

KHRP SUBMISSIONS TO THE OSCE HUMAN DIMENSION IMPLEMENTATION MEETING, WARSAW, 29 SEPTEMBER TO 10 OCTOBER 2008

WORKING SESSION 2: FREEDOM OF EXPRESSION

ASSESSMENT 2007-2008

The Kurdish regions witnessed yet another period of state sponsored suppression of freedom of expression this year. This has reinforced the endemic criminalization of free speech, information and media pluralism in countries with Kurdish populations.

Member countries of the OSCE with significant Kurdish populations, including Turkey, Azerbaijan and Armenia, are under a binding obligation to safeguard the rights of all citizens and to ensure that law and public policy promote all aspects of freedom of expression. Events in 2008 stand in sharp contrast to their OSCE commitments, and the wider imperative upon members of OSCE to nurture a functioning democratic society where the voices of all are heard.

ARMENIA: FREEDOM OF EXPRESSION CRITICISED AT THE EUROPEAN COURT OF HUMAN RIGHTS

In a groundbreaking ruling on 17 June 2008, the European Court of Human Rights (ECtHR) found Armenia in breach of Article 10 of the European Convention of Human Rights (ECHR), which protects freedom of expression, in the KHRP assisted case of *Meltex Ltd and Mesrop Movesyan V. Armenia*.¹ Meltex launched A1+, Armenia's first independent television channel, in the 1990s. Following legislative changes in 2000 and 2001, a new policy was instituted whereby broadcasting licenses were to be granted on the basis of a call for tenders managed by a new body called the National Television and Radio Commission (NTRC). Forced to bid for permission to continue broadcasting, A1+ found its applications repeatedly rejected. When the case was taken to Armenia's commercial court, judges ruled that the NTRC has no obligation to explain its decision. Meltex and its chairman Mesop Movesyan objected and submitted their case to the ECtHR, claiming that their right to freedom of expression was violated by this opaque decision-making process. The ECtHR found that by refusing its bids for a broadcasting license the NTRC had interfered with the company's freedom to impart information and ideas. The judgment is a reminder of the state's obligation under the convention and also

¹ KHRP case, ECtHR, Appl. No. 32283/04, *Meltex Ltd and Mesrop Movesyan V. Armenia*, judgment of 17 June 2008

Helsinki and Moscow documents of the OSCE. The manner in which Armenia observes the execution of this judgement and enforces the right of people to receive and impart information in the future should be carefully monitored by the OSCE.

TURKEY: LEGAL REFORM FAILS TO END ONGOING VIOLATIONS

Amendments to Article 301

Human Rights Defenders and many states of the OSCE welcomed the reform of Article 301 of the Turkish Penal code (TPC) on 28 April 2008. However, KHRP joined most human rights defenders in pointing out that the reform fell far short of what was required to make it consistent with its OSCE obligations. The Article continues to impose an illegitimate restriction of freedom of expression, as it does not allow the free and open criticism of the State and its organs. Further, the changes to the article entirely fail to clarify the ambiguous language specifying the offence, and therefore its use for politically motivated prosecutions. Previously, the charge of “insulting the state” under Article 301 involved public denigration of “Turkishness,’ ‘the Republic’ or ‘the Grand National Assembly of Turkey’. The amendments made by the Parliament of Turkey on the 28 April 2008 substitute the denigration of “Turkishness” to that of the “Turkish nation” and “The state of Turkish Republic” to the “Turkish Republic”. The maximum sanction has been reduced from three to two years’ imprisonment with the possibility of a suspended sentence for first-time offenders. The amendment also requires the permission of the Justice Minister to file a case. This year, KHRP consulted on and witnessed several cases that demonstrate the amendment’s failings.

Ahmet Sultan is the latest victim of the new Article. He is the director and authorized representative of the newspaper Taraf Adnan Demir. Ahmet was charged for publishing an article “Ah Aparik” (“Oh Brother” in Armenian) in his newspaper. The article was about Turkish-Armenian relations and stated that ‘the Unionists [of the Ottoman era] conducted a cruel genocide.’ The complaint was filed by the Ankara branch of the Great Union Party (BBP) who claimed that ‘the writer showed the Turkish nation as a genocide seeker, barbaric and immoral.’

The cosmetic nature of this amendment was again made evident when Turkish publisher Ragip Zarakolu was charged with “insulting the state” on the 17 June 2008 resulting in a five month sentence, which was commuted to a fine despite the implementation of the amended Article 301. In this case the judge ruled that as Ragip Zarakolu was tried under the old Penal Code Article 159, which criminalizes acts that “insult or belittle” various state institutions, and that the new amendments to Article 301 were inapplicable. Zarakolu was initially

convicted in December 2004 for the publication of George Jerjian's book titled, "The truth will set us free/Armenians and Turks reconciled". The fact that Zarakolu remains subject to prosecution under the old legal system, raises questions as to whether the amended law is in fact a corrective measure aimed at targeting less arbitrary grounds for prosecution or whether it is a cosmetic attempt by the government to facilitate its political manoeuvring in the international arena. In addition, other provisions of the Penal Code, such as Articles 215, 216, 217 and 220, which criminalise offences against public order and are often employed to prosecute human rights defenders, journalists and lawyers for the non-violent expression of opinions, have not been amended.

Journalist Cengiz Kapmaz was sentenced to 10 months in prison and fined 375 YTL on 16 September 2008 for conducting an interview with former Democracy Party (DEP) Deputy Orhan Doğan in 2006. Kapmaz was found guilty for writing an article titled "Let PKK Enter Parliament" which was published on 27 June 2006. He was charged with "doing propaganda work for the Kurdish Workers Party (PKK)". The fact that Kapmaz' lawyer chose to defend him by arguing that the title was not composed of his word but of the interviewee, rather than argue that the dissemination of a view does not constitute propaganda-making, is demonstrative of the level of oppression of free expression in Turkey.

Prosecutions and Acquittals

KHRP is greatly concerned by a growing pattern of the use of multiple and heavy-handed prosecutions that often result in acquittals to intimidate journalists and human rights defenders in the Kurdish regions of Turkey. Such prosecutions have a detrimental effect on freedom of expression. Between April and June 2008, 194 people were prosecuted for expressing opinions about state procedures and human rights violations conducted by the state, a 60 percent increase from last year. Of a total of 88 who were tried this year, 79 were journalists.

Following the revision of Article 301, 249 files have been sent to the Ministry of Justice for permission to prosecute under the amended Article. While the Minister of Justice, Mehmet Ali Sahin has denied permission for 115 cases to be prosecuted under Article 301 and granted permission for 36 cases there are still 98 case files under inspection. Investigations backed-up with the threat of prosecution have serious consequences even if permission to prosecute is not granted. The investigations damage public trust in the credibility of the journalists work, jeopardise their business and intimidate journalists rendering self-censorship rife. The amendments to Article 301 will be meaningless if they fail to prohibit the use of the law to intimidate and restrict free speech.

Currently, the President of the Scientific and Cultural Researches Foundation (İLKA) Mehmet Pamak and President of the Teachers Union Yusuf Tanrıverdi are waiting for a decision from the Ministry of Justice as to whether they will be prosecuted under Article 301 for their alleged denigration of the Republic and the armed forces for speeches they made, organized by the İLKAV, about the 'Education System and Religious Education under the Pressure of Official Ideology' in which they criticised the education system. Their hearing has been delayed until 17 November.

On 16 September, the Ministry of Justice stopped the trials of Nurettin Demirtaş, former president of the Democratic Society Party (DTP), and Selma Irmak, former vice president of the same party, under Article 301. Both individuals were on trial for voicing allegations against the Turkish armed forces regarding the use of chemical weapons during the Uludere, Şırnak operation where 11 PKK members were killed. Demirtaş and Irmak had claimed that bodies had not been returned to their parents to support the allegation that chemical weapons were used during the clashes. Although the court ruled in favour of freedom of expression, the fact that it got trial and the burden of the prosecution severely affected the accused by placing strains on their family and working lives.

Ahmet Önal, the Kurdish publisher charged with the dissemination of separatist propaganda, was acquitted on the 13 February 2008 during proceedings at Istanbul Heavy Criminal Court, which were observed by a KHRP delegation. Mr Önal's publication in 2005 of *The Diaspora Kurds* by Hejare Samil was accused of showing demonstrable support of an "armed terror organization", however the judge found that the book did not have a clear intent to propagandize. KHRP has observed in several cases that the act of prosecution itself has a severe impact of the defendant, and worryingly leads to increased self-censorship.

Court Proceedings Against Children's Choir

On 19 June 2008, a KHRP mission observed the trial of three children aged between fifteen and seventeen who were charged along with six children aged between thirteen and fourteen under anti-terror legislation for singing a Kurdish song at a folk music festival in San Francisco. The choir sang songs in eight different languages but the Turkish prosecutors were exclusively concerned with their rendition of the Kurdish anthem "Ey Raqip" (Hey Enemy) which is the national anthem of the Kurdistan Regional Governorate in Iraq. Prosecutors had filed the charges against the children under Article 7/2 of Turkey's anti-terror law. The older children were acquitted at the first hearing of the case on 19 June at the Diyarbakir Heavy Criminal Court and the six younger children (who were being tried separately because of their age) were acquitted on the 3rd July 2008. KHRP's delegation, who were the only international observers at the trial,

concluded that the charges against the children were used as a means to harass and intimidate the minors, their families and have had a negative impact on the ability of the local Kurdish population to express their culture and language freely. This case is not only an illustration of Turkey's legal system restricting freedom of expression, but a violation of the rights of the child.

Prosecution of Journalists and Human Rights Activists Under Anti-Terror Law

Turkey has continued to use its anti-terror laws to censor human rights defenders and intimidate dissident journalists, including the following:

Emin Bal, a reporter for the DIHA-the newspaper was prosecuted for failing to report the slogans chanted during a funeral of a PKK member. It is concerning that in his defence Bal told the court that he did not hear the slogans rather than simply stating that the slogans were irrelevant to his report. He was acquitted in the case, yet the prosecutor charged him with perjury in a second indictment. The next hearing is on 19 September 2008.

Abdurrahman Dođar, the Democratic Society Party's Van city chairman was arrested on 22 March 2008 following Newroz celebrations which the police claimed were unauthorised. Consequently, he was charged with "membership to a terrorist organisation, inciting crime, resisting public official, and damaging property" in Van High Criminal Court Num.4. The court decided to keep Dođar on remand and the next hearing is on 17 October 2008.

Hakun Tahmaz, an activist, journalist and Ibrahim Çeşmeciođlu, the general director of the daily newspaper Birgün Bülent Yalmaz, are currently being investigated for publishing an interview with Murat Karayilan, a leader of the Kurdistan Workers Party (PKK). The daily Birgün was seized on 9 August 2008 for "allocating space to PKK's opinions" by publishing Tajmaz's interviews with Karayilan.

Three journalists, Sebati Karakurt, Hasan Kılıç and Necdet Tatlıcan were fined on 25 September 2008 for an interview with members of the PKK, published four years ago in the Hürriyet newspaper. The court found them guilty of "spreading the propaganda of a terrorist organization" under an anti-terror law. The interview, published in October 2004, focused on the daily routines, personal yearnings and feminist ambitions of a group of young women militants at a PKK camp in Iraq's Kandil mountains and was accompanied by pictures of smiling militants playing the guitar.

Suppression of Kurdish Language

The Kurdish population continue to be denied education and public services in their mother tongue by the Turkish government. This seriously harms the educational development of Kurdish-speaking children who often have little or no command of Turkish.

The ban on mother tongue disadvantages Kurds from day one. Their educational and employment prospects are irretrievably diminished, thus exacerbating poverty and curtailing democratic political influence.

Lack of Translation in Public Services

It is vital that Kurds in Turkey have access to public services in their mother tongue. The former Mayor for Diyarbakir, Abdullah Demirtaş, attempted to rectify this problem by offering ethnic minorities public services in their mother tongue languages including Kurdish. The Turkish authorities did not tolerate this and the Interior Minister stated that it was illegal as Turkish is the only official language. On 2nd June Criminal proceedings were initiated against Demirtaş and 20 other defendants for violating the constitution and the Law on the Acceptance and Application of Turkish Letters (No. 1353), which is punishable by a maximum of three-and-a-half year's imprisonment. Twenty cases have been initiated against Demirtaş due to his efforts to provide public service information in several languages, including Kurdish, that reflect the multi-ethnic community in which he works. On 15 June the 8th Chamber of the Council of State (Danıştay) dissolved the democratically elected municipal council and stripped Abdullah Demirtaş of his position as Mayor. Demirtaş is currently appealing against this decision to the Council of State.

During February and March 2008, police frequently searched the offices of pro-Kurdish political parties and confiscated Kurdish documents. Four members of the Rights and Freedoms Party (HAK-PAR) were sentenced to a year in prison for distributing invitations and making speeches in Kurdish during a party congress, in contravention of the Law on Political Parties (articles 81/c and 117). Another eight members including the former party chair Abdülmelik Fırat had their sentences commuted to fines. The president and vice-president of the Democratic Society Party (DTP), Ahmet Türk and Ayşe Tuğluk were also sentenced to 18-months in prison for using leaflets in Kurdish, despite not having even been involved in their production.

Broadcasting

Until recently broadcasting in Kurdish was banned, but due to legal amendments state owned and controlled channels may now broadcast in Kurdish. However, the content and duration of broadcasts in Kurdish is limited.

TV program's must be subtitled and any use of Kurdish on the radio must be immediately re-broadcast in Turkish. In line with its plans for EU accession Turkey intends to launch a twenty-four hour Kurdish language TV channel in 2009. The reason for the delay in establishing the Kurdish channel is unclear as there is a significant demand for this vital form of communication among the dispersed Kurdish people, especially the diaspora and many Kurdish-speaking people prepared to be involved in the channel. Although this is a welcome development, concerns remain that state control of the channel will prohibit freedom of expression, with the majority of Kurds feeling it will not speak for them. The situation cannot improve through gesture politics, a genuine political commitment to the language rights of the Kurds is required.

OSCE COMMITMENTS

Regarding general freedom of expression rights:

- Participating States recognize and value the right to freedom of expression as "a fundamental human right and a basic component of a democratic society." (Budapest Document 1994, "Decisions: VOOO. The Human Dimension", par. 36)
- Consequently, they affirm that "everyone will have the right to freedom of expression ... to hold opinions, and to receive and impart information and ideas without interference by public authority and regardless of frontiers." This right may *only* be restricted in ways "prescribed by law and...consistent with international standards." (Copenhagen Document 1990, par. 9.1)

Regarding freedom of political expression and campaigning:

- Participating States will "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them" (Copenhagen Document 1990, par. 7.7)

Regarding freedom of expression of human rights defenders:

- Participating States will "respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information." (Copenhagen Document 1990, par. 10.1)

Regarding freedom of expression for the media and publishers:

- Participating States "make it their aim to facilitate the freer and

- wider dissemination of information of all kinds.” (Helsinki Document 1975, “Co-operation in Humanitarian and Other Fields”)
- They reaffirm “the right of the media to collect, report and disseminate information, news and opinions. *Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.* They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.” (Moscow Document 1991, par. 26)
 - In furtherance of this belief, Participating States will take “no measures aimed at barring journalists from the legitimate exercise of their profession other than those required by the exigencies of the situation.” (Moscow Document 1991, par. 28.9)
 - They will also “condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable.” (Moscow Document 1991, par. 37)

Regarding freedom of expression through electronic media:

- Participating States “will ensure that individuals can freely choose their sources of information.” In this context they will “take every opportunity offered by modern means of communication...to increase the freer and wider dissemination of information of all kinds.” (Vienna Document 1989, “Co-operation in Humanitarian and Other Fields”, par. 34, 35)

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

In order to be considered a true democracy and in order to live up to its commitments as an OSCE Participating State, Turkey must take concrete steps to engender freedom of expression and facilitate political discourse. Accordingly, KHRP urges the state of Turkey to:

- fully overhaul its legal system, starting with the amendment of the following laws such that they clearly do not violate freedom of expression:
 - Article 84 – criminalises inciting or assisting suicide
 - Article 125 – criminalises offending honour, dignity and respectability or insulting public officials
 - Article 132 – criminalises violating the secrecy of communication
 - Article 134 – criminalises violating the secrecy of private life
 - Article 215 – criminalises praising crime or criminals

- Article 215 – criminalises inciting hatred and enmity among people
- Article 218 – criminalises offences committed against public peace by means of the press
- Article 285 – criminalises violating the secrecy of an investigation
- Article 286 – criminalises sound and visual recording in investigation and prosecution procedures
- Article 288 – criminalises attempting to influence a fair trial
- Article 299 – criminalises insulting the President
- Article 301 – criminalises degrading the Turkish nation and the Turkish republic
- Article 305 – criminalises providing benefits to activities conducted against basic national interests
- Article 318 – criminalises discouraging the people from military service;
- Article 42-part of which provides that “no language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of training or education”
- educate and train all members of the Judiciary on Turkey’s international obligations to foster freedom of expression and allow healthy political discourse to flourish within its borders such that they understand how to interpret Turkish law in line with these principles;
- condemn attacks on members of the media, politicians, students, academics, human rights defenders and anyone else when these crimes are motivated by expressions of thought or opinion;
- denounce any use of violence motivated by nationalism;
- encourage freedom of speech and support the media in its endeavour to capture all voices and viewpoints represented in Turkey;
- support and encourage discourse on minority interests so as to diffuse intense feelings of nationalism that may result in violence;
- provide better support for education overall and throughout the country equally, including compensation for instructors, culturally-sensitive instructional materials and adequate facilities;
- ensure that an adequate number of healthcare workers working in predominantly Kurdish regions speak Kurdish or are otherwise able to engage in healthcare-related discourse with Kurds who speak only Kurdish;
- allow all languages of citizens of Turkey, including Kurdish, Greek and Armenian, to be spoken freely in public and private, as the government has promised to as part of honouring its commitments as an OSCE participating State;
- ensure prosecutions cease to be used as a tool for intimidation and

curbing freedom of expression

RECOMMENDATIONS TO THE OSCE

Recalling its desire to defend freedom of expression within the OSCE participating State region as voiced by the Commitments found in the Copenhagen Document, KHRP urgently requests the OSCE to:

- take note of the dire position of publishers and other media members in Turkey ;
- closely monitor freedom of expression in Turkey by sending its own trial observation missions to track the status of publishers and other media members in Turkey in 2008 and 2009, focusing on the use of trials and prosecutions as a tactic of intimidation;
- use its good offices with the Council of Europe and United Nations to exert pressure on Turkey to cease its extreme censorship measures;
- take note of the intersections of censorship and nationalism-fuelled violence in Turkey and strongly condemn both;
- direct Turkey towards a liberalisation of its views on freedom of expression so as to guarantee the right to free speech and the independence of the media, as envisioned in the principles of the OSCE;
- maintain close contact and dialogue with human rights defenders, NGOs, IGOs and members of the media to keep abreast of all developments regarding freedom of expression in Turkey;
- criticise Turkish legislation, including the amended Article 301, that impedes upon the right to freedom of expression and the independence of the media;
- encourage Turkey to repeal any provisions that contract the OSCE obligations to guarantee the right of everyone, including publishers, politicians, students, academics and the media, to enjoy the right to freedom of expression without interference by public authority, as agreed upon in the 1990 Copenhagen Document;
- send an observational mission to schools throughout the country to report on educational standards with special attention to cultural and linguistic education;
- increasing average school attendance from 5 to at least 8 years such that most people attain a full elementary school education;
- ensure that classrooms are composed of equal numbers of girls and boys, and that minority children are given the same opportunities to receive schooling;
- make all educational materials culturally sensitive;
- encourage the Turkish government to amend Article 42 such that languages other than Kurdish can be taught as a mother tongue in

classrooms.

WORKING SESSION 3: FREEDOM OF ASSOCIATION

ASSESSMENT 2007-2008

Freedom of assembly and association and the right to express one's views are among the paramount values of a society based on the rule of law. The Turkish government has not fulfilled its obligation to allow different political ideologies to assemble and peacefully demonstrate. The government continues to perceive ethnic and religious minorities as a threat to national unity despite its OSCE commitments. To this effect, Anti-Terror legislation has been used as the main vehicle to restrict freedom of association. Although the 2007 elections allowed 21 independent Kurdish candidates to form a group in parliament under the Demokratik Toplum Partisi (Democratic society Party, DTP) the oppression and restriction of political groups and labour unions with a pro-Kurdish agenda continues. Arbitrary detentions and charges against individuals who take part in peaceful demonstrations has been a repeated theme this year. Labour unions are under surveillance by the government and are therefore unable to voice their concerns.

OSCE COMMITMENTS

We recall to the Turkish state the following commitments that it has made and ask it to renew its undertaking to respect them.

Regarding a General Right to Freedom of Association and Assembly:

Participating States affirm that "everyone will have the rights of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards" (Copenhagen Document 1990, par. 9.2)

Regarding Freedom to Form Political Parties:

Participating States will "respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organization with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities" (Copenhagen Document 1990, par. 7.6)

Regarding the Right to Unionise:

Participating States will also “ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and other rights as laid down in relevant international instruments.” (Madrid Document, 1983) They reaffirm that “the right to form and - subject to the general right of a trade union to determine its own membership - freely to join a trade union will be guaranteed...[and that] freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;” (Copenhagen Document 1990, par. 9.3)

Regarding the Rights of NGOs and Human Rights Defenders:

Participating States reaffirm “their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their protection and promotion” (Copenhagen Document 1990, par. 10)

They further recognize that “individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms.” (Copenhagen Document 1990, par. 10.3)

Participating States acknowledge and reaffirm that “non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law,” and therefore pledge “to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.” (Istanbul Document 1999, par. 27)

Regarding the Right to Association of Minority Groups

Participating States affirm that “persons belonging to national minorities have the right freely to...establish and maintain organizations or associations within their country and to participate in international non-governmental organizations. Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group”. (Copenhagen Document 1990, par. 32.6)

In OSCE member States, minority groups are allowed to “establish and maintain their own educational [and] cultural institutions, organizations or associations,

which can seek voluntary financial and other contributions as well as public assistance". (Copenhagen Document 1990, par. 32.2)

CURRENT SITUATION

Police Repression During Newroz Celebrations

The use of violent force and suppression of Newroz celebrations by the local security forces in Turkey and Syria this year led to clashes, protests and unrest. In Turkey, widely circulated videos and photographs showed riot police baton-charging unarmed Kurdish civilians, many of whom were elderly. In another video a Turkish police officer is seen breaking the arm of a 15-year old Kurdish child in the town of Colemerg, in southeast Turkey despite the fact that the child had already been restrained. KHRP also received a report that a young man died after being shot and beaten by riot police in Van last March.

Child Killed During Demonstration

During a demonstration on 15 February 2008 organised by the people of Cizre, a police panzer drove against the crowd and crushed a 15-year-old boy Yahya Menekşe. He died in the hospital a week later. A month after this incident, at a funeral for Yahya, organized by the people of Cizre, 30 people were wounded by the police. Furthermore, 147 people were taken into custody for chanting and singing during the funeral.

The Governor and Vice-Governor of Cizre misinformed the media about the events by stating that a boy had been killed by a stone thrown by an unknown person, and then changed the story several times. A fact-finding mission organised by the KHRP in March 2008 met the murdered boy's family and enquired from several individuals if those taken into custody were violent or acted in such a way to warrant their detention. The mission was told that the State has not provided a valid explanation for the arrests and that the victims had not acted in any way to provoke the authorities.

Trade Union Rights

Domestic legislation governing trade union rights in Turkey dates back to the administration which ruled Turkey following the military coup of September 1980, and places severe limitations on both the definition of the types of workers who are eligible for rights and the scope of the rights which are to be applied. The Trade Unions Act (no. 2821) and the Collective Labour Agreements, Strike and Lockout Act (no. 2822) severely curtail the functioning of trade unions in breach of the principles of the right to organise. 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

On a fact finding mission in March this year a representative of the teachers' union told KHRP that it currently has 140 cases pending against its members, most based on statements made during demonstrations.

The most severe sanction imposed by the state against activists is so-called 'internal exile', which is the compulsory transfer of an employee to a different part of the country, without the possibility of being accompanied by spouse and family. It is well understood that this practice often involves uprooting a person of Kurdish origin, ethnicity and language group and transferring them to a Turkish-speaking area, such as middle Anatolia, where they will be more or less isolated. If the individual that has been exiled takes legal action for the arbitrary dismissal he risks losing his job, and the judgment may take up to two years.

The Human Rights Foundation of Turkey (TIHV) reported an attack on a protest organized by the Platform against the Coup D'etats on 12 September 2008.² The protest was held to commemorate the anniversary of the Coup D'etat in 1980 in Ankara Province on 12 September. The protestors were attacked by civil police officers who opened fire on them. A protestor Zafer Algül was detained and beaten by police officers. Algül had to be treated in the Emergency Service of the Hacettepe University Hospital.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

To function as a genuine democracy and to honour its commitments to the OSCE Turkey must cease to prevent the association of peoples it finds threatening to the government's concept of national unity, such as national minorities, dissident political actors or human rights defenders. Specifically, it must amend, articles 215, 216 and 220 of the Turkish Penal Code, and amend Articles 51 and 54 of the Constitution to guarantee the right to free association of all peoples. Furthermore, it must ensure that the judiciary interprets these legal provisions consistently in ways that protect the right to free association and assembly articulated by the OSCE Commitments and in the various international legal obligations Turkey has undertaken.

To these ends the KHRP recommends that Turkey:

² The Human Rights Foundation of Turkey (TIHV) 12 September 2008 <http://www.tihv.org>.

- carry out a full investigation into the death at the Newroz celebration and ensure that adequate steps are taken to charge those responsible for in a reasonable amount of time;
- develop supportive regulatory framework for NGO law reform when necessary
- provide registration procedures for NGOs that are quick, easy and inexpensive;
- cease to arrest, hinder, harass, encumber or otherwise prevent human rights defenders from carrying out successful missions in Turkey;
- release Amnesty International's funds in Turkey and allow Amnesty workers and all other human rights defenders to continue their work unimpeded;
- reduce the 10 per cent minimum threshold from the electoral requirements such that the Kurdish people and other national minorities have a real chance to achieve representation in government;
- recognise the commitments it undertakes as an OSCE participating State, and therefore cease to hinder the efforts of religious and ethnic minorities to meet, assemble or form associations of any kind;
- allow students, politicians, academics and labour unions to meet and associate freely without fear of arrest or other forms of abuse.

RECOMMENDATIONS TO THE OSCE

The OSCE encourages and supports the democratic practices of all participating States, and in the Istanbul Document all participating States recognized the assistance the ODIHR can provide in aiding States in developing and implementing electoral legislation.

Recalling the commitments to freedom of association the OSCE developed in the Copenhagen Document, the KHRP urges the OSCE to:

- maintain contact with NGOs, human rights defenders and other independent human rights organisations operating in Turkey;
- initiate dialogue with the Turkish government, working with state officials to address the issues raised in this report;
- use its good offices with the EU and UN to suggest they join the OSCE in condemning Turkey's violation of freedom of association, and put political pressure on the government to initiate the changes suggested above.

WORKING SESSION 5: TOLERANCE AND NON-DISCRIMINATION: NATIONAL MINORITIES

ASSESSMENT 2007-2008

The Turkish state has failed to implement effective and discernible change in the areas of non-discrimination and intolerance. Despite claims in its 2007 report to the Committee on the Elimination of Racial Discrimination (CERD) that, "in line with the fundamental principles of equality and non-discrimination, every Turkish citizen is considered an integral part of the Turkish national identity and culture. Diversity in their origins is the source of the richness in Turkish society"³, Turkey's commitment to fighting discrimination is limited in scope and effectiveness. Furthermore, the penal code itself provides no law that prohibits and punishes any kind of discrimination.⁴ This means that individuals and groups continue to face discrimination in access to vital services and their ability to fully participate in democratic society.

Access to Education

Turkish educational policy continues to exhibit strong nationalist qualities and discriminates against individuals who do not speak fluent Turkish. Minority groups like the Kurds are hardest hit by Article 42 of the Turkish constitution, which declares that, "[n]o language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education,...foreign language education will be determined by law."⁵ Despite repeated appeals from the European Commission against Racism and Intolerance (ECRI) to revise Article 42, no efforts have been made to change the law and none appear to be forthcoming.

The exclusion of minority language provisions puts individuals from minority groups in a disadvantaged position by denying them access to educational services in their mother tongue and ensures the supremacy of the Turkish language as the language of instruction. Kurdish is not taught as part of the formal education system and the Turkish government continues to discourage its use in public contexts. Although private schools are able to provide classes in the Kurdish language, they have many problems attracting funding and teaching staff and in August 2008, seven private language schools for adults were closed.

Turkey's policy on minority languages is in direct violation of the Vienna Document, which states that, "[b]y enabling national minorities to continue to

³ Committee on the Elimination of Racial Discrimination (CERD) report submitted by Turkey in 2007: paragraph 16.

⁴ Kaya and Baldwin. "Minorities in Turkey: Submission to the European Union and the Government of Turkey.": 38-9.

⁵ Ibid: 9.

speak their mother tongues and learn about their own cultural histories, participating States 'ensure that persons belonging to national minorities or regional cultures on their territories can maintain and develop their own culture in all its aspects, including language, literature and religion'."⁶

Not only is this policy in direct violation of the Kurdish minority's right to maintain and develop their language and culture free from assimilation, it discriminates against them by creating an atmosphere of exclusion and unequal access to the educational system, which greatly affects opportunities for higher education, employment and social integration.

Access to Health Care

Turkish remains the sole official language of the government and all state-sponsored institutions and services. This policy serves to discriminate against individuals when they seek to access state services, such as medical care. As Turkish is the sole official language of the state, it is also the official language of all hospitals. Thus, despite the guarantee in the Turkish Constitution that "everyone has the right to medical care without discrimination"⁷, many individuals are unable to seek medical attention in a language they understand. Furthermore, there continues to be a lack of health care professionals competent in the Kurdish language to provide services, information and training in predominantly Kurdish areas. Women and children are particularly disadvantaged as they are the ones who most commonly access the health care system. By denying the use of minority languages in interactions with the state, Turkey discriminates against a large segment of its population by denying access to information, services and rights in their mother tongue.

Participation and Representation in the Political System

Turkish law regulating political parties enforces the misleading notion of "equality" laid out in the Constitution. Article 81 of the Political Parties Law on the 'Prevention of the Creation of Minorities' "prohibits political parties from claiming: 'that minorities exist in the Turkish Republic based on national, religious, confessional, racial or language differences.'"⁸ Minority interests are effectively discriminated against, as they are unable to form political parties capable of campaigning on behalf of minority issues.

⁶ Vienna Document, 1989, "Co-operation in Humanitarian and Other Fields", par. 59.

⁷ <http://www.ishim.net/ishimj/5/10.pdf>

⁸ Kaya and Baldwin. "Minorities in Turkey: Submission to the European Union and the Government of Turkey."; 13.

In addition, Article 85 of the Law on Basic Provisions on Elections and Voters Registers does not allow for the use of any language other than Turkish, which the constitution enshrines as the sole official language of the Turkish state, in the election process.⁹ Again, this disproportionately disadvantages the Kurdish minority, as unequal access to education and resources in their language significantly reduces the opportunities for the Kurdish population to participate in the political process and to exercise their political rights.

Furthermore, the threshold required of political parties to gain seats in the Turkish legislature, among the highest in Europe, discriminates against parties who represent minority populations. Instead of a 5% national threshold that is used in the political system of, for example, Germany and Poland, in Turkey, 10% of the vote is required for parties to be represented in the legislature. Such a threshold is prohibitively high for minority representation, for although minority parties may win seats locally, this representation is not reproduced on the national arena. This is in direct violation of the Copenhagen Document commitment that participating States will “take the necessary measures to...[include] contacts with organisations or associations of...minorities, in accordance with the decision-making procedures of each State.”¹⁰ By blocking minority groups from gaining political representation, the Turkish state discriminates against them by denying them the right to be included in the decision-making process and to express and represent their opinions in a language that is common to them and their constituents.

Aggressive Nationalism

The on-going investigation into the Ergenekon case highlights the need for continued attention to the issue of aggressive nationalism in Turkey. The allegedly ultra-nationalist group has ties with Turkish military and security forces and has been accused of plotting to overthrow the government. The government has been accused of using the investigation to intimidate opponents. 86 suspects have been indicted on charges of forming a terror group with the aim of overthrowing the government by force. Furthermore, the indictment against the organisation noted its involvement in a significant number of demonstrations designed to incite Turkish-Kurdish relations. Amid accusation of violations of civil liberties and claims that the prosecutor on the case are being pressured by the government to harass secularists, the European Parliament has urged Turkey to fully investigate the Ergenekon organisation and to fully uncover the scope of its networks. Accusations of ultra-nationalism and the desire to inflame relations between Turks and Kurds must be dealt with in a fair and impartial manner and

⁹ Committee on the Elimination of Racial Discrimination (CERD) report submitted by Turkey in 2007: paragraph 121.

¹⁰ Copenhagen Document 1990, par. 33.

the investigation must be free from obstruction and intervention from biased parties.

OSCE COMMITMENTS

We recall to the Turkish state the following commitments that it has made and ask it to renew its undertaking to respect them.

Regarding National Minorities in the Context of International Relations and Obligations under Law

- Participating States “will co-operate closely in the competent international organizations to which they belong, including the United Nations, and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities”. (Copenhagen Document 1990, par. 39)
- Participating States recognise that “issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State”. (Geneva Document 1991, part II)
- Participating States “in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals”. (Copenhagen Document 1990, par. 38)

Regarding OSCE Participating States’ Attitude Towards National Minorities

- Participating States “will take all the necessary legislative, administrative, judicial and other measures and apply the relevant international instruments by which they may be bound, to ensure the protection of human rights and fundamental freedoms of persons belonging to national minorities within their territory. They will refrain from any discrimination against such persons and will contribute to the realization of their legitimate interests and aspirations in the field of human rights and fundamental freedoms”. (Vienna Document 1989, “Questions relating to Security in Europe”, par. 18)
- Participating States “concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-Semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone”. (Geneva Document 1991, part VI)

- Participating States “clearly and unequivocally condemn...ethnic hatred...and discrimination against anyone”. (Copenhagen Document 1990, par. 40)
- Participating States recognise that “the protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States (...) Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty”. Accordingly they “pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity”. (Istanbul Document 1999, “Charter for European Security: III. Our Common Response)

Regarding Specific Protections OSCE Participating States Offer National Minorities

- Participating States will “ensure in practice that persons belonging to national minorities or regional cultures on their territories can disseminate, have access to, and exchange information in their mother tongue.” (Vienna Document 1989, “Co-operation in Humanitarian and Other Fields”, par. 45)
- By enabling national minorities to continue to speak their mother tongues and learn about their own cultural histories, participating States “ensure that persons belonging to national minorities or regional cultures on their territories can maintain and develop their own culture in all its aspects, including language, literature and religion.” (Vienna Document 1989, “Co-operation in Humanitarian and Other Fields”, par. 59)
- In participating States, “persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights”. (Copenhagen Document 1990, par. 32)
- Minority groups may “establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin or cultural heritage”. (Copenhagen Document 1990, par. 32.4)
- Participating States “will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities”. (Copenhagen Document 1990, par. 35)
- Recognising that “persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its

aspects, free of any attempts at assimilation against their will”, participating States guarantee that minority groups will have the following rights.

- To “use freely their mother tongue in private as well as public.”
- “In accordance with paragraph 31 of the Copenhagen Document, the participating States will take the necessary measures to prevent discrimination against individuals, particularly in respect of employment, housing and education, on the grounds of belonging or not belonging to a national minority”. They will therefore provide “for effective recourse to redress for individuals who have experienced discriminatory treatment on the grounds of their belonging or not belonging to a national minority, including by making available to individual victims of discrimination a broad array of administrative and judicial remedies”. (Geneva Document 1991, part IV)
- OSCE participating States promise to “provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred”. (Copenhagen Document 1990, par. 40.1)

CURRENT SITUATION

Turkey’s submission to the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) in 2007 highlights continued concerns about its commitment to the elimination of discrimination. Despite appeals from European and international bodies, many minority groups in Turkey continue to face institutionalised discrimination and intolerance. Turkey’s Prime Minister Recep Tayyip Erdogan said that 2008 would be a “year of reforms”; yet implementation of international norms and standards on non-discrimination has not progressed.

Turkey’s institutions can be described as Mr Christian Strohal did in his opening address to the Supplementary Human Dimension Meeting in May 2008 on “The Role of National Institutions against Discrimination in Combating Racism and Xenophobia with a Special Focus on Persons Belonging to National Minorities and Migrants.” He described how “individuals who turn to national institutions are often faced with structural barriers, which limit or even deny/prohibit their access to legal remedies against racism, xenophobia and discrimination.”¹¹

One contributing factor to the entrenchment of discrimination in Turkey’s national institutions is the state’s use of the outdated and limited definition of “minority” from the 1923 Treaty of Lausanne. In clear violation of OSCE

¹¹ http://www.osce.org/documents/odihr/2008/05/31600_en.pdf

commitments, the Turkish Constitution continues to define minorities purely along religious lines. Adherence to this definition, despite criticism from the international community, has allowed the Turkish state to deny large sections of the population protection from discrimination and to skirt its obligations under international law. For example, Turkey only upholds the collective rights of minorities enshrined in Article 27 of the ICCPR insofar as they coincide with the Treaty of Lausanne definition of minority. Thus, only Armenian, Greek, Jewish and other non-Muslim minorities receive protection under international law. Turkey's Kurdish minority, the country's largest, remains unaccounted for in minority protection policies.

Due to this definition, the Turkish state does not carry out official censuses or data collection on ethnic or linguistic grounds, and thus, there is a lack of clear and up-to-date statistics on the composition of these groups within Turkey. It is estimated that there are 15 million Kurds in Turkey accounting for around 23 per cent of the population. Turkish law upholds the equality of individuals, but entirely fails to recognise that certain issues affect minority groups disproportionately, and that different ethnic and linguistic groups may have different needs to participate equally in society.

The failure of Turkey to provide linguistic rights for its citizens for whom Turkish is not their first language, is one such example. The Turkish state has failed to adhere to international standards that would allow its largest minority, the Kurds, to use, teach and access services in their own language. Failure to support the use of Kurdish not only threatens Kurdish cultural development, but also the civic participation of non-Turkish speakers and integration of Kurdish children within educational institutions. Providing minorities with a range of linguistic rights and opportunities to exercise them is an essential method for social integration and cohesion, allowing individuals and groups equal access to the state in a language that they understand.

Many individuals from minority groups are unable to speak or understand fluent Turkish, the sole official language of the state. Without the right to access state services in their own language, minorities are disadvantaged and susceptible to discrimination in the fields of education, employment and access to adequate medical care.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

In order to fulfill its commitments as an OSCE member state and to align its policy and practice with European and international standards, Turkey must rescind all legislation that limits individual and group protections from discrimination. KHRP urges Turkey to:

- amend the limited definition of national minority from the Treaty of Lausanne in the Constitution and to adopt a more inclusive definition that would recognise ethnic, linguistic and Muslim minority groups such as the Kurds;
- collect disaggregated statistics as to the status of official minorities including Kurds in Turkey
- recognise that its constitutional principle of equality is discriminatory as in certain situations, groups require special protections to guarantee their human rights.
- sign and ratify Protocol 12 to the European Convention on Human Rights, which outlines a general prohibition of discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status and prohibits such discrimination by any public authority;¹²
 - end linguistic discrimination by allowing languages other than Turkish to be used in interactions with state services;
 - facilitate the training of healthcare workers practicing in predominantly Kurdish areas to provide services in Kurdish.
- take into consideration the previously ignored recommendations made in 2007 by former İHD Chairman Yusuf Alataş to:
 - formulate legislation that defines discrimination and the rights of those discriminated against;
 - criminalise acts of discrimination;
 - remove discriminatory phrases and definitions from standing legislation, educational materials and media sources;
 - develop public education programs to raise awareness about discrimination in Turkish society.
- lower the minimum percentage of the vote required for representation in the legislature, in order to ensure that minority parties and interests are represented within the political system;
- ensure that the trial and hearing relating to the case of Ergenekon are conducted in a fair and impartial manner.

RECOMMENDATIONS TO THE OSCE

At the start of 2008, the European Commission against Racism and Intolerance (ECRI) began a fourth round of reports focusing on the implementation and evaluation of developments in the sphere of racism and intolerance within the Council of Europe member states, with a report being issued in 2009 on Turkey.

¹² <http://www.humanrights.coe.int/Prot12/Protocol%2012%20and%20Exp%20Rep.htm>

KHRP urges the OSCE to continue to work with Turkey to ensure compliance with international standards on the protection from discrimination with the hope that the 2009 report will demonstrate measured improvement in the efforts of the Turkish state.

KHRP urges the OSCE to take the following steps to pressure the Turkish government to live up to its commitments concerning protection from discrimination on the grounds of national, racial, ethnic or religious difference:

- formulate a binding definition of “national minority” so that, as an OSCE member state, the Turkish government would be required to recognize ethnic, racial, linguistic and all non-Muslim groups and provide them with the same rights guarantees accorded to them under international convention. The lack of a binding, internationally agreed-upon definition of national minority allows Turkey to continue to enforce outdated and discriminatory practices towards its minorities.
- encourage the use of minority languages in interactions between individuals and the state;
- encourage the Turkish government to amend Article 42 of the Constitution so that languages other than Turkish can be taught as a mother tongue in schools.

WORKING SESSION 7: TOLERANCE AND NON-DISCRIMINATION: PROMOTION OF GENDER EQUALITY AND PREVENTION OF VIOLENCE AGAINST WOMEN

ASSESSMENT 2007-2008

The legal framework on women’s rights is generally satisfactory and both provides for the equality and human rights of women and denounces violence against women, however, political will to implement these laws remains a problem. Implementation must remain a priority for the Turkish state so that women do not only have rights, but are able to claim them in practice. ‘Honour killings’ still occur throughout Turkey. Internal displacement, violence, illiteracy and ethnic discrimination continue to make Kurdish women more vulnerable than their Turkish sisters; however, both groups endure domestic violence.

OSCE COMMITMENTS

We recall to the Turkish state the following commitments that it has made and ask it to renew its undertaking to respect them.

Participating States “stress the importance of ensuring equal rights of men and women; accordingly, they agree to take all actions necessary to promote equally effective participation of men and women in political, economic, social and cultural life”. (Madrid Document 1983, “Questions Relating to Security in Europe: Principles”)

Participating States therefore promise to “undertake measures to eliminate all forms of discrimination against women and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings”. (Istanbul Document 1999, “Charter for European Security: III. Our Common Response”, par. 24)

To ensure that women are protected in accordance with these promises, participating States will, “among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims”. (Moscow Document 1991, par. 24)

Participating States, individually and collectively, bear the primary responsibility and are accountable to their citizens for the implementation of their commitments on equality of rights and equal opportunities for women and men. They have committed themselves to making equality between women and men an integral part of policies both at State level and within the Organization. They will ensure the full use of the appropriate OSCE fora for reviewing the implementation of OSCE commitments on equality between women and men”. (Sofia Document 2004, “Decisions: Annex to Decision No. 14/04: 2004 OSCE Action Plan for the Promotion of Gender Equality”)

CURRENT SITUATION

Women and Political Participation

While some progress was made in the 2007 Parliamentary elections, which saw the election of 48 female candidates, women still make up only a small number of elected officials in Turkey. Currently women make up barely 9 percent of Parliament and a shamefully low 2.5 percent in local administrations.¹³

Education

Lack of education, particularly in the East and South-East areas, remains a problem for women in Turkey. Despite efforts such as the Haydi Kizlar (‘Come

¹³ Benmayor, Gila. ‘EU Closely Monitors Women’s Rights in Turkey’ Turkish Daily News, 26 July 2008.

on Girls') and 'Campaign to Support National Education ' campaigns many young girls are not attending school. Young women who do not receive an education are more likely to marry at a young age and have more children than women who have received a secondary education.¹⁴ While lack of education is a problem for women throughout Turkey, Kurdish women are particularly endangered as they may not have an opportunity to learn Turkish and will therefore find it difficult to access public services.

Violence Against Women

Despite legal reforms many women in Turkey continue to have their lives shaped by customary and religious practices such as early and forced marriages, polygamy and honour crimes. For many women in Turkey these practices have a far greater influence on the course of their lives than the civil code.¹⁵ Although domestic legislation provides for the equality and human rights of women and condemns violence against women, in practice there needs to be a change in mentality among the people before real progress can be made in these areas.

'Honour killings' continue to take place in Turkey despite many educational and consciousness raising activities. It is the responsibility of the Turkish government to not only implement laws preventing such killings but to educate and support women vulnerable to violence. Currently Turkey is lacking shelters for women who are victims of violence in both quality and quantity.¹⁶ Women's NGO's who offer such support services have reported that they themselves are often victims of harassment from government and law enforcement officials.¹⁷

According to the 2008 UNDP Human Development Report on Turkey 63% of young women ages 15-19 expect to be beaten as part of their married life.¹⁸ This figure offers an alarming illustration of how deeply ingrained and accepted violence against women is in society. Increased access to education, rigorous protection and investigation of violence by authorities and better access to healthcare can empower women to break this cycle of violence.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

- Increase the number of shelters for women and children who are seeking escape from situations of domestic violence. Turkey should follow the

¹⁴ 2008 UNDP Report – Turkey.

¹⁵ 'European Parliament Project: The increase in Kurdish Women Committing Suicide', KHRP, 2007, p.6.

¹⁶ PM Human Rights Presidency 2007 Honour Killings Report.

¹⁷ 'European Parliament Project: The Increase in Kurdish Women Committing Suicide', KHRP, 2007, p. 13.

¹⁸ 'Turkey 2008 UNDP Human Development Report: Youth in Turkey', p. 45.

- proportion recommended to the European Parliament and construct one shelter per 10,000 women.
- The Turkish Armed Forces and Police should continue to receive training on domestic violence.
 - Increase efforts to educate women so that they will be empowered to escape abusive or violent situations and to allow them to develop a level of independence from male family members or husbands.
 - Ensure that women belonging to the Kurdish minority are also involved in women's rights programs.

RECOMMENDATIONS TO THE OSCE

Recalling the commitment to protecting and promoting women's rights and safety that all OSCE participating States agreed to uphold in the Madrid, Istanbul, Moscow and Sofia Documents, KHRP recommends that the OSCE take measures to encourage the state of Turkey to honour these promises for all women found within its borders. In particular KHRP urges the OSCE to:

- monitor the safety of women throughout Turkey by liaising with human rights defenders, national women's groups, NGOs and IGOs by remaining informed as to 'honour killings', suspicious suicides and their investigations occurring in Turkey;
- recall the agreement made by all participating States in the Sofia Document of 2004 to make use of OSCE fora to review the implementation of these commitments and send an observation mission to different parts of Turkey to review the status of women in all parts of the
- use its good offices with the United Nations and European Union to exert pressure on the state of Turkey to actualise the reforms it promised in 2006, including positive discrimination in government appointments, public education programmes, domestic violence hotlines, the construction of new shelters and the persistent prosecution of perpetrators of all forms of violence against women;
- again recalling the commitments agreed to by all OSCE participating States in the Sofia Document, monitor the seriousness with which the Turkish government investigates suicides of young females and 'honour killings' by sending trial observation mission to observe the prosecution of these types of cases.

WORKING SESSION 11: REFUGEES AND DISPLACED PERSONS

ASSESSMENT 2007-2008

The twenty-four year conflict between the Turkish state and the Kurdistan Workers Party (PKK) has cost the lives of 30,000-40,000 people and over 3,000 villages have been destroyed. Consequently, at least three million people have been forced to flee their homes using their own resources and have experienced the destruction of their property, animals, livelihoods, community and culture.

Displaced people, already suffering from the deep trauma of forced evacuation, further face increased poverty, unemployment and intolerable pressure on already under-resourced public facilities. The current situation of intensified violence in southeast Turkey prevents the mass return of IDPs. Measures in place to provide redress for IDPs are highly inadequate. Genuine political will to alleviate the plight of IDPs in Turkey is lacking despite legislation that providing IDPs with monetary compensation for measurable loss and a program for the return of displaced persons. In practice these measures do not restore "...as far as possible the situation before the breach" in accordance with the ECtHR ruling in *Akdivar*.¹⁹ Further, the government's narrow interpretation of the term IDPs in international law continues to allow it to understate the number of IDPs in Turkey.

There continue thousands of refugees stranded in Turkey today. Turkey applies a 'geographical limitation' to its obligations arising from the 1951 Convention relating to the status of refugees, whereby refugee status is only granted to those who have become refugees through events in Europe, thus excluding many Kurdish regions in non-European states.

KHRP has consistently raised concerns over Turkey's failure to satisfactorily implement international law. It has lead to, for example, 900 remaining Iranian refugees who fled from Kurdistan, Iraq, left stranded in Turkey, having been both denied refugee status in Turkey and exit visas in order to re-settle through the UNHCR, and but are also unable to return safely to Iraq.

OSCE COMMITMENTS

We recall to the Turkish state the following commitments that it has made and ask it to renew its undertaking to respect them.

- participating States recognise that "among the acute problems within the human dimension, the continuing violations of human rights, such as involuntary migration (...) continue to endanger stability in the OSCE region" and are "committed to... address[ing] these problems". (Lisbon Document 1996, "Summit Declaration")
- these states "condemn and pledge to refrain from any policy of 'ethnic cleansing' or mass expulsion...[and] will facilitate the return, in safety and

¹⁹ KHRP case, ECtHR, Appl. No. 21893/93 *Akdivar* and Others v Turkey, judgment of 16 September 1996

- in dignity, of refugees and internally displaced persons, according to international standards". (Lisbon Document 1996, "Summit Declaration")
- participating States "express their concern at mass migratory movements...including millions of refugees and displaced persons, due mainly to war, armed conflict, civil strife and grave human rights violations". Accordingly, they will "expand their co-operation with appropriate international bodies in this respect". (Budapest Document 1994, "Decisions: VIII. The Human Dimension", par. 32)
 - OSCE participating States "emphasize the importance of preventing situations that may resulting mass flows of refugees and displaced persons and stress the need to identify and address the root causes of displacement and involuntary migration". (Helsinki Document 1992, "Decisions: VI. The Human Dimension", par. 40)
 - They also "recognize that displacement is often a result of violations of OSCE commitments, including those relating to the Human Dimension", [and] "reaffirm the importance of existing international standards and instruments related to the protection of and assistance to refugees". (Helsinki Document 1992, "Decisions: VI. The Human Dimension", par. 42-43)
 - participating States "recognize the importance of...non-governmental organizations involved in relief work, for the protection of and assistance to refugees and displaced persons". (Helsinki Document 1992, "Decisions: VI. The Human Dimension", par. 44)
 - participating States "welcome and support unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions". (Helsinki Document 1992, "Decisions: VI. The Human Dimension", par. 45)

CURRENT SITUATION

The Turkish Compensation Law

The Turkish Law on Compensation for Damage Arising from Terror (Law 5233) is a step by the government to compensate the villagers of southeast Turkey for the loss of land, property and possessions. In June 2008 the Council of Ministers²⁰ approved the implementation of the law and decided to close its examination of the issue. It noted that Turkey had implemented the Compensation Law in the context of *Doğan and Others*²¹ and was confident that those who sustained damage in cases of denial of access to property, damage to their property or

²⁰ 1028th meeting (June 2008) (see, CM/ResDH(2008)60); CM/ResDH(2008)69 on the Execution of the judgments of the European Court of Human Rights , Actions of the security forces in Turkey , Progress achieved and outstanding issues.

²¹ Appl. No (8803/02)

death or injury can successfully claim compensation under the Compensation Law.

The Committee accepted assurances given by the Turkish authorities on the availability of a wide range of remedies for situations falling outside the Compensation Law, with particular regard to ensuring reparation by the state for damages caused as a consequence of actions of security forces. Although the Compensation Law purports to compensate for material damage inflicted by state security forces, it is damage caused by armed opposition groups that are more likely to be compensated. This bias in favour of the state is also illustrated by the fact that state agents subjected to damage whilst fulfilling their duties, such as village guards under the Pecuniary Compensation Law (Law 2330) receive far more compensation than IDPs under the Compensation Law. In fact, KHRP, Human Rights Watch, Bar Human Rights Committee of England and Wales and the Diyarbakir Bar Association have found that contrary to the ECtHR's 2006 ruling in *İçyer v. Turkey*²² the Compensation Law is not an effective remedy. Rather, the law is fraught with problems and consequently does not adequately redress IDPs.

Significant problems include:

- Temporal application of the law only covers displacements from 1987 until 2004, thereby ignoring the displacements that began in 1984 leaving a significant number of IDPs without compensation.
- Although the ECtHR has granted compensation for non-pecuniary loss for individuals whose homes have been destroyed in *Hassan Ilhan v Turkey*²³, the Turkish Compensation Law still fails to provide compensation for non-pecuniary losses (Article 7). This fatally overlooks the severe social dislocation associated with displacement and the atrocities that are often connected with displacement such as extra-judicial killings, torture and forced disappearance leaving most IDPs with psychological illnesses
- The severe evidential burdens and the requirement of official documents regarding the ownership of animals, land and other resources continue to deny legitimate claims for compensation. It has also been reported that state authorities employ intimidation tactics against local *muhtars* to prevent them from testifying against the government.
- Official documents are seldom available since the state rarely declared an official evacuation.²⁴ Few displaced people possess the title deeds to their

²² Appl. No. (18888/02)

²³ KHRP Case, ECtHR, *Hassan Ilhan v Turkey*, Appl. No. 22494/93, judgement of 9 November 2004.

²⁴ FFM Interview with Cevat Aktas and Mehmet Nuri Yildiz, Van Bar Association member, 3 July 2006 quoted in Internal Displacement, Global Overview of Trends and Developments in 2007, the Internal Displacement Monitoring Centre, April 2008, p70

properties because they have built houses on treasury land or on unregistered land. Proving ownership of animals is also difficult since ear-tagging animals was only introduced in recent years.²⁵

- The compensation law is narrow in its scope and continues to exclude many individuals from receiving compensation. Those that have previously received compensation are excluded despite their previous compensation being as little as a pack of cement.
- So called 'voluntary evacuees' are also excluded from the Compensation Law. This excludes those who left for fear of their safety and not directly because of the security forces or armed opposition groups and those who chose not to become village guards. Kurdish villages were faced with the dilemma of either joining the village guards and risk being attacked by the PKK or refusing to join the village guards and being perceived as advocates of the PKK. In relation to the latter anyone sentenced under the anti-terror law is also excluded from compensation.
- The Compensation Law makes no provision for legal aid. Poorly educated farmers and illiterate villagers cannot assemble the complex documentation required by the Compensation Law and are therefore not compensated at all for their loss.
- Women, particularly rural women, are at a severe disadvantage in front of the Commissions. They have been told to 'go home and get their husbands' by Commission members, who are almost exclusively male. Further, if they were in polygamous marriages, they have no means of making a claim.

Ongoing Armed Conflict

Turkish military bombardments over the border into Kurdistan, Iraq have intensified over the past year. The Turkish military intention to invade Kurdistan Iraq was seen to be sanctioned by PM Erdogan when he signaled in 2007 that parliament was prepared to support any military decision to launch a cross-border attack on the PKK in Kurdistan Iraq. Notably, NATO and the EU oppose this plan.

The security situation in the southeast has further deteriorated since. Large numbers of Turkish troops have been deployed along the southeast border with Iraq, on the Iraqi side as well as the Turkish. PKK attacks and Turkish military operations have forced many people to flee their homes. In Iraq, villages along the border have faced mass displacement and loss of property and livelihood as a result of Turkish military strikes.

²⁵ FFM Interview with Goc-Der and others, 3 July 2006 quoted in Internal Displacement, Global Overview of Trends and Developments in 2007, the Internal Displacement Monitoring Centre, April 2008, p72.

IDPs in Turkey face serious difficulties in accessing public services including health, education, housing and other necessities including transport and legal assistance. These difficulties are often compounded by their inability to speak Turkish since Turkish law forbids languages other than Turkish being used in the public sector.

Unfortunately, there appears to have been little real change in the Turkish Government's approach to displacement. Poverty in the southeast is rife with per capita income is 42 per cent of the national average and barely a quarter of that in the cities of Western Turkey. The security situation in the southeast is not conducive to a policy of the mass return of IDPs and those that do return risk their lives due to landmines in the villages. The current circumstances IDPs face calls for immediate improving of infrastructure and increasing public services available in host towns so that IDPs who are psychologically traumatised from losing their families, homes and livelihoods are not left destitute.

The Ilisu Dam Project

The commitment of the Turkish government to addressing the plight of IDPs is severely weakened by its proposals to build the Ilisu Dam project running through the southeast, and predominantly Kurdish regions of Turkey. The construction of the dam will flood 68 villages including the 10,000 year-old city of Hasankeyf, a site of enormous historical, cultural and archaeological importance. It will ultimately result in the displacement of another 78,000 people, the majority of whom are Kurdish. If built the Ilisu Dam will also restrict the water flow downstream to Syria and Iraq and cause severe environmental pollution.

The large-scale flooding that Ilisu would cause can be seen as part of a wider aim of cultural assimilation aimed at erasing Kurdish culture by forcing villagers into the cities where their identity, community and language are submerged and forgotten. The evacuation of the villagers also enables the Turkish security forces to target the PKK and take control of these areas. The Turkish government has failed to release documents regarding the proposed dam and surrounded the project in secrecy.

The displaced people will be forced to flee to the already cramped and under-resourced cities of Diyarbakir and Hakkari. Displaced women are particularly vulnerable as their usual role of connecting the community and raising children will be near impossible without the support of their community, family and with little or no access to public services. Further, the isolation of displaced women renders them susceptible to violence.

The way the dam project has been handled has demonstrated the Turkish government's lack of concern regarding the effects of the dam on the Kurdish people and culture. Those affected by the proposed dam have not been consulted, no provision for adequate compensation has been made and there is no proper resettlement plan in place.

Further inadequacies surrounding Ilisu Dam include the failure of the Turkish government to meet any of the 153 conditions upon which funding for the \$2 billion dam project was granted and its failure to provide an independent environmental impact assessment.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

In light of the concerns raised by this report and the reports of other NGOs and human rights defenders, KHRP urges the government of Turkey to:

- adequately investigate and punish the perpetrators of the violence towards IDPs, both in the past and on an ongoing basis;
- abolish the village guard system and initiate an anti-landmine campaign, to include the safe removal and disposal of landmines and an educational programme about their dangers for the local community;
- create viable conditions for IDPs to return to their villages and rehabilitate themselves;
- draft a new compensation law in partnership with members of the IDP community that provides a simple, concrete structure for compensating displaced persons for both economic and non-pecuniary loss resulting from displacement, suffering and trauma;
- agree to train the Judiciary and all compensation assessment committee members in accordance with new legislation and the principles of rehabilitating IDPs articulated by the OSCE Commitments as well as Turkey's other international obligations;
- dedicate sufficient resources to fully addressing the problems that IDPs face and seek the support of the international community for further funding

RECOMMENDATIONS TO THE OSCE

Recalling the commitment to ending the plight of IDPs it has articulated in the Lisbon, Helsinki and Budapest Documents, KHRP urges the OSCE to:

- maintain contact and initiate dialogue with NGOs and human rights defenders operating in Turkey and monitoring the situation of this country's IDP community;

- provide opportunities for participating States to discuss and examine solutions to the IDP problem, including legislation, compensation schemes and government assistance;
- send a fact-finding mission to observe compensation courts.

WORKING SESSION 12: FREEDOM OF RELIGION AND BELIEF

OSCE COMMITMENTS

Regarding general freedom of expression rights:

- Participating States recognize and value the right to freedom of expression as “a fundamental human right and a basic component of a democratic society.” (Budapest Document 1994, “ The Human Dimension”, par. 36)
- Consequently, they affirm that “everyone will have the right to freedom of expression...to hold opinions, and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” This right may only be restricted in ways “prescribed by law and...consistent with international standards.” (Copenhagen Document 1990, par. 9.1)

Regarding freedom of political expression and campaigning:

- Participating States will “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them” (Copenhagen Document 1990, par. 7.7)

Regarding freedom of expression of human rights defenders:

- Participating States will “respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information.” (Copenhagen Document 1990, par. 10.1)

Regarding freedom of expression for the media and publishers:

- Participating States “make it their aim to facilitate the freer and wider dissemination of information of all kinds.” (Helsinki Document 1975, “Co-operation in Humanitarian and Other Fields”)
- They reaffirm “the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this

- right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms." (Moscow Document 1991, par. 26)
- In furtherance of this belief, Participating States will take "no measures aimed at barring journalists from the legitimate exercise of their profession other than those required by the exigencies of the situation." (Moscow Document 1991, par. 28.9)
 - They will also "condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable." (Moscow Document 1991, par. 37)

Regarding freedom of expression through electronic media:

- Participating States "will ensure that individuals can freely choose their sources of information." In this context they will "take every opportunity offered by modern means of communication...to increase the freer and wider dissemination of information of all kinds." (Vienna Document 1989, "Co-operation in Humanitarian and Other Fields", par. 34, 35)

ASSESSMENT 2007-2008

The freedom of individuals to hold their own religious beliefs is a fundamental right enshrined in a number of international agreements such as the International Covenant on Civil and Political Rights and OSCE commitments. The State of Turkey has always viewed religious freedom as a threat to its secular Kemalist heritage. This belief has meant the state imposes restrictions on its citizens' religious identity in the workplace and public services. The Treaty of Lausanne 1923 protects the religious freedom of non-Muslim minorities and grants them the right to have religious education and instruction. In practice, however, this protection is restricted to Rums, Armenians and Jews only, leaving out other non-Muslim minorities. This does not preclude Assyrians, ancient Christians whose churches pre-date Lausanne, from operating their religious institutions.

However, Christians from newer traditions face significant difficulties in exercising their religious freedoms. The treaty of Lausanne's restrictive definition of minorities on the basis of 'religion' instead of 'religion, sect and denomination', also fails to address minorities within Islam. Instead, their distinct identities have been lumped together as 'Muslims', and the religious affairs of all Muslims have been subjugated to state control through the Directorate of Religious Affairs (Diyanet). Alevis, Baha'is and Caferis are not permitted to have representation in this institution.

Religions Registration

A significant problem facing religious groups in Turkey is the nation's biased religious registration laws. Religious affiliation is listed on national identity cards despite 1982 Constitutional Article 24 which provides that no one shall be compelled to reveal religious beliefs. Registration is required for religious leaders and institutions to serve their constituents. A few religious groups, such as the Baha'i are unable to state their religious affiliation on their cards because they are not included among the options; this is despite having repeatedly raised this with the Government. Citizens can petition the registry office to have no reference to their religious affiliation in their IDs, but the onus is on the individual while the state continues to ask citizens to declare their religion. This imposes a burden on individuals and allows room for arbitrary rejections and discriminatory practices. In employment or military services, leaving the religious section blank has often meant that candidates applying for positions are not considered. Therefore, religious minorities are placed at an inherent disadvantage in their access to employment and military service.

Mandatory Religious Education

Turkey continues to impose mandatory religious classes in schools in spite of the decisions by The European Court of Human Rights (ECtHR) and the Turkish State Council. The ECtHR found Turkey guilty in an appeal by Hasan Zengin and his daughter Eylem, who had wanted to be exempt from the religion classes because of their Alevi beliefs. The ECHR had stated in its November 2007 election that the mandatory religion classes were a violation of the 'right of education'. In response to the decisions of the ECHR and the State Council, the government took steps to make changes to the religious curriculum, but still imposed the religious teaching as mandatory. Turkey's Education and Special Worker Union (Eğitim-Sen) announced that the textbooks still reflect only Islam's Sunnite teachings.

Amendment to Article 10 and 42

In February 2008, the Turkish Parliament passed a bill for amendment of Articles 10 and 42 of the constitution, which allows women to wear headscarf at university. The bill for amendment had been brought by the ruling Justice and Development Party (AKP) and the opposition Nationalist Movement Party (MHP). The pro-Kurdish Democratic Party (DTP) also supported the amendment in the vote. However the Constitutional Court annulled these amendments which would allow women to wear the headscarf at Turkish universities. The constitutional court held that the amendments were in violation of Articles 2, 4,

148 of the constitution. The prohibition of wearing headscarf by women in universities is therefore still in effect.

On 23 September 2008, The European Court of Human Rights (ECtHR) found Turkey in violation of Article 6 of the European Human Rights Convention (EHRC) in the KHRP-assisted case of Emine Araç v Turkey Application No. 9907/02. The Court held that the judicial review of the decision to reject her university application due to her wearing of a headscarf was unfair. Araç had originally studied at the İnönü University and during that time wore a headscarf covering her hair and neck without any issues being raised. She had to move to Istanbul due to her husband's job where she applied to transfer her studies to the Theology Faculty at the University of Marmara. Her application was accepted, but she was subsequently barred from registering because the photo she provided of herself did not have her head uncovered as required in the university's regulations. She made an appeal to the Turkish Council of State which was rejected, but she was not allowed to see the Public Prosecutor's opinion given to the Council of State and therefore her lawyers could not comment on it in their submission. Previously, in two legally similar cases, Meral v Turkey and Göç v Turkey, the Court also found Turkey in violation of the right to fair trial. KHRP and its partners argued that Turkey had not complied with its obligations to make the judicial review an open and fair process and the Court reaffirmed the previous decisions and agreed with this argument by finding that there had been a violation of Article 6 of the Convention, which also violates Turkey's OSCE obligation.

Amendments to the Turkish Foundation Law

The Turkish Foundation law (No. 5737) was revised and passed on 26 February 2008. The new law allows non-Muslim foundations in Turkey to accept new donations and proceed with the purchase of new properties in addition to being able to collaborate with foreign foundations. They will also be able to rent out their empty school buildings left vacant by the departure of Christians from Turkey because of restrictive laws applied to them in the past. But the new law does not speak of the 'mazbut', the properties occupied by the state after the abandonment of the properties by its owners, following restrictive policy toward minorities. The law does address the situation of assets that were duly confiscated by the state in 1974. This takes its origins from a judgement by the Supreme Court according to which all donations and properties between 1936 and 1974 were declared to be illegal following the events in Cyprus in 1974. The new law will allow community foundations to apply to recover seized properties provided they are still in the hands of the state. However, thousands of community foundation buildings were seized by the state and sold to third parties. The new law makes no provision of these.

The government's insistence that only the non-Muslim community recognised before 1923 can own property does not address the issue of religious communities and their leaders who have no legal control over the worship building they use. For example, the Greek Orthodox Ecumenical Patriarchate in Istanbul's Fener district, seat of the most senior cleric in the Orthodox world, has no legal status and does not own its own headquarters.

It is clear that Turkey continues to suppress freedom of religion. Muslim sects and non-Muslim minorities continue to face major obstacles regarding their identity, expression and the freedom to worship. Under the broad umbrella of fighting terrorism the state security and legal system have operated to curtail religious activities. This has enabled the social exclusion of religious minorities.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

In light of this year's events and the concerns raised by this report, KHRP urges the government of Turkey to continue in their current efforts to improve their religious identity as well as focus on the implementation of these reforms.

Steps realizing this goal must include:

- creating a comprehensive legal framework in line with the ECHR which regulates the individual and collective expression of freedom of religion or belief for the existing groups in Turkey, including granting equal status before the state in terms of legal recognition, religious education of children, the right to train clergy, etc. so that all religious communities can function without undue constraints;
- ensure that these standards are observed by all government officials, at all levels of government, throughout the country.

Ensure freedom of assembly for all faiths

In order to ensure freedom of assembly for all faiths we urge the Turkish government to:

- accelerate the procedure to obtain legal personality for religious organizations;
- provide legal guarantees that all religious groups have at their disposal a recognized, suitable and affordable house of worship.

Combat societal intolerance and discrimination of religious minorities

In order to create a safe and tolerant atmosphere for religious minority groups and we strongly advise the Turkish government to;

- establish a national action plan focused on promoting the concept of pluralism and religious freedom with the goal of changing the attitude of the society, the police and bureaucrats towards religious minorities;
- develop an educational programme according to the Toledo Guiding Principles on Teaching About Religions and Beliefs prescribed by the OSCE in collaboration with religious minority groups within Turkey which can be used within primary and secondary schools and will promote the ideas of pluralism and the respect for human rights among the children.

Initiate constructive dialogue with all religious minority groups

In order to better understand and appreciate the needs and concerns of the different religious minority groups we encourage the Turkish government to;

- continue with those meetings already underway with some religious minority groups with increased frequency and providing the groups with feedback with regards to the steps taken to respond to the concerns and needs raised during the meetings;
- make contact and begin meaningful discussions with those religious minority groups with which the government currently has no contact;
- recognize publicly, in word and practice, representatives of non-Muslim and Alevi communities
- establish a (central) government institution to which religious non-Muslim and Alevi groups (i.e. the Alevi groups who don't want to fall under the Diyanet) can turn to with their concerns as well as where they can register incidents of prejudice, discrimination or violence.

RECOMMENDATIONS TO THE OSCE

The OSCE encourages and supports religious plurality in all participating states. Recalling the commitments to freedom of religion the OSCE developed in the Copenhagen document, the KHRP urges the OSCE to:

- Initiate dialogue with the Turkish government ,working with the state officials to address the issues regarding religious freedom for minorities;
- Use its good offices with the EU and UN and encourage Turkey to abide by their obligations regarding religious freedom as part of these organizations ;
- Send an observational mission to report on the mandatory religious education curriculum;
- Monitor the situation of religious minorities through out Turkey by liaising with human rights defenders, NGOs and IGOs.