

EXCECUTIVE SUMMARY

KYM International (KYM) is a non-governmental international humanitarian relief and development organization based in Brussels, Belgium. Lately, the Turkish government has targeted against the members of non-pro-government civil society organizations which are not affiliated to political entities as well, and in order to suppress those, the Party has been actively placing pressure on the volunteers of the CSOs in the various sectors from humanitarian aid to education. This report demonstrates, in detail, KYM's humanitarian programs, how they contribute to people in need, and a brief of these contributions in numbers. The report also indicates Turkish Government's destructive attitude towards NGOs including KYM and a variety of violations that took place and how people in need have been affected from this situation.

KYM INTERNATIONAL

KYM International (KYM) is a non-governmental international humanitarian relief and development organization based in Brussels, Belgium. The organization is committed to provide aid to people in need during their most dire times, with the aim of making a lasting impact on their lives. KYM offers a number of aid programs and projects, including short-term assistance and long-term solutions. By embracing human beings from across the globe, KYM offers programs that not only meet others' basic needs, but also lay the foundation for dialogue and solidarity in sustainable development solutions. The organization aims to design, build and fund projects that contribute to educational advancement, medical assistance, and infrastructure development. KYM INTERNATIONAL that was shut down by the Turkish government without a legal ground was the main partner of largest Turkey-based humanitarian and development organization called Kimse Yok Mu Solidarity and Aid Association which had UN ECOSOC and UN Global Compact, Clinton Global Initiative memberships; was a partner of African Union and a voting member of CIVICUS. A detailed list of Kimse Yok Mu Programs was as follows:

1. HUMANITARIAN AID PROGRAMS

- KYM supported more than 300.000 registered needy families regularly in Turkey
- Had 30 Kindness Centers (A costless clothe store for needy families) - Sister Family Projects

2. HUMANITARIAN AID FOR REFUGEES

- Cash assistance project with UNHCR reached 2.825 families. 16.750 refugees received cash donation.
- We reached more than 100.000 Syrian refugees
- KYM served hot meals to 4.000 refugees everyday via mobile soup kitchen
- Education centers in Hatay and in Kilis
- Built a school for refugees in Erbil (Iraq) with UN

3. DEVELOPMENT PROGRAMS

A. HEALTHCARE PROGRAMS

5 Hospitals built in

- Kenya
- Uganda
- Somalia
- Ethiopia
- Haiti
- 46.600 cataract surgeries
- more than 550.000 people received eye examination
- 592 volunteer doctors made 109 medical screenings

B. EDUCATION PROGRAMS

- 35 schools were built in 12 countries
- 3000 students were receiving scholarship during the academic year of 2015-2016
- Had helped students for school stationary support

C. VULNERABLE CHILDREN PROGRAMS

- 120.000 Vulnerable children supported in 60 countries
- 13 orphanages built in 5 counties
- 17 orphanages renovated in 12 countries

D. CLEAN WATER PROGRAMS

- 3400 water pump built in 19 countries
- Around 5 million people benefited
- Construction of water supply Network
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4. VOCATIONAL TRAINING PROGRAM

- Agricultural Training Program.
- Niger Agricultural training program
- Training with efficient agricultural techniques adapted to local climate
- As a pilot project, 200 local people are being trained

5. VOCATIONAL TRAINING FOR WOMEN EMPOWERMENT

KYM were serving those training programs in Somalia Sudan and Albania

- Sewing, Bakery, Tailoring, Carpet Weaving, Culinary Skills, Computer Courses Pasta making courses for vulnerable children and women
- 528 people has succeeded from this training programs

6. INFRASTRUCTURE DEVELOPMENT PROGRAM

- Social Complexes (School, Hospital, Dormitory and soup Kitchen) in Kenya, Uganda, Ethiopia and Somalia
- Pakistan Ikbaliye Town (Town Construction) KYM has constructed a whole town in Ikbaliye by building houses, schools, shopping centers, medical centers.)

Freedom of conscience, expression, association and assembly

Background

Freedom and Independency of CSOs

Civil society is defined as one of the most important mechanisms for protecting an individual and society from state power and authoritarianism, providing different perspectives to politics. The State has a determining role for society in Turkey. State significantly intervenes in education, art, culture, religion and as can be seen on activities of solidarity. Common emphasis coming to the fore in discussions regarding civil society is the necessity to lessen the state's intervention in society. Reports on civil society states that principles of human rights, democracy, the rule of law and equality before the law must be established and generalized in Turkey to broaden and deepen civil society.

However, the subsequent period has witnessed a serious decline with regards to the rule of law, human rights, democracy and freedom of thought as a result of government actions and inaction. Censorship in the media, the Gezi Park uprising, serious corruption allegations, the witch-hunt against CSOs that do not share the same values with the government, shutting down more than 1300 civil society organizations¹, dismissal of more than 150.000 people² from their jobs, can be cited as examples of this decline.

The slowdown in the EU accession process, a legislative proposal for presidency which conflicts with the principle of the separation of powers, the creeping and narrowing freedom of the media, and bossism enabled the suppression and closure of NGOs on peace, humanitarian and development, health, Kurdish culture, children and women's rights, forced migration, poverty and minority issues, sports associations, solidarity associations³

The Turkish government is now trying to suppress any fraction it deems as opposition. The government, while shaping its own business_environment and media, desires to gain judiciary power, over media and civil society under its control, and limit their freedom. The principles of a constitutional state are being disregarded.

Targetted CSOs

As the greatest example of this suppression strategy, Kimse Yok Mu the humanitarian aid organization, a member of UN ECOSOC, is being targeted⁴. Pursuant to Article 6 of the Law on Donation Collection, KYM's license to collect donations is annulled without any justification. With this decision, KYM's right to organize campaigns, to collect SMS donations and its right to collect any donations without prior permission are also terminated. The bank accounts of the association were frozen and then after the coup attempt that we still cannot understand the relation of it with a humanitarian organization, even though there is an ongoing juridical process and there is no tangible evidence, the board of directors were

¹ <https://www.amnesty.org/en/latest/news/2018/04/turkey-government-crackdown-suffocating-civil-society-through-deliberate-climate-of-fear/>

² <https://www.reuters.com/article/us-turkey-eu/turkeys-long-crackdown-casts-shadow-over-eu-meeting-idUSKCN1NQ1MN>

³ <https://ahvalnews.com/civil-society/end-civil-society-turkey>

⁴ Annex 1: Timeline of KYM's Unlawful and illegal process

removed in 22.07.2016 by the notification of Provincial Associations Directorate of the Istanbul Governor's Office and the next day Kimse Yok Mu was shut down by a decree of State of emergency in 23.07.2016. Although there was no legal ground, all the bank accounts and the operations of the organizations were blocked. KYM and its branches were inspected and raided by the police. Several board directors of headquarters and branches, hundreds of staff and thousands of volunteers of the organization were arrested without any legal evidence.

Biased Approach against CSOs

It is very ironic that a government, which defines itself as libertarian and reformist, suppress the CSOs that doesn't fit its political interest. Being placed on the agenda in the reforms within the scope of European Union acquis, it is stated that the legal procedures to be followed by relief organizations impede organization's and NGO's activities.

The implementation of the law creates problems both legally and politically. The principles of political and economic freedom and the freedom of organization which are the most important conditions for the development of civil society are obstructed by this law.

The Justice and Development Party government uses law not for removing obstacles to the freedom of civil society, but to establish organizations and foundations supporting its own governing and political ideology. The suppression of organizations criticizing the government and conducting activities not in line with its politics, and limiting organizations' right to criticize confine civil society.

Violations

1. Turkey's Anti Terror Law TMK (1991 Law no.3713) has been subject to acute criticism for its overly broad definition of what comprises an offence under this law, and has brought to prosecution numerous artists and writers accused of activities for or membership of a terrorist organization with little or no evidence of links to terrorism. Freedom of expression and assembly are specifically monitored and affected by Turkey's anti-terror legislation. This law is used unfairly and with a bias against CSOs for the pretext of terror.

2. The right to peaceably hold meetings and demonstrations is protected under Article 34 of the Turkish constitution. However, Law No. 2911 Law on Meetings and Demonstrations been used to prohibit festivals and prosecute those who participate. Thereby, no demonstration regarding the closure of KYM is allowed.

3. Article 33 of the Constitution of the Republic of Turkey guarantees the right to freedom of association stating that “Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission.” and Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Turkey is a state party, also guarantees the freedom of peaceful association. During its initial review under the 8th Session of the UPR, Turkey committed to a number of recommendations to remove unwarranted legal impediments to freedom of association including eliminating all forms of discrimination in the enjoyment of this right. Despite these commitments, the government of Turkey has continued to subvert the right to freedom of association through a combination of legislative restrictions and discriminatory targeting of organizations which advocate on sensitive issues.

4. Of critical concern are provisions found under Law on Associations (Law No: 5253) and the Law on Foundations (Law No: 5737) - and their respective regulations including the Regulation on Associations and the Regulation on Foundations - which endow the authorities with broad powers to interfere and arbitrarily dissolve civil society organizations (CSOs). In contravention of international best practice, under article 5 of the Regulation on Associations, all organizations are forced to register with the Ministry of Interior.

5. The Law on Collection of Aid (Law No 2860) places a number of unwarranted and debilitating restrictions on the fundraising activities of CSOs. According to article 6 of the law, CSOs must secure a government issued permit to conduct fundraising activities outside the jurisdiction of their organizational headquarters. For CSOs operating at the local level, such requirements are severely cumbersome and represent a severe reduction in opportunities to carry out domestic fundraising.

6. Article 3 the Law on Associations and article 5 of the Regulation on Association unduly restrict the exercise of freedom of association for various at risk groups including children, refugees, individuals with mental disabilities and foreign nationals. Under the law, foreign nationals who do not hold a Turkish residence permit are prohibited from being a member of an association. Moreover, international CSOs are prohibited from establishing a branch in

Turkey without the explicit permission of the Ministry of Interior. The process of acquiring such permission is subject to severe politicization, with several outspoken CSOs denied authorization to establish branch offices.

7. Since 2010, a number of civil society groups in Turkey have been actively targeted by the authorities in an apparent attempt to prevent them from undertaking their legitimate work and advocating on contentious issues such as the promotion of minority. KYM was closed with Decree in 2016 by the end of this process.

8. Authorities have routinely sought to close or use the threat of closure to intimidate and destabilize independent civil society organizations. In 2013 alone, two CSOs were closed and the court rejected all court cases that were filed to dissolve CSOs. However, between 2016 and 2019, many CSOs were closed with Decrees including KYM.

9. Article 12 of the UN Declaration on Human Rights Defenders mandates States to take necessary measures to ensure protection to human rights defenders. The ICCPR guarantees the freedoms of expression, association and assembly. It is a matter of deep concern that human rights defenders engaged in legitimate activity are being subjected to reprisals by state officials. A number of KYM staff discussing sensitive topics have been arrested and detained under broad provisions of the Anti-Terror Law and the Penal Code.

10. Article 34 of the Constitution of the Republic of Turkey protects the right to assembly and demonstration stating that, “Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.” Furthermore, article 21 of the ICCPR, to which Turkey is a state party, guarantees the right to freedom of peaceful assembly. However, despite these legal guarantees, there are a number of stringent limitations to this right. In addition, the free exercise of the right to peaceful assembly is severely undermined by unwarranted disruptions, arbitrary detention of peaceful protestors and the use of excessive force and sometimes-deadly force by security officials.

Results of Violations and Closure of KYM

After the closure of KYM with a decree of state of emergency, many aid programs of the organization have been automatically hindered. The list of the hindered programs is as follows:

- 300.000 registered families can no longer benefited from KYM’s donations in Turkey

- KYM can no longer provide humanitarian aid more than 110 countries where it was operating.
- KYM can no longer construct social complexes like it did Ethiopia, Kenya, Somalia and Uganda. Each of the complexes consist of hospital, school, dormitory and soup kitchen.
- 100.000 registered Syrian refugees whom KYM provided aid can no longer benefit from KYM's programs
- 4000 Syrian refugees in Turkey can no longer have hot meal each day
- The cash assistance program with UN and education centers those serve for Syrian refugees can no longer support them.
- 4 Hospitals in Africa those provide free service for in need people can no longer serve people in Uganda, Kenya, Ethiopia and Somalia.
- No more eye examinations or cataract surgeries in sub-Saharan African countries can be done which served 500.000 needy people so far.
- We can no longer organize medical screenings and won't be able to send volunteer doctors like we sent 591 doctors so far.
- 35 schools in 12 different countries can no longer support needy children with their studies
- 3000 students can no longer receive scholarship anymore
- 30 kindness centers where in need people could able to get in kind aid were closed
- 120.000 Vulnerable children from 60 different countries can no longer receive humanitarian support.
- 30 orphanages those KYM support can no longer receive help orphans
- No more water wells can be opened by KYM like 3400 of them were drilled in 19 countries to reach clean water. Approximately 5 million people benefit from them.
- No more training program can be carried out like KYM completed for 200 local people in Niger with efficient agricultural techniques adapted to the local climate

No more vulnerable children and women can receive trainings like sewing, bakery, tailoring, carpet weaving, culinary skills, computer courses, pasta making courses

Conclusion

We would like to express our concern for the serious issues dealing with the freedom of associations, human rights and freedom of CSOs in Turkey. We demand an open and detailed investigation for the oppression and closure process of our main partner Kimse Yok Mu association and for other 1300 CSOs those were shut down with a cabinet decree with baseless accusations. We strongly ask for taking necessary steps from Turkey state to guarantee destroying critical civil society organizations and violence against the members of

non-pro-government civil society organizations and to combat intolerance to independent civil societies, and ensure their freedom in the country.

Recommendations

Implement all necessary measures regarding different types of discrimination, protection of rights freedom of expression, freedom of association and assembly in the country to ensure not to destroy and mute the civil society organizations which are not submissive to the government.

Strengthen internal mechanisms for the implementation of independency and freedom of civil society by ensuring guaranteeing the rule of law in compliance with international standards and adopting legal measures to prevent punishment of civil society members.

Plan inviting the United Nations Special Rapporteur for Human Rights Defenders and Freedom of Association to visit the country in the near future to examine the current situation and analyze what can be done to strengthen the existing cooperation with the United Nations and the human rights mechanisms

Immediately prevent and combat hostile attitudes against people who are members of civil society organizations that was linked to Gulen movement, Kurdish and Alevites, and non-Muslim minorities.