



**BROKEN  
CHALK**

**Broken Chalk** is an Amsterdam-based NGO established in 2020, which focuses on monitoring and minimizing human rights violations in education all around the world. Our goal is to contribute to promoting universal and equal access to education for all.

Together with our international sponsors and partners, we encourage and support achieving societal peace by advocating for intercultural tolerance, preventing radicalism and polarization, and tackling inequalities in the field of education.

**Inputs to the  
Global Study on the Impact of Counter-Terrorism Measures on Civil Society  
and Civic Space**

<b>Name of organisation, entity, or Member State: Broken Chalk, Netherlands</b>
<b>Contact name: Caren Thomas</b>
<b>Title:</b> <b>The impacts of anti-terror laws on sick children whose parents are accused by the law in Turkey. by Caren Thomas</b>
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<b>Please indicate whether your organisation or entity would like your inputs to be published online (Yes/No): Yes</b>
<b>Please provide any descriptions, examples, or assessments of the below issues:</b>
<b>1. Civil society participation in national counter-terrorism or preventing/countering violent extremism (“P/CVE”) laws, policies, programs, or practices.</b>  In the case of Ahmet, a public outcry and various media campaigns were held. There was a campaign launched on social media for Ahmet’s father to be tried without arrest so that he could be with his son during the treatment process. <sup>1</sup>

<sup>1</sup> Ahmet Burhan Atac: *The Story of the Child Who Got Killed Collectively*, Broken Chalk  
<https://brokenchalk.org/ahmet-burhan-atac-the-story-of-the-child-who-got-killed-collectively/>

Currently, Gulden Sayin is a prisoner accused of anti-terrorism and her son is currently suffering from cancer. She is only allowed to visit her son at the hospital for half a day since the Ministry of Justice for her release or no arrangement has taken no steps has been made where she can spend sufficient caring for her child during this painful time.<sup>2</sup> This case is currently garnering huge attention not just from the public but also from renowned leaders from within the country and seeks for the government to make a change in the Constitution for such exceptional cases.

## **2. Impact of national counter-terrorism or P/CVE laws, policies, or practices on civil society and constituencies**

According to the Turkish constitution, any prisoner who has a child with severe illness has a right to take care of the kids. However, the prisoners accused under anti-terrorism law cannot care for their children.<sup>3</sup> This especially poses a problem since it can be seen as a violation of the rights of the children guaranteed under the Constitution of Turkey<sup>4</sup> nor does it ensure that equality is guaranteed<sup>5</sup> as measures taken for the sake of children are not seen as a violation of equality.

Turkey is bound by several regional and international declarations that require the State to ensure and protect human rights and fundamental rights. However, in practice, there is a serious deficit of the same. This can especially be seen through the draconian measures implemented through the counter-terrorism measures, also known as the anti-terrorism laws in Turkey. While in theory, these laws seem to meet human rights standards, a closer look at their implementation shows an undue curtailment of human rights by these Turkish laws.

## **3. Specific gendered impacts of national counter-terrorism or P/CVE measures, especially on women, girls, boys and men, and those identifying as LGBTQI+.**

As a result of these anti-terrorism laws the sick children of these accused persons are negatively impacted. Women, girls and boys have been severely impacted due to the accusations levelled out on their families due to their alleged association with the Gulen movement allegedly responsible for the military coup attempt in 2016.

Multiple cases have indicated that the rights of children have been violated such as the case of Nurefsan Ketenci a differently abled girl who was pressured to leave her school due to her father being accused under the anti-terrorism laws. The family were living as

<sup>2</sup> *Jailed mother reunites with son suffering from cancer for half a day*, Stockholm Center for freedom, <https://stockholmcf.org/jailed-mother-reunites-with-son-suffering-from-cancer-for-half-a-day/> January, 27<sup>th</sup> 2023.

<sup>3</sup> Law No. 5275 – 17.4, 17.6

<sup>4</sup> Article 41, Constitution of Turkey

<sup>5</sup> Article 10, Constitution of Turkey

refugees in Germany due to the lack of support received from the government, especially in the case of the sick girl.<sup>6</sup>

Selman was denied proper and timely treatment abroad due to the travel ban issued to his mother by the Turkish authorities and his father who was a prisoner accused of anti-terrorism.<sup>7</sup> Similarly, the case of Ahmet Burhan where his father too was a prisoner accused under the anti-terrorism law. The arbitrary detention of the father denying him to be with his son at least during the treatment process coupled with the travel ban issued to his mother as well as arbitrary detention, made him receive treatment in the absence of both his parents and there was a delay in the treatment due to the abuse in the judicial systems.<sup>8</sup> As stated, earlier Gulden Sayin is arbitrarily detained. Her husband has complained to Turkey with the UN Committee on the Rights of the Child with the assistance of international human rights lawyers David Matas and Sarah Teich. The accused in this case was the primary caregiver and has not been provided with the requested compassionate leave to care for her son.

#### **4. Acts of intimidation or reprisal, including under counter-terrorism or P/CVE policy, for participating in national advocacy.**

Because of the abuse of the system that takes place under the laws of anti-terrorism, Ahmet's mother was detained with a travel ban and was not allowed to travel with Ahmet to Germany. This caused a delay in his treatment and at one point, both mother and son were separated leaving him to undergo his surgery in the absence of his parents.

Nurefsan Ketenci (mentioned above) was intimidated by the school she was enrolled in to forcefully leave due to the alleged links of her father to the Gulen movement.

In both cases, the Turkish government had shut down various companies, judges, teachers, civil servants and other persons and has proceeded to subject people to legal proceedings on coup charges since the failed coup of 2016 and for their alleged links to the Gulen movement.

In addition to this, a pattern can be seen of the Turkish government denying the freedom of expression in any shape or form, particularly to human rights defenders or anyone who has spoken against the functioning of the government.

#### **5. Acts of intimidation or reprisal, including under counter-terrorism or P/CVE policy, for participating in United Nations events, programmes, policies, or other**

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<sup>6</sup> *Disabled girl forced to leave special needs school due to father's links to Gülen movement dies*, Stockholm Center for freedom, <https://stockholmcf.org/disabled-girl-forced-to-leave-special-needs-school-due-to-fathers-links-to-gulen-movement-dies/> July 26<sup>th</sup>, 2021.

<sup>7</sup> *Mother of young cancer patient about to lose an eye: My child will die without seeing his father*, Stockholm Center for freedom, <https://stockholmcf.org/paralyzed-6-year-old-fights-brain-cancer-without-his-jailed-fathers-support/> July 8<sup>th</sup>, 2020.

<sup>8</sup> *Ahmet Burhan Atac: The Story of the Child Who Got Killed Collectively*, Broken Chalk <https://brokenchalk.org/ahmet-burhan-atac-the-story-of-the-child-who-got-killed-collectively/>

<b>mechanisms.</b>
<b>6. Impact of terrorism and counter-terrorism measures on the rights of victims of terrorism.</b>
<p><b>7. Repatriation and resettlement of foreign (terrorist) fighters and their families from conflict zones.</b></p> <p>Nurefsan Ketenci's (mentioned above) case is one to remember. Her situation, which ultimately led to her death, was extremely difficult for the family. Not only did they have to forcefully leave the school she was enrolled in but also the family had to flee to Germany where they were awarded refugee status. While the German government was supportive in attending to the medical needs and other requirements of the family there was a clear lack of support on the part of the Turkish government into supporting at least the needs of the child. There was a clear violation on the part of the Turkish government taking into account the Rights of the Child as well as the rights given to children in the Turkish Constitution.<sup>9</sup></p> <p>There have also been a lot of cases where families have died trying to cross the seas to flee the country due to the government cancelling passports of people's alleged links to the Gulen movement.<sup>10</sup></p>
<p><b>8. Extent of civil society participation and influence in United Nations counter-terrorism efforts.</b></p> <p>Gulten Sayin is arbitrarily detained. Her husband has complained to Turkey with the UN Committee on the Rights of the Child with the assistance of international human rights lawyers David Matas and Sarah Teich. The accused in this case was the primary caregiver and has not been provided with the requested compassionate leave to care for her son.</p>
<b>9. Extent of civil society participation and influence in Member State counter-terrorism efforts.</b>
<b>10. Extent of victims/survivors of terrorism participation and influence in United Nations or Member State counter-terrorism efforts.</b>
<b>Additional Questions:</b>

<sup>9</sup> Article 10, Article 41 of the Constitution of Turkey

<sup>10</sup> *9-year-old Turkish girl drowns while trying to cross Evros River*, Stockholm Centre for freedom, <https://stockholmcf.org/9-year-old-turkish-girl-drowns-while-trying-to-cross-evros-river/> March 8<sup>th</sup>, 2021.

**11. How would your organisation define meaningful civil society participation in national, regional, and international counter-terrorism efforts? Please also include any examples of good practice on the inclusion of civil society in efforts to address counter-terrorism in your national, regional or global context?**

We need to have an effective and transparent mechanism which can be laid out by international organizations and can then be incorporated as a law. This could potentially reduce the State's inclination to loosely invoke national security or project the prisoner accused of anti-terrorism being there for his or her sick child as an issue that goes against the State's national interest.

**12. What recommendations does your organisation have to States for ensuring adequate civil society participation and consideration of the impacts of counter-terrorism on civil society.**

There should be an increase in the internal capacity of the country to address issues and take immediate and effective steps, especially in the case of arbitrary detention or a travel ban, which adversely affects a third party such as a sick child of a prisoner of anti-terrorism.

**13. What recommendations does your organisation have to regional and international organisations for ensuring adequate civil society participation and consideration of the impacts of counter-terrorism on civil society?**

Adequate remedies need to be put in place at all international, regional and local levels to ensure that in future when situations such as these do arise there is a proper plan of action preventing unnecessary legal issues and hindrances and a swift movement to ensure that the other stakeholders such as the sick child are not impacted by the gaping human rights shortcomings seen in the anti-terrorism measures implemented.

**14. What recommendations does your organisation have to civil society for ensuring adequate civil society participation and consideration of the impacts of counter-terrorism on civil society?**

An emphasis needs to be laid on the right to privacy and family life, health-related rights, especially in the case of sick children who become innocent victims in the abuse of the system that takes place when human rights law needs to be ensured in the case of prisoners.

**15. What recommendations does your organisation have to States, the United Nations, or associations for victims/survivors and civil society on the impacts of terrorism and counter-terrorism measures on the rights of victims of terrorism?**

Humanitarian protection should be given to the prisoner of anti-terrorism and the prisoner's family members during this difficult time of being physically present for the child and not finding ways to further burden the child. Humanitarian protection given to the prisoner accused of anti-terrorism should not be seen as a form of support for terrorism. Awareness among society and the decision makers within the country that even prisoners are entitled to rights despite the crimes that they are accused of having committed.

Access to human rights experts to expedite such cases should be an option given to prisoners accused of anti-terrorism.

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