing Civil Society in Türkiye

Access to financial resources remains a significant challenge for civil society organisations (CSOs) in Türkiye. There is currently no clear or comprehensive framework regulating how and to what extent CSOs can benefit from public funding. In practice, access to state funds is virtually impossible for organisations that adopt critical, progressive, or opposition stances. This lack of transparency and inclusivity in public funding mechanisms effectively sidelines those CSOs whose work challenges the prevailing political narrative, thereby restricting the diversity and vitality of civil society.

Unfortunately, a similar trend of shrinking financial support is visible within international funding streams. The number of calls for proposals has decreased substantially, prompting a surge in applications for relatively small grants, both within Türkiye and from abroad. For example, FAIR has recently engaged with European Union funding programmes –a small grants initiative offering around 20,000 euros– which received over 100 applications for a call to fund 2 organisations. Likewise, funding providers such as the Swedish and Swiss Consulates have shifted to accepting brief, one-page summaries rather than full proposals, while the Dutch Embassy introduced applications through short videos. This shift reflects the growing difficulty funders face in managing the increasing volume of applications.

This situation highlights two interconnected issues. First, the Europe-centred funding model –which also includes global intergovernmental donors like the United Nations– has contributed to an over-reliance on project-based financing among CSOs. This trend is not confined to civil society alone; across Europe, universities, small and medium enterprises, and the arts and cultural sectors have all become increasingly dependent on project funding. Even organisations traditionally funded through donations, such as Amnesty International, have moved towards project-based approaches to secure financial sustainability.

Second, this shift has led to a transformation within the civil society sector itself. Grassroots organisations have had to adapt, and a new generation of civil society workers has emerged who perceive their role primarily as project implementers. This narrow focus risks undermining the broader social and political functions that civil society traditionally fulfils.

At FAIR, we anticipate a concerning shift in the coming years, where opposition, progressive, and critical organisations that fail to secure funding may be forced to withdraw from the sector altogether. While this withdrawal does not necessarily mean the demise of civil society, we firmly believe that the current funding ecosystem must be restructured to foster a revitalised and socially embedded civil society. It is essential to move beyond project-based funding models towards approaches that support sustained community engagement and grassroots empowerment. Without such reforms, the diversity and resilience of civil society in Türkiye risk being severely compromised.

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<sup>4</sup><https://www.stgm.org.tr/en/blog/cancellation-decision-council-state-notification-association-member-and-employee-information>

<sup>5</sup> <https://www.resmigazete.gov.tr/eskiler/2020/03/20200326M1-1.htm>

### 3. Legal and Structural Barriers in the Enabling Environment

In Türkiye, legal personality is required to access most forms of institutional funding. Yet, establishing a non-profit legal entity remains burdensome:

- Associations require at least 7 founding members and 16 to remain active<sup>6</sup>,
- Foundations require high costs and bureaucratic complexity.

Once established, CSOs are subject to excessive administrative burdens, including:

- Maintenance of 4 distinct financial records,
- Mandatory declarations on assets, branches, foreign funding and annual activity,
- Use of opaque online portals without clear guidance.

Violation of administrative rules, even in good faith, exposes CSO leaders to prosecution under the Law on Associations or criminal charges under Article 155 of the Penal Code (breach of trust).

The Law on Collection of Aid introduces further restrictions:

- Prior permission is required for any fundraising activity,
- Vague definitions blur the line between "donation" and "aid",
- Local authorities enjoy broad discretion to deny applications.

Only a limited number of pro-government CSOs receive public benefit status and exemptions, deepening inequality within the sector.<sup>7</sup>

### 4. Trends in Securitisation and Narrative Weaponisation

Civil society actors in Türkiye are increasingly portrayed as threats to national unity. Senior government officials and pro-government media frequently label rights-based CSOs as agents of foreign influence or security risks.<sup>8</sup> This narrative legitimises restrictions and justifies disproportionate surveillance, inspections and legal action.

Such tactics serve to stigmatise not only the organisations but also their members, employees and supporters. In this environment, the right to peaceful assembly is also constrained. Protest organisers face rapid dispersion orders, blanket bans on public gatherings, and criminal investigations under vague anti-terror laws.

### 5. Responses and Mitigation Strategies

Despite intense pressure, Türkiye's civil society continues to display resilience:

- Numerous organisations have challenged legal provisions in court, including the annulment of intrusive data-sharing rules by the Council of State in 2021,
- Networks of solidarity have emerged to support criminalised activists and share compliance knowledge,
- Some CSOs have turned to innovative, decentralised models to avoid shutdowns, such as informal collectives or cross-border cooperation.

However, these strategies are only temporary fixes. Without structural change, civic space will continue to shrink.

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<sup>6</sup> [https://www.stgm.org.tr/sites/default/files/2022-02/outlook-of-freedom-of-association-in-turkey-ii\\_0\\_2.pdf](https://www.stgm.org.tr/sites/default/files/2022-02/outlook-of-freedom-of-association-in-turkey-ii_0_2.pdf)

<sup>7</sup> [https://www.tusev.org.tr/usrfiles/images/DerneklerIcinYasalMevzuatRehberi\\_TUSEV.pdf](https://www.tusev.org.tr/usrfiles/images/DerneklerIcinYasalMevzuatRehberi_TUSEV.pdf)

<sup>8</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26004>

## 6. Recommendations

To safeguard civic space in Türkiye, we respectfully recommend that the Special Rapporteur:

### **To the Government of Türkiye:**

1. Repeal or amend Law No. 7262 and other restrictive provisions within the Law on Associations and Law on Collection of Aid,
2. Lower the minimum threshold for association establishment in line with international standards,
3. End discriminatory granting of public benefit status and ensure equal access to fundraising permissions,
4. Enact privacy protections for CSO staff, members and donors,
5. Cease criminalisation, harassment and surveillance of human rights defenders.

### **To the International Community and Donors:**

6. Reinvest in grassroots, rights-based civil society in Türkiye with flexible, long-term core support,
7. Avoid funnelling aid through GONGOs that undermine independent voices,
8. Support the development of secure infrastructure for CSO operations,
9. Strengthen participatory mechanisms at the multilateral level to include grassroots and community-based organisations.

### **To the UN System:**

10. Increase engagement with civil society actors in Türkiye and closely monitor implementation of restrictive laws,
11. Encourage the Turkish government to uphold its commitments under ICCPR Articles 21 and 22.

## Conclusion

The situation of civil society in Türkiye is emblematic of a broader global trend: the systematic erosion of civic space under the guise of national security and anti-terrorism. If left unchallenged, this approach will continue to silence independent voices, weaken democratic resilience, and obstruct collective efforts to uphold human rights. FAIR respectfully urges the Special Rapporteur to spotlight Türkiye as a priority context and engage with national stakeholders to restore and protect the fundamental rights to peaceful assembly and association.