Freedom of Association and Labour Rights Under Threat: The Situation of Trade Unions in Turkey

---

KHRP Briefing Paper
Last Updated 10/11/08

SUMMARY

This paper assesses the extent to which the situation of trade unions in Turkey has changed in recent years, in the context of the country's bid to accede to the European Union. The evidence suggests that reforms in this respect have been inadequate and that the Turkish state is yet to recognise the valuable role that unions have to play as necessary social partners within the democratic system. As a party to International Labour Organisation conventions, the European Social Charter and the European Convention on Human Rights, Turkey is committed to recognising freedom of association and a wide range of labour rights. However, several pieces of domestic legislation remain at odds with these international agreements. These include laws that severely impede the formation and functioning of trade unions, as well as the types of workers who are eligible to join them. In practice, the Turkish authorities continue to violate the rights of employees – particularly those working in the public sector – to associate freely, to bargain collectively and to go on strike. This often takes the form of disciplinary action, malicious prosecutions and fines against individual union members or leaders. Such actions have severe implications for Turkish democracy and the human rights situation across the country, underlining how far Turkey still has to go before it can claim to meet the minimum requirements of a modern, democratic state. What is more, the situation of labour rights is of particular concern in the Kurdish regions of south-eastern Turkey. This is partly because, in the context of conflict and political tensions, extra security measures are in place and security forces in these areas are especially likely to view collective mobilisation of employees as a threat, especially where this is linked with expressions of Kurdish culture. It is also the case that factors such as poverty, discrimination and displacement in the Kurdish regions of Turkey exacerbate the harm caused by violations of labour rights.

CONTENTS

INTRODUCTION

Labour rights – including the rights of workers to receive decent wages for their labour and to organise themselves collectively in order to protect their interests – are an essential component of international human rights standards. This briefing paper considers Turkey's adherence to international labour rights agreements, taking into account the relevant laws that feature on the country's statute books, and also the day-to-day practices of the authorities in this regard. The evidence suggests that violations of labour rights are a problem throughout Turkey. However, the situation is particularly serious in the Kurdish regions in the south-eastern part of the country. This is partly because conflict and political tensions in the region have led to the introduction of extra security measures and have contributed to a situation in which the collective mobilisation of employees is regarded with heightened suspicion, especially when this is linked with expressions of Kurdish cultural identity. In addition, factors such as poverty, discrimination and displacement in the Kurdish regions of the country mean that those violations of labour rights that do occur have a particularly harmful impact on people's lives.

TURKEY'S INTERNATIONAL OBLIGATIONS

Turkey is party to a number of international conventions which determine its obligations with regard to labour rights. According to Article 90 of the Turkish Constitution, these conventions, once approved by the National Assembly, are incorporated into domestic law and take precedence over this in cases where there is a contradiction.

Turkey is a member of the International Labour Organisation (ILO) and has ratified ILO Conventions 87 and 98, both of which have specific relevance to trade union rights.[1] Convention 87 (Freedom of Association and Protection of the Right to Organise, 1948), for example, holds that:

> Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.[2]

ILO Convention 87 further prohibits the government from

[1] Full details of all the ILO Conventions ratified by Turkey can be found at http://www.ilo.org/public/english/region/eurpro/ankara/conv/ratified.htm (last accessed 5 November 2008).
[2] ILO Convention 87, Article 2. Available at http://www.ilo.org/ilolex/cgi-lex/convde.pl?C087 (last accessed 21 October 2008).

interfering in the establishment and organisation of unions, and from suspending or forcibly dissolving them.[3]

Convention 98 (Right to Organise and Collective Bargaining, 1949) provides extra protection to workers by banning acts of discrimination in respect of employment, due to their membership of unions or their participation in union-related activities.[4]

ILO Conventions 87 and 98 both grant domestic legislation the space to determine whether their provisions should apply to the armed forces and police. They also do not address 'the position of public servants engaged in the administration of the State'. All the same, it is stressed that this latter provision should not be 'construed as prejudicing their rights or status in any way'.

In addition to the ILO Conventions, Turkey has also ratified the European Social Charter, which contains detailed provisions vis-à-vis trade union rights. However, since ratifying the Charter in June 2006, Turkey has continued to exempt itself from Articles 5 and 6, which address the right to establish trade unions and the right to strike respectively.[5]

Finally, as a member of the Council of Europe, Turkey is party to the European Convention on Human Rights (ECHR). Provisions of this document that have a bearing on trade union rights include Article 11, which states that:

> 1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
>
> 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

DOMESTIC LEGISLATION AND THE REFORM PROCESS

Article 54 of the Turkish Constitution recognises the right of workers to join trade unions and to strike *under the conditions of the law*. In practice, however, three pieces of domestic legislation governing trade union rights in Turkey place

[3] ILO Convention 87, Articles 3 and 4.
[4] ILO Convention 98, Article 1, available at http://www.ilo.org/ilolex/cgi-lex/convde.pl?C098 (last accessed 21 October 2008).
[5] Council of Europe, 'Acceptance of Provisions of the Revised European Social Charter (1996),' http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/Provisions_en.pdf (last accessed 16 October 2008).

severe limitations both on the types of workers who are eligible to claim such rights and on the scope of the rights themselves.

Two particularly relevant pieces of legislation are the Trade Unions Act (no. 2821) and the Collective Labour Agreements, Strike and Lockout Act (no. 2822). These Acts, the origins of which date back to the administration that ruled Turkey following the military coup of September 1980, contain provisions which severely curtail the functioning of trade unions, in breach of the right to freedom of association. For example, to be recognised as a bargaining entity, unions must represent over 50 per cent of workers within an enterprise and 10 per cent of the workers within the relevant industry as a whole. Additionally, only one union may exist and conduct collective bargaining for each enterprise.[6] These regulations contrast with parallel frameworks in European Union member states. In Sweden, for example, there is no requirement for unions to register and no minimum membership.[7]

The ILO has on a number of occasions asserted that the provisions of Act no. 2822 are incompatible with its Conventions with respect to the right to strike. For instance, this law stipulates that unions take a series of steps before striking, including entering negotiations and non-binding mediation. **Key forms of striking, such as solidarity, warning and general strikes (those that involve multiple unions over a geographical area) are prohibited, while the government retains far-reaching powers to postpone strikes if it deems it necessary to do so.**

The third piece of Turkish legislation that impedes trade union rights relates specifically to those working in the public sector. A complete ban on public servants establishing unions was lifted in Turkey only in the mid-1990s. The Law for the Public Employees Trade Unions (PETU; Act no. 4688), which was enacted in 2001, currently represents the legal base governing public sector trade union rights. However, despite the fact that it was ostensibly aimed at bringing domestic legislation into line with Turkey's ILO obligations, PETU does not fully recognise the right to strike and to bargain collectively. The Act, for example, does not refer to the concept of collective bargaining, but instead contains provisions for so-called 'collective consultative talks'. These are to refer exclusively to financial concerns, namely salary, compensation and bonus-related issues. According to the International Trade Union Confederation (ITUC), these provisions fall short of the definition of collective bargaining

[6] ITUC, *2007 Annual Survey of Violations of Trade Union Rights: Turkey,* available at http://survey07.ituc-csi.org/getcountry.php?IDCountry=TUR&IDLang=EN (last accessed 21 October 2008).

[7] Legislation Online, 'Sweden: Freedom of Association and Labour Law,' available at http://www.legislationline.org/topics/country/1/topic/1/subtopic/17 (last accessed 10 November 2008).

in ILO Convention 98, and the Act 'in practice leaves the power of decision making with the government'.[8]

An additional concern is the fact that PETU takes a very narrow position on the type of workers eligible for trade union membership rights. Under the Act, several key categories of public sector workers – including lawyers, civilian civil servants, employees at penal institutions, special security personnel, public persons in 'positions of trust', and senior personnel within higher education – are prohibited from joining unions. Although the status of the right to strike as a matter of law under the ECHR is not entirely clear, most EU states permit all but certain key categories of public employees to exercise this right. By this standard, Turkey's legislation goes beyond what is justifiable.

It is acknowledged that efforts to achieve harmonisation between domestic legislation and Turkey's international obligations have resulted in some modest gains in recent years, such as the removal of the requirement that an individual must work for at least ten years before becoming eligible for election to the management bodies of trade unions. Furthermore, there have been cases of employers' and employees' groups working together to produce joint declarations on labour practices.[9] Similarly, considerable public discussion has taken place focusing specifically on Acts 2821, 2822 and PETU, and the need for reform of these. Nonetheless, progress towards much-needed reforms has become stuck in parliament, with amended legislation remaining in draft form only. Against this background, the European Commission's 2008 Turkey Progress Report underlined the ongoing need for Turkey to ensure that trade union rights are fully respected in line with EU standards.[10] It is clear that Turkish laws continue to conflict with the country's obligations under international conventions.

TRADE UNION RIGHTS IN PRACTICE

The most immediate impact of Turkey's failure to provide adequate legislative protection for workers is that many workers, and in some cases whole sectors of workers, are denied basic labour rights. By the end of 2006, less than 10 per cent of workers in Turkey were protected by collective agreements. The limitations on public servants who are covered by

[8] ITUC, *2007 Annual Survey of Violations of Trade Union Rights: Turkey*.

[9] Turkish Daily News, 'Government Fails To Bring Union Rights To EU Levels', 30 April 2008, available at http://www.turkishdailynews.com.tr/article.php?enewsid=103223 (last accessed 28 October 2008).

[10] European Commission, *Turkey 2008 Progress Report*, 5 November 2008, available at http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/turkey_progress_report_en.pdf (last accessed 5 November 2008).

trade union legislation reportedly deny these rights to some 450,000 public employees.[11]

In addition, however, there is considerable evidence of state interference in the functioning of unions and harassment of their members. According to the ITUC, 'If a union seriously contravenes the laws governing its activities, it can be forced to suspend its activities or enter into liquidation on the order of a labour tribunal'. During 2006, several public sector unions were pressured with lawsuits in order to force them to change their constitutions.[12] In some cases, these have resulted in cases being taken to the European Court of Human Rights (ECtHR). In February 2006, for example, the ECtHR ruled that the dissolution in 1995 of Tüm Haber-Sen (the News and Communication Workers' Union), on the grounds that it was made up of public servants, was unlawful.[13]

On 12 March 2008, KHRP representatives met in Diyarbakır with members of KESK, the Confederation of Trade Unions of the Public Offices.[14] KESK was founded in 1995 after the lifting of the ban on public sector unions. Through a series of mergers, it now represents 11 affiliated unions and a broad cross-section of public sector employees, including teachers, technicians and workers in the health, transportation and energy sectors. It has 231,987 members in total. Since its formation, KESK representatives have reported numerous incidences of discrimination and harassment against its members for asserting their rights to freedom of expression and association. The representative of the Education and Science Workers Trade Union, Eğitim-Sen, told the mission that it had 140 cases pending against its members, mostly in connection with statements made during demonstrations. In a submission made to the ITUC in the run-up to publication of its 2007 annual survey of trade union rights, KESK reported that legal proceedings had been launched against six executive committee members of KESK-affiliated unions for attending the trial of individuals charged in connection with the shooting of Ahmet Kaymaz and his 12-year-old son Ugur in south-eastern Turkey in 2004. Although the union representatives were acquitted on charges of influencing a court case, they were reportedly fired as a result of the legal proceedings.[15] It

[11] ITUC, *2007 Annual Survey of Violations of Trade Union Rights: Turkey*.
[12] *Ibid.*
[13] European Court of Human Rights, 'Press Release Issued by Registrar: Chamber Judgment Tüm Haber Sen and Çınar v. Turkey,' 21 February 2006, available at http://www.echr.coe.int/Eng/Press/2006/Feb/ChamberjudgmentT%C3%BCmHaberSenvTurkey210206.htm (last accessed 7 October 2008).

[14] KHRP FFM Report, *Return to a State of Emergency? Fact-Finding Mission Report* (KHRP, London, June 2008), 55.
[15] Sendika, 'Turkey - ICTU : In Turkey, Serious limitations on the right to strike, excessive police force against unions,' available at

was reported that all of the representatives of KESK who took part in the meeting with KHRP mission members had been or were at the time implicated in judicial proceedings due to infringements of their right to freedom of expression and association.[16]

Other evidence confirms that the practice of prosecuting unionists is widespread. According to the ITUC, during 2006 a total of nine trade union members were fined a combined sum of 1,476 YTL (roughly $1,110), 36 were subject to ongoing 'disciplinary inquiries', and 132 were given disciplinary punishments, all because of their participation in unions.[17]

In another recent example, in May 2008, the International Transport Workers' Federation launched a campaign to protest against the arrest on 21 November 2007 of members of the Turkish road transport union, TÜMTIS. At that stage, 15 unionists were reportedly awaiting trial on charges of 'setting up a criminal organisation', as a result of their involvement in two union-organising campaigns.[18] At the time of writing, seven of these detainees are still awaiting a trial which is due to begin in December 2008.[19] If found guilty, they face prison sentences of between 5 and 175 years.[20]

In mid-2008, Ms Meryem Özsögüt, a member of the management board of SES, the Union of Health and Social Service Workers, was reportedly arrested after she participated in a press conference on 14 December 2007 on behalf of SES to denounce the killing of trade union official Kevser Mizrak in a police raid at her home. According to information received by the global trade union federation Public Services International (PSI), Ms Özsögüt was charged on the basis of 'being a member of a terrorist organisation' and 'for making propaganda in support of a terrorist organisation'. Several other people who were arrested at or around the same time as Ms Özsögüt, ostensibly for the same reasons, were subsequently released, and PSI interpreted Ms Özsögüt's continued detention as further evidence of the hostility of the Turkish authorities towards trade unions. Ms Özsögüt's trial finally took place on 5 September. She was acquitted of the

---

http://www.sendika.org/english/yazi.php?yazi_no=13284 (last accessed 4 November 2008); and KESK, 'Report of KESK Submitted to ITUC,' available at http://www.kesk.org.tr/index.php?option=com_content&task=view&id=377&Itemid=129 (last accessed 7 November 2008).

[16] KHRP FFM Report, *Return to a State of Emergency? Fact-Finding Mission Report*, 56.

[17] ITUC, *2007 Annual Survey of Violations of Trade Union Rights: Turkey*.

[18] International Transport Workers' Federation, 'Delegation to Demand Release of Trade Unionists Held in Turkey', 30 May 2008, available at http://www.itfglobal.org/news-online/index.cfm/newsdetail/2041 (last accessed 21 October 2008).

[19] KHRP telephone interview with Turkish union official, 22 September 2008.

[20] Türkiye Gazeteciler Sendikasi, 'Tümtis Üyelerine Tahliye Karari,' available at http://www.tgs.org.tr/index.php?option=com_content&task=view&id=311&Itemid=Turkish (last accessed 4 November 2008).

membership charge, as were four other defendants, but she was reportedly convicted for using the press conference to disseminate terrorist propaganda and sentenced to 15 months' imprisonment. As she had already spent eight months in custody, she was released following the trial. An appeal was expected to be submitted against her conviction.[21]

According to PSI, workers at the state enterprise ÇAYKUR (General Directorate of Tea Enterprises) were instructed from May 2008 to disaffiliate themselves from the independent trade union Tekgıda-Is, and to instead join Ozgıda-Is, a union known to have close links to the governing *Adalet ve Kalkinma Partisi* (Justice and Development Party, AKP). Those workers who refused to do so were reportedly subjected to intimidation, including threats of dismissal, workplace transfers and harder working conditions.[22]

A further problem faced by trade union activists in Turkey is the practice of 'internal exile'. In effect this is the compulsory transfer of an employee to a part of the country far from his or her home, without the possibility of accompaniment by spouse and family.[23] Internal exile – or the threat of internal exile – is employed to discourage trade union activism, and as an instrument by which managers of state bodies can control their workforce and prevent the effective organisation of unions to further workers' economic interests. Internal exile is typically presented to the employee as a choice, in that in a formal sense he or she can accept dismissal as an alternative. However, many workers naturally cannot afford to lose their salary, and the practice therefore goes unchallenged. During the KHRP fact-finding mission to Turkey in March 2008, mission members were extremely concerned to learn that internal exile remains commonplace. According to the ITUC, 15 trade unionists were transferred during 2006 due to their union activities.[24]

Opportunities for redress for those subjected to internal exile are inadequate, as individuals who take legal action on the basis of their arbitrary dismissal will likely lose their job whilst a judgment is pending. In any case, the legal process can take up to two years, and if the judge finds against the employee, he or she will lose his or her job permanently. KESK representatives told KHRP that the

[21] Public Services International, 'Meryem Özsögüt Finally Released', available at http://www.world-psi.org/TemplateEn.cfm?Section=Home&Template=/ContentManagement/ContentDisplay.cfm&ContentID=20406 (last accessed 21 October 2008).

[22] Public Services International, 'Violation of ILO Conventions 87 and 98 and Other International and European Instruments,' available at http://www.world-psi.org/TemplateEn.cfm?Section=Europe_new&CONTENTID=20789&TEMPLATE=/ContentManagement/ContentDisplay.cfm (last accessed 21 October 2008).

[23] KHRP FFM Report, *Return to a State of Emergency? Fact-Finding Mission Report*, 55.

[24] ITUC, *2007 Annual Survey of Violations of Trade Union Rights: Turkey*.

union had set up a solidarity network which provides victims of 'internal exile' with one third of their salary until a court judgement is delivered. Individuals who lose their job in this way can initiate legal proceedings before the Administrative Court. However, this is a lengthy process and the judiciary is anyway widely mistrusted.[25]

The ECtHR has spoken out on the practice of internal exile. On 14 November 2006, it ruled that one of the founders of Enerji-Yapi Yol Sen, an affiliate of KESK, had been illegally transferred because of his union activities. The transfer in October 2001 had been justified on the basis that his activities as part of KESK constituted a threat to public order.[26] Such practices are clearly contrary to the letter and spirit of the basic right of workers as established by the ILO and as enjoyed by workers throughout the EU, who are protected from dismissal or sanctions falling short of dismissal when engaged in trade union activity.

Furthermore, KHRP is concerned by the targeting of trade union members who participate in peaceful demonstrations. In 2005, legal proceedings were reportedly initiated against 700 public workers who were active members of the civil servants' union because of their involvement in peaceful protests.[27] Although all 700 were apparently acquitted due to an amendment in the law, such legal proceedings nonetheless send a clear message to those involved about the dangers of stepping out of line and may well prejudice their future career progression. More recently, in May 2008 the European Commission criticised Turkish security forces for allegedly using excessive force against protesters during an International Workers' Day rally in Istanbul. Some 500 protestors were reportedly arrested and dozens injured during the 1 May rally.[28] At the time of writing, no officials are known to have been held accountable for their violent actions towards demonstrators and journalists.[29]

THE KURDISH ISSUE AND LABOUR RIGHTS IN SOUTH-EASTERN TURKEY

As the above cases make clear, labour rights are inadequately protected and in many cases actively undermined by the Turkish authorities throughout the

[25] KHRP FFM Report, *Return to a State of Emergency? Fact-Finding Mission Report*, 56.
[26] ITUC, *2007 Annual Survey of Violations of Trade Union Rights: Turkey*.

[27] KHRP FFM Report, *Return to a State of Emergency? Fact-Finding Mission Report*, 56.
[28] Reuters UK, 'EU Urges Turkey to Probe May Day Police Crackdown, 6 May 2008, available at http://uk.reuters.com/article/worldNews/idUKL0624302220080506?pageNumber=1&virtualBrandChannel=0 (last accessed 21 October 2008).
[29] Bianet, 'May Day Police Violence Goes Unpunished,' 18 September 2008, available at http://www.bianet.org/english/kategori/english/109805/may-day-police-violence-goes-unpunished (last accessed 21 October 2008).

country. In the Kurdish regions of south-eastern Turkey, however, such conduct on the part of the authorities is particularly marked. Given the instability in this part of the country, mass mobilisation of employees there is seen as especially threatening by the security forces. Violations of labour rights are also often intertwined with restrictions on expressions of Kurdish cultural identity, which are pervasive in all areas of life. Furthermore, while trade union activists are often charged under anti-terror laws, Kurds in general also tend to be particular targets of this legislation, making Kurdish trade union activists doubly vulnerable. Finally, the negative impact of violations of labour rights are compounded in south-eastern Turkey by factors such as poverty, discrimination and displacement, which increase the reliance of workers on these rights.

In the past year, KHRP has observed increasing signs of deterioration in the conflict in south-eastern Turkey between the security forces and the Kurdistan Workers' Party (PKK). This trend has been used to justify the implementation of extraordinary security measures in the provinces of Siirt, Hakkâri and Şırnak, in effect returning these areas to the state of emergency imposed on the region in 1987 and ostensibly lifted in 2002. The special security measures have caused enormous disruption to daily civilian life through checkpoints, arrests and military activity. The rights to freedom of expression, freedom of thought and freedom of association continue to be systematically violated.

The absence of clear legislative guidelines as to what constitutes a threat to national security results in arbitrary decision-making by the authorities and interference with the legitimate exercise of the right to strike. In the south-east, strikes have routinely been suspended or postponed indefinitely, ostensibly for reasons of national security. On 30 June 2008, five members of the Workers of Accommodation Services Trade Union (OLEYIS) who had been on strike at Kocaeli University for six months were reportedly detained and beaten by the gendarmerie, allegedly with the permission of the university administration. This followed two similar waves of arrests of the strikers earlier in the year. All detainees were eventually released without charge.[30]

---

[30] Gündelik, 'Kocaeli: OLEYİS grevinde 5 sendikacıya gözaltı', available at http://www.gundelik.net/2008/06/30/kocaeli-oleyis-grevinde-5-sendikaciya-gozalti/;
Sendika.org, 'Gözaltına alınan grevdeki OLEYİS'liler: "Mücadelemizde kararlıyız"' available at http://www.sendika.org/yazi.php?yazi_no=14892;
Sol, 'Kocaeli'nde grevcilere gözaltı', available at http://haber.sol.org.tr/sonuncukavga/802.html;
Radikal, 'Grevci sendikacılar tekrar gözaltında', available at http://www.radikal.com.tr/Default.aspx?aType=Detay&ArticleID=882153&Date=0906.2008
(last accessed 4 November 2008).

Similarly, trade unionists have been subjected to allegations of involvement in terrorism, as is the case with many Kurdish politicians, socialists, lawyers and anyone else who argues for rights for the Kurds or working people. The Education and Science Workers Trade Union, Eğitim-Sen, has had its offices raided by the Van Security Directorate's anti-terrorism department.[31]

Eğitim-Sen's website was also blocked in August 2008 by a court order following a complaint by the creationist writer Adnan Oktar over an article posted on the site which criticised Oktar's book *The Atlas of Creation*. Oktar had previously persuaded the court to block the scientist Richard Dawkins' website after he too published a similar article. The union was reportedly not informed of the court's decision and was not given an opportunity to make a defence, highlighting the deficiencies in Turkey's judicial system in defending free speech.[32]

Restrictions targeting displays of Kurdish culture also have a labour rights dimension. Union activities must be carried out in Turkish, weakening the ability of Kurds to organise on their own terms. Eğitim-Sen was forced to remove a clause in its constitution supporting the right to education in one's mother tongue.[33] In November 2007, the Kilis Penal Court of Peace brought a case against Kiyasettin Aslan, a representative of the Office Workers Trade Union in Kilis. Aslan was charged over two articles he had written about celebrations for Newroz, the Kurdish new year festivities. The articles contained the letter 'w', which is present in the Kurdish language but not in Turkish. Aslan himself has argued that the reason for this arrest, and for other arrests made previously, is to intimidate unionists.[34]

Tactics used by employers throughout Turkey to prevent and punish union activity can have particularly severe effects in the Kurdish region. An unspoken but well understood aspect of the practice of internal exile, for

[31] Eğitim-Sen, 'Eğitim Sen Van Şubesinin Güvenlik Görevlilerince Basılması ile Görsel ve Yazılı Basında Çıkan Haberlerle İlgili Zorunlu Açıklama,' available at http://www.egitimsen.org.tr/index.php?yazi=1617;
Gundem Online, 'Eğitim Sen'e baskın: 18 gözaltı', available at http://www.gundemonline.org/haber.asp?haberid=53843
(last accessed 4 November 2008) .

[32] Bianet, 'Creationist Adnan Oktar Manages To Shut Down Another Internet Site,' 25 September 2008, available at http://www.bianet.org/bianet/kategori/english/109951/creationist-adnan-oktar-manages-to-shut-down-another-internet-site (last accessed 28 October 2008).

[33] International Confederation of Free Trade Unions, *Turkey: Annual Survey of Violations of Trade Union Rights (2006)*, available at http://www.icftu.org/displaydocument.asp?Index=991223980&Language=EN (last accessed 21 October 2008).

[34] Bianet, '"Newroz" and "Kawa" Reason for Imprisonment?' available at http://www.bianet.org/bianet/kategori/english/103328/newroz-and-kawa-reason-for-imprisonment (last accessed 7 November 2008).

example, is for people of Kurdish origin to be transferred to Turkish-speaking parts of the country where they are likely to feel isolated.[35]

In addition, it has also been reported that seasonal agricultural workers from Kurdish areas face particular difficulties in the course of their work, which are compounded by discrimination. They are reportedly paid significantly less than local residents for the same work, and must hand over a commission to *dayi basi*, or middlemen. The accommodation provided is said to be inadequate and lacking in facilities such as electricity and running water. Seasonal workers also say their children are not allowed to attend school in the areas where they temporarily reside, which severely affects their education.[36] Such injustices are clearly in contravention of established labour rights standards.

CONCLUSION

In many facets of its work in recent years, KHRP has been deeply concerned to observe a general slowdown in Turkey's EU accession and reform process, alongside, both within and outside the country, increasing disillusionment at and hostility towards this process. Turkey's failure to reform its domestic legislation and meet its obligations under international covenants with respect to trade union rights is a further example of this trend. However, the lack of legislative reform pales in comparison to the lack of implementation of legislation that is already compliant with international standards. It is clear that violations of trade unions rights in Turkey are systematic and that this situation is deeply intertwined with wider patterns of violations of freedom of association, freedom of speech and cultural and language rights. In this context, it is essential that the EU should maintain the integrity of its accession requirements and that it should hold Turkey to account for all of the Copenhagen Criteria. Protection of human rights – of which labour rights form an integral and interdependent part – must be given equal weight to economic and other considerations.

RECOMMENDATIONS

The Republic of Turkey should take immediate steps to ensure that it fully complies with international legislation on labour rights, as well as with broader international human rights standards. To this end, KHRP recommends that the Turkish government should:

- harmonise domestic legislation – including Acts 2821, 2822 and PETU – with

[35] KHRP FFM Report, *Return to a State of Emergency? Fact-Finding Mission Report*, 55.
[36] Bianet, 'Discrimination Adds to the Plight of Seasonal Workers,' 19 August 2008, available at http://www.bianet.org/english/kategori/english/109120/discrimination-adds-to-the-plight-of-seasonal-workers (last accessed 21 October 2008).

its obligations under international human rights standards including the ILO conventions, the European Social Charter and the ECHR;

- further strengthen this framework by recognising Articles 5 and 6 of the European Social Charter;
- take the necessary measures to ensure that all public sector workers are fully guaranteed their right to organise, to form trade unions and to carry out legitimate trade union activities in accordance with those international treaties to which the Republic of Turkey is a signatory;
- take steps to eliminate anti-Kurdish prejudice in the country generally, and specifically in the context of employment;
- initiate reforms to protect the rights of seasonal workers and their families.

In order to safeguard the rights of Turkey's workers, the European Union and the Council of Europe, as well as their individual member states, should:

- make the protection of labour rights in Turkey a condition of further negotiations regarding potential Turkish entry to the EU;
- closely monitor the labour rights situation in Turkey and pay careful attention to the country's commitment to its international obligations;
- consider supporting research into the labour rights situation in Turkey, including through fact-finding missions by representatives of EU member states, the ILO and civil society organisations;
- use their good offices to encourage Turkey to put in place the necessary legal and bureaucratic reforms to ensure that labour rights and conditions meet international standards.

Kurdish Human Rights Project
KHRP
Established 1992

11 Guilford Street
London WC1N 1DH
Tel: +44 (0)207 4053835
Fax: +44 (0)207 4049088
Email:khrp@khrp.org

The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living within the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.