

## Draft Statement on the evolution of the Turkish situation

to be Adopted at the Executive Committee 14-15 December 2016

---

1. On **15 July**, an attempted coup took place in Turkey. The **ETUC expressed - with the ITUC - its firmest condemnation** of that attempt, and stated that any terrorist attacks or unconstitutional efforts to seize power and overthrow democracy must be opposed. The European and international trade union movement further expressed its sympathy and solidarity with the people of Turkey and the Turkish trade unions. The ETUC and ITUC finally called for an independent investigation and eventual prosecution of those responsible, to be conducted with full respect for the rule of law.
2. In the aftermath of the failed coup, the **ETUC, with the ITUC**, expressed **concern** at the Turkish government's mass dismissals of public employees and other workers, in most cases without any basis of evidence/ compliance with the rule of law, as well as changes by decrees or laws limiting democratic rights.
3. By the end of November, more than **120,000 civilians** – mainly public employees but also teachers and academics, journalists, police officers, soldiers, and staff in the ministries of health, justice and the interior, local authorities and the business community - had been **dismissed or suspended from their jobs**. Some **35,000** citizens have been **arrested and detained**. Amnesty International has reported torture. Dismissed workers (estimated 75,000) and their families do not receive *any money* from the government. Many institutions, more than 170 media, more than 1,000 NGOs, trade union confederations, foundations and private companies have been shut down.
4. The **situation in the south east has worsened** since Turkey was hit by several large-scale terrorist attacks by Daesh and the PKK. The **ETUC condemns** any terrorist attack. But disproportionate use of force by the security forces in the south east have increased. Many elected representatives and municipal leaders in the south east have been removed from their duties or arrested.
5. **Among those dismissed or suspended are several thousand trade unionists affiliated to all ETUC affiliates in Turkey: Turk-is, Hak-is, Disk and Kesk**. The largest numbers come from KESK. In total, it seems reasonable to state that some 20,000 trade union members have been dismissed or suspended, mostly in the public sector (and without counting the tens of thousand members of the 2 FETO confederations).
6. The **Emergency Decree Law (Art 4)** of 20 July, which entered into force on **23 July** for three months (prolonged on 3 October) combined with a previous **State of Emergency Law** appear to **contravene at least three international legal instruments** that Turkey is party to: the EU Social Charter (Art. 24 on the right to protection in cases of termination of employment); ILO Convention n° 158 on the Termination of Employment; and the European Convention on Human Rights (Art. 6 on the Right to Fair Trial).
7. Those decrees were first presented as a swift and decisive reaction to the 'Fethullahist Terrorist Organisation' (FETÖ/PDY), but the **scope of those decrees**, and the ones that followed (more than ten by 28 November), was

**rapidly extended** to all other terrorists organisations or their “supporters”, covering more than 120.000 people.

8. It was against this background **that the ETUC and ITUC**, having consulted their four members, decided on a **first joint mission to Ankara in mid-October**. The aim was to stand in solidarity with all Turkish trade unions, but also to discuss recent evolutions affecting trade union members in the country after the coup attempt. The joint delegation reiterated its unconditional support for the democratic values and trade union freedoms set out in ILO Conventions and international and European Charters, as well as full respect for the rule of law. In the joint statement adopted together with all four Turkish confederations, trade unions insisted on the fact that the failed coup should not lead to “changes that limit democratic rights or to the destruction of the livelihoods of thousands of workers”.
9. Several EU and international institutions have since then expressed their deepest concern about the evolution of the situation in Turkey: the **Council of Europe Commissioner for Human Rights** (Memorandum, 7 October), the **European Commission** (2016 Progress Report on Turkey, 9 November), the **United Nations Special Rapporteur on the right to freedom of opinion and expression** (18 November), and recently the **European Parliament** (resolution, 25 November).
10. The ETUC has repeatedly called for an end to the **EU-Turkey agreement on a Joint Action Plan on Refugees** and, instead, encourages Member States to open legal channels for migration, implement a more generous resettlement scheme and adopt a common migration system. The assessment of the EU-Turkey deal can in no way be construed as a judgement on the Turkish people’s desire to help refugees. The Turkish people have shown themselves to be generous, and trade unions and civil society organisations have helped to deal with the arrival of millions of refugees, many of them from Syria.
11. Today, the challenge is therefore to **foster the EU-Turkey dialogue** and to put in **place a medium and long-term strategy, a viable approach** which will avoid Turkey totally turning its back on the EU and its values and, on the contrary, pursue the necessary reforms.
12. The **ETUC stresses the importance of maintaining and developing the dialogue between Turkish and European trade unions, and civil society organisations** in general, and reaffirms its commitment to fostering long-term cooperation with its Turkish members. The ETUC has for years supported Turkish accession. This will nevertheless only be possible if fundamental rights and freedoms are respected.

## **THEREFORE**

13. The ETUC urges the Turkish government to:
  - a) Immediately review the decrees on the state of emergency to ensure they conform with ILO Conventions and EU Charters;
  - b) Stop arbitrary dismissals, investigations, persecutions and arrests by recognising the right to fair, objective and transparent trials and appeal procedures for all affiliated trade union organisations as well as the 120.000 people dismissed or suspended;

- c) Start repealing the emergency decrees; revert to normal legislation which implies the presumption of innocence, individuality of criminal responsibility and punishment, and the right to equal defence;
- d) Immediately redress the grievances of innocent people who have been arrested or suspended;
- e) Restore freedom of expression, speech and the press; reopen democratic media and associations;
- f) Immediately release trade unionists and all those held in prison for exercising their right to freedom of opinion and expression; ensure access to all others in detention;
- g) Respect and implement ILO core labour standards, in particular Conventions 89 and 97 on trade union rights.

14. In the interests of promoting European values on human rights, fundamental freedoms and democracy, the ETUC further urges the Commission, as well as EU heads of state and government and the Council President, who will examine the Turkey Progress Report 2016 at their meeting on 15-16 December, to:

- a) Send a clear, powerful but constructive message to the Turkish government condemning the upsurge in violations of fundamental rights and freedoms over the last six months, urging a return to respect for the rule of law, democracy and justice and calling on Turkey, as an EU candidate country, to comply with European Charters and Conventions;
- b) Envisage further action, only if necessary, such as the temporary suspension of EU-Turkey accession negotiations – as a last resort – or talks on the modernisation of EU-Turkey trade relations.
- c) Urge the parties to engage in constructive dialogue aimed at solving problems;

15. The ETUC, together with the ITUC and affiliates and according to ITUC procedures, will request the relevant bodies of the ILO to examine eventual complaints:

- a) In the Committee on Freedom of Association;
- b) In the Committee on the Application of Standards on the ILO Termination of Employment Convention n° 158;
- c) At the International Labour Conference in June 2017.

16. The ETUC will, in addition:

- a) In cooperation with its Turkish affiliates, intensify constructive dialogue with Turkish civil society and relevant institutions; strengthen its presence also through projects in the country;
- b) Raise public awareness in and outside Turkey about undemocratic and arbitrary actions;
- c) Put in place a trade union network, involving national confederations and European/international federations, to monitor the evolving situation;
- d) Prepare a new mission to Ankara, including national confederations and European Trade Union Federations/Global Union Federations), planned for 12-13 January;
- e) Set up an ETUC financial solidarity fund in coordination with the GUFs/ETUFs and the confederations, to support members in legal proceedings;
- f) Prepare, with the Turkish affiliates, a specific hearing in the European Parliament on the state of emergency and its impact on trade unions;

- g) Work with the United Nations special rapporteur, examine with the European Court of Human Rights and the Council of Europe/Commissioner for Human Rights (CHR) how best to support trade union members; involve the International Bar Association (IBA), and the International Commission of Jurists in ongoing trials (request trade union observers);
- h) Continue to cooperate with Turkish trade unions to secure faster integration of refugees in Turkish and European society and the workplace;
- i) Plan other practical actions, such as encouraging national affiliates to send messages and letters to the Turkish government, Turkish embassies in their countries and their embassies in Turkey; if the state of emergency is prolonged.

17. The ETUC secretariat will, on the basis of the present statement covering the different views of our members , report back to the Executive Committee on the joint mission in January and, if necessary, supplement the measures above in the light of the results of discussions with our members.