

Response of the Kurdish Human Rights Project to the 2008 Turkey Progress Report, Published by the European Commission on 5 November 2008

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KHRP welcomes criticism levelled at the Turkish authorities by the European Commission over the country's human rights record in its latest annual report on Turkey's progress towards accession to the European Union. At the same time, the 2008 Progress Report published on 5 November fails to adequately tackle a number of key areas of concern from the point of view of human rights.

The report, which examines Turkey's progress towards fulfilling the economic and political criteria for EU membership, as well as improving its state and social structure, makes it relatively clear that Turkey has failed to press ahead with earlier human rights reforms and that it is unclear why this should be the case.

The Commission notes some limited advances, including work that has taken place on a draft judicial reform strategy, the establishment of parliamentary subcommittees to investigate torture and ill-treatment in custody and the 2007 murder of journalist Hrant Dink, and amendments to the Law on foundations and legislation governing broadcasting. In almost every area of concern from the point of view of human rights, however, there has been limited or no improvement in the period covered. Even where protections have been put in place, there are widespread problems with implementation of these measures.

The report notes the failure of the Turkish government to develop a consistent, comprehensive programme of political and constitutional reforms. Despite the appointment of a group of academics with a mandate to revise the constitution, no draft has yet been made public and no timetable has been drawn up for discussion of such a document. With regard to transparency and corruption concerns, the report states that there has been 'limited progress'. In particular, efforts to reduce the immunity of Members of Parliament have been limited and the lack of an action plan to tackle this problem is a strong cause of concern. The report underlines that in some cases where positive steps have been taken to harmonise the Turkish political system with EU standards, these have actually since been undermined – as in the case of a Constitutional Court ruling in May that the possibility of postal voting is unconstitutional.

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The report also targets the Turkish court system, emphasising that a number of important reform processes in this area have shown no progress. Regional courts of appeal, which should have legally been in place by 2007, for example, have yet to be established. The Commission further notes that 'concerns remain as regards the independence and impartiality of the judiciary', particularly in light of public political comments made by the senior members of the justice system. The report also called for an improvement of the quality of investigations, including strengthening cooperation between the judiciary and the police and gendarmerie.

With regard to the domestic institutional framework for human rights protection, the report points to a lack of independence, financial autonomy and transparency. It also notes 'frequent inspections' of NGOs that receive foreign funding, as well as the videotaping of NGO activities by security officials, especially in the east and south-east of the country.

The Commission goes on to highlight the need to improve Turkey's standing in relation to international justice frameworks. It notes a lack of initiatives to ensure enforcement of judgements handed down by the European Court of Human Rights and a complete lack of progress with regard to ratification of international human rights instruments. Turkey is yet to ratify both the UN Convention Against Torture and the three additional protocols to the European Convention on Human Rights.

The Commission also notes an increase in reports of torture and ill-treatment, especially outside official detention centres, and describes efforts to prevent such abuses as 'limited', despite there theoretically being a comprehensive set of safeguards in place. It also points to inconsistencies in detainees' access to legal advice, with this being a particular problem in rural areas and especially in the south-east. It further highlights cases in which security forces have responded violently to demonstrations, including during this year's May Day protests in Istanbul and the Kurdish Newroz celebrations in March. In the latter case, at least three citizens died in Van as a result.

The Commission underlines the continued existence of legal provisions limiting freedom of expression as an area of concern,

including use of anti-terror legislation to convict persons expressing peaceful opinions on Kurdish issues. This is due in part to Turkish judges adopting a wide interpretation of the concept of 'incitement to violence'. The report concludes that further legislative measures are needed to secure freedom of expression.

The Commission further notes that gender equality remains a 'major challenge', with the rate of women's employment the lowest among EU member states and OECD countries, and with women reportedly reluctant to have recourse to the justice system because of a lack of confidence in the protection available.

It also highlights ongoing restrictions of the rights of minorities living in Turkey, including Kurdish linguistic and cultural rights. It notes that no measures have been taken to facilitate access to public services for non-speakers of Turkish and points to strict regulations governing broadcasting in languages other than Turkish, including a ban on educational programmes teaching the Kurdish language.

Other issues highlighted include a lack of any real progress on protection of trade union rights and the rights of persons with disabilities, and widespread problems with regard to protection of children's rights. In the latter regard, despite some progress in terms of access to education and social services, there is a need for improvements in relation to school attendance, as well as policy-making and public debate concerning the issue of domestic violence towards children. In addition, there is a need to tackle the problem of child labour.

Despite this litany of pertinent criticisms of the human rights situation in Turkey, however, KHRP is disappointed that certain key areas have been given inadequate or no attention in the Commission's report.

The document speaks uncritically, for example, of 'military operations aimed at terrorist targets in Northern Iraq' without mentioning the civilian casualties resulting from these operations. This year alone, KHRP has begun work on behalf of a total of 76 new applicants in cases before the European Court of Human Rights who were injured, lost property or family members or otherwise suffered as a result of cross-border operations by the Turkish military. The organisation is considering assisting many more such individuals.

The report also mentions the controversial South-East Anatolia Project (GAP) without speaking about the human rights, cultural and environmental implications of this scheme. Construction of the Ilisu Dam, which represents just one component of this project, stands to flood the ancient city of Hasankeyf, displace up to 78,000 people from their homes and reduce the flow of water downstream to Iraq. Consultation and compensation initiatives by the Turkish authorities have been woefully inadequate. KHRP has long been involved in international efforts to draw attention to the fallout of the Ilisu project and, as a result of such activism, Germany, Austria and Switzerland have threatened to withdraw their financial backing unless Turkey makes concrete steps towards addressing concerns surrounding the scheme.

In addition, the Commission's report makes no mention of the enforcement of 'high security zones' in south-eastern Turkey. A KHRP fact-finding mission to the region in March this year noted a consensus that the human rights situation there had deteriorated markedly over the past two years. The rights most affected were freedom of expression, thought and association, though torture, ill-treatment and extra-judicial killings were also reported.

In conclusion, KHRP calls on the European Union, the Council of Europe and their member states to continue to vigorously monitor the human rights situation in Turkey, to offer firm constructive criticism wherever the human rights practices of the Turkish authorities fall short of international norms, and to provide practical support for efforts to improve protection of the human rights of all Turkey's citizens.