

**P E N  
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**Turkey Elections:**  
What Does the Future Hold  
for Freedom of Speech?

PEN Norway's Interview with  
**Dr. Canan Kaftancıoğlu**, the Istanbul Regional  
Chair of the Republican People's Party (CHP)

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## Turkey Elections: What Does the Future Hold for Freedom of Speech?

Since 2020, as part of the Turkey Indictment Project, PEN Norway has examined 25 separate indictments focused on freedom of expression in Turkey and has produced reports on these indictments in cooperation with expert lawyers from different European countries. The PEN Norway Turkey Indictment Project reports of 2020 and 2021 revealed that every one of the 25 indictments in question failed to comply with Turkey's domestic legal provisions and also international provisions and contracts such as the European Convention on Human Rights and the UN Guidelines for prosecutors.

PEN Norway's in-person, recent, observations of such trials as the Gezi Park trial, the We Will Stop Femicide Platform case and trials of Turkey's chief physician Prof. Dr Şebnem Korur Fincancı, activist Pınar Selek and journalist Sedef Kabaş all demonstrate the lack of independence of the judiciary as well as serious fundamental flaws in the preparation of indictments.

Historic elections take place in Turkey on May 14th, 2023, in which the candidates for both the President and Turkey's Parliament will be determined. A month before the elections PEN Norway's Turkey Adviser travelled to Istanbul to interview representatives of the major political parties to question them about issues such as freedom of expression, the freedom of the press, the rule of law, and the right to a fair trial in Turkey.

As part of this interview series, we conducted face-to-face and written interviews with the following:

- Dr. Canan Kaftancıoğlu, the Istanbul Regional Chair of the Republican People's Party (CHP),
- Lawyer Züleyha Gülüm, Istanbul's MP for the People's Democratic Party (HDP),
- Former journalist and now MP for the Worker's Party (TİP) Ahmet Şık,
- Lawyer Bahadır Erdem, Vice Chair of the İyi Party,
- Bülent Turan, Vice Chair of the Justice and Development Party (AKP),
- Selahattin Demirtaş, imprisoned former co-chair of the People's Democratic Party (HDP),
- Serhan Yücel, Secretary-General of the Democrat Party,
- Mustafa Yeneroğlu, Justice and Legal Affairs Policy Chairman of the Democracy and Progress Party (DEVA),
- Muharrem Erkek, Vice President of the Republican People's Party (CHP)
- Zeynep Esmeray Özadikti, candidate for MP from Turkey's Worker Party (TİP)
- Bülent Kaya, Legal Affairs Chairman of the Saadet Party.

None of the content of the interviews has been altered by PEN Norway, the views expressed are those of the individual politicians.

We hope that these historic elections in Turkey will be instrumental in strengthening fundamental rights and freedoms for all.

*Caroline Stockford, Turkey Adviser, PEN Norway*  
*Şerife Ceren Uysal, Legal Adviser on Turkey, PEN Norway*

# PEN Norway's Interview with Dr. Canan Kaftancıoğlu, the Istanbul Regional Chair of the Republican People's Party (CHP)

**We have some questions about the upcoming elections and freedom of expression. Laws on social media such as the Disinformation Law have created a new realm where freedom of expression faces significant limitations. Likewise, trials against journalists have become systematic. How do you see freedom of expression and freedom of the press in Turkey?**

Before moving on to the Disinformation Law, we have been observing that rights violations have been increasing steadily in Turkey for the last 20 years. It is beyond an observation but something we personally experience. It is unfortunate that every passing day makes it worse in terms of the people's freedom of right to housing, almost their freedom of the right to live, their rights to education and to expression. This has already been globally recognised. As you know, out of 180 countries in the world, Turkey was ranked as low as 149th in terms of freedom of expression. The Disinformation Law functioned as the legal endorser of the increasingly tight restrictions. In fact, this law, and I mean the Disinformation Law, was created by those who were themselves involved in disinformation and it laid a legal infrastructure to discourage people from thinking and expressing their thoughts. Unfortunately, this is the reality we live with in Turkey. And to this end, not only journalists, but also people with dissident identities, politicians, and anyone else who do not act as the government's mouthpieces, who do not behave as the government wants, are being unfairly imprisoned under fabricated criminal charges and punished on seemingly legal grounds because there is no law - in other words, punished on the grounds of a non-existent law. Unfortunately, this is the reality of Turkey. But the elections are around 30 days away. We know that the harsh realities in Turkey can change quickly following the elections. As the Republican People's Party, we believe that this is how it should be. And I can say that we will achieve this together.

**What kind of changes should we expect to see in Turkey following the elections on 14 May? Are the violations of rights that were committed during the State of Emergency going to be eliminated? What are the concrete steps your party plans to take?**

Of course. First of all, "something" will change in Turkey after 14 May. That "something" is a certain individual living in the palace. Everything will change. To summarise in a few sentences everything that will change: Firstly, there is no rule of law in Turkey anymore and the independence of the judiciary has been destroyed. The first thing to do in Turkey is to restore the rule of law. Because in today's government, the law is represented as a stick in the hands of those who rule this country. The law cannot be politicised. Following the establishment of the rule of law, we will immediately



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start the processes that we have meticulously planned and worked on thus far to address the issues faced by this country such as the economy, education, foreign policy, and social peace. And then, as the Republican People's Party and the National Alliance government, we will rebuild the social state in Turkey. Then we will create an industrious Turkey. It will be a Turkey that not only builds houses, but also produces education, produces information, produces agriculture, produces industry, and tries to catch up with the industry 4.0. And now it will be a Turkey that makes all these sustainably. This is one of our strategies. To summarise: In the strengthened parliamentary system, all the ruined state institutions and the Republic, whose pillars have been destroyed, will be presented to the society on a solid legal basis. The processes I have just mentioned are meticulously planned one by one, step by step, hour by hour in advance. And we will implement all of them. Which means many things will change.

**We also have a question about the Council of Judges and Prosecutors. In our work as PEN Norway, we have observed a large number of baseless convictions in the last 8 years. You mentioned reforms, which means that you have planned and will implement them. Can we also take it that there won't be as many cases of pre-trial detention? Or should the election system for the members of the Council of Judges and Prosecutors be changed in order for that to happen?**

For one thing, under the National Alliance, the structure of the Council of Judges and Prosecutors will undergo an overhaul. This was explained in our joint memorandum. There will be a High Council of Judges and a High Council of Prosecutors. In other words, the Council of Judges and Prosecutors will be dissolved, and the independence of the judiciary will be ensured with the establishment of two separate institutions. I'm putting that aside. Secondly, appointments and assignments in the judiciary, like all other institutions, will be made based on merit, not loyalty or party affiliation. This is the second important thing. Thirdly, but not least, once the rule of law is ensured in Turkey, the number of detainees in prison, everyone who is currently in prison because of an unlawful process, because of her statements, because of his political views, or whatever, will be re-evaluated based on the rule of law. Individuals who have been unjustly and undeservedly put in prison will undergo a legal re-evaluation and steps will be taken to bring an end to their victimization. Because no democratic country or society takes pride in the size of its prisons. It does not take pride in the high number of prisoners. In democratic countries, people, societies and politics take pride in the fact that people can express their opinions and criticisms as they wish. For examples the criticisms against the President. As stated by our presidential candidate, the very next day after the day we win the elections, for example, the offence of insulting the president will be abolished. They break your door, detain you in your home or on the streets and even imprison you if you are assumed to have insulted the President, criticised him, did not like his opinions, or said a word against him. Democratic law will be our basis as we rebuild politics, society, and the government in charge.

**On the run up to the elections, we noticed a predominantly high male representation among the candidates. As a female politician, what is your take on the issue? What kind of a programme does your party have to improve the representation and voice of women in politics in Turkey? Likewise, we are eager to know more about the future of the**

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## **Istanbul Convention. Following the elections, should we be hopeful about the reintroduction of the Istanbul Convention?**

You are very right. In Turkey, unfortunately, women are underrepresented and there are fewer of women not only in politics but also in all areas of life. Why? Because in Turkey politics is completely shaped by a patriarchal perspective. This got even worse in the last 20 years and that is why it is not easy for women to both exist, struggle and become more numerous in politics. As such, the desired 50-50 women's representation becomes impossible to achieve. As a female politician, I am undertaking a dedicated and particular work to increase that. But even though I have been working on it, and that many women like me have been working on it, the increase in the representation of women in politics is very slow, as it takes a long period of time, decades, twenty years, almost thirty years. Let me answer by talking about what we, as the Republican People's Party, are doing for this. The Republican People's Party has a gender quota of 33 percent. In other words, under normal circumstances we are supposed to set a 33 percent quota for women in elections. However, it is also part of our reality that, for example in Istanbul, 700 parliamentary candidates for nomination applied for the coming elections. Out of 700 parliamentary candidates for nomination, 29 percent were women. I wish 50 percent of those who applied to be candidates for nomination were women. In previous years, women's applications to CHP for the previous election period were usually around 10 to 15 percent. Historically, 29 percent means taking a step forward, but it is not very satisfactory considering our future dream of 50-50. I want to make it clear that we are working within the Republican People's Party until the very end to increase this. In time, this will improve.

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As for the Istanbul Convention, it is the red line of all women and the members of the Republican People's Party. What is the Istanbul Convention? What is the Istanbul Convention that was first ratified but then abolished by the AKP? The Istanbul Convention protects women, empowers them, prevents violence against them and provides effective punishment for women who are subjected to violence, and it will be re-introduced in the first 24 hours of our government: Such is the promise of Kemal Kılıçdaroğlu, our presidential candidate. I can tell you that in advance.

**There are also ongoing violations of rights. Unfortunately, you too have recently faced a trial and still run the risk of facing a political ban as a consequence. After 14 May, will Turkey be a country where everyone can speak freely and without fear? Do you think it will take a comprehensive restoration process or do we need to start over for this to happen? If what it will take is a process, what do you think should be the priority steps of it?**

First of all, I am not facing any risk of a political ban as I am already under a political ban. The risk is eliminated. I am politically banned. For example, if this unlawfulness is not resolved, I will not be able to file a claim, neither be a candidate nor do anything else for 5 years. After 14 May though, in the second century of the Turkish Republic, there will be a brand-new beginning in Turkey. You will see that the steps will be taken towards building a Turkey that will have transitioned into a strengthened parliamentary system, ensured the rule of law, created new employment channels for young people, ensured the equal representation and free speech of women in

this society and implemented functioning merit-based systems. This will be a country where new institutions, new councils and new cadres are imagined in advance, and where the steps towards making Turkey a country that will be able to compete with the world - because Turkey has the potential for this - rather than a country that fights and divides within itself, will be taken gradually and day by day, starting from 15 May. The Republic of Turkey is soon to celebrate its centenary. Its founder is Mustafa Kemal Atatürk. We are living in a society with very solid foundations and its 86 million people possess a great wisdom. When viewed from the outside, from abroad, it may not be easy to feel about Turkey in this way. Because when people abroad think of Turkey, they naturally see the president or the ambassadors. But that is not Turkey. Turkey can live on its own resources. Turkey can produce with its own resources and become competitive with the world. The people of Turkey, the people of Anatolia possess so much wisdom of their own. So I can tell you this: In Turkey, they cut off the columns of the Republic founded by Atatürk. But thanks to the wisdom of the Turkish people and our current reality, it is possible to rebuild those columns and build a new Turkey with freedom, equality, progressivism, independence, freedom of thought and expression. And that's what we're going to do. ■

## Canan Kaftancıoğlu

Born in 1972 in Ordu, Dr Canan Kaftancıoğlu graduated from Istanbul Faculty of Medicine. She specialised in the Department of Forensic Medicine and worked on the detection of torture.

Dr. Canan Kaftancıoğlu has worked in various associations and NGOs since her student years. She has also worked on unsolved murder cases in Turkey.

In 2011, Dr Canan Kaftancıoğlu served as the People's Republican Party (CHP) Istanbul Regional Vice President in charge of Press, Culture and Communications. In 2012, she was elected member of the provincial board of directors. Between 2012 and 2014, she served as Deputy Regional Chair and Deputy Regional Chair in charge of Press. Dr. Canan Kaftancıoğlu also served as a member of the temporary executive board of the United June Movement, which was established after the Gezi Resistance. Since 2018, she has been serving as the CHP Istanbul Regional Chair and is the first woman to hold this positions in the People's Republican Party (CHP) in Istanbul.