



**WRITTEN COMMENTS
OF THE EUROPEAN ROMA RIGHTS CENTRE AND
THE EDIRNE ROMA ASSOCIATION
CONCERNING TURKEY FOR CONSIDERATION
BY THE UNITED NATIONS COMMITTEE
ON THE ELIMINATION OF RACIAL
DISCRIMINATION
AT ITS 74TH SESSION**

TABLE OF CONTENTS

INTRODUCTION	3
EXECUTIVE SUMMARY	4
I. ARTICLES 2: BAN ON DISCRIMINATION	5
1.1 LEGAL FRAMEWORK IN TURKEY	5
1.2 DISCRIMINATORY LAWS	7
II. ARTICLE 5: BAN ON DISCRIMINATION IN ACCESS TO CIVIL, POLITICAL, ECONOMIC AND SOCIAL RIGHTS	9
2.1 THE RIGHT TO SECURITY OF PERSON AND PROTECTION BY THE STATE	9
2.1.1 VIOLENCE AGAINST ROMA BY POLICE	9
2.1.2 VIOLENCE AGAINST ROMA BY NON-STATE ACTORS	11
2.1 DISCRIMINATION AGAINST ROMA IN HOUSING	13
2.2.1 DESTRUCTION OF AND FORCED EVICTIONS FROM ROMANI NEIGHBOURHOODS	13
2.2.2 SUBSTANDARD HOUSING CONDITIONS	16
2.2.3 DISCRIMINATION IN ACCESS TO HOUSING	18
2.3 DISCRIMINATION AGAINST ROMA IN ACCESS TO EMPLOYMENT	18
2.4 EXCLUSION OF ROMANI CHILDREN FROM EQUAL PARTICIPATION IN EDUCATION	20
2.5 DISCRIMINATION IN ACCESS TO HEALTH CARE	22
III. ARTICLE 6: RIGHT TO EFFECTIVE PROTECTION AND REMEDIES	24
IV. RECOMMENDATIONS	27

INTRODUCTION

The European Roma Rights Centre (ERRC) and the Edirne Roma Association (EDROM) respectfully submit written comments concerning the Republic of Turkey for consideration by the Committee on the Elimination of Racial Discrimination (“the Committee”) at its 74th session.

The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Since its establishment in 1996, the ERRC has established a reputation as the leading international non-governmental organisation engaged in human rights defence of Roma in Europe. The ERRC has undertaken research, policy, law and training work in Turkey due to the very serious issues Roma face there. ERRC publications about Turkey, as well as additional information about the organisation, are available on the Internet at <http://www.errc.org>.

EDROM is one of the pioneering Roma organisations in Turkey. EDROM was established in 2004 as Edirne Çingene Kültürünü Araştırma, Geliştirme, Yardımlaşma ve Dayanışma Derneği (Edirne Association for Research, Development and Solidarity with Roma- EDÇİNKAY) and changed its name to EDROM in 2006. Since its establishment, EDROM became one of the most active Roma organisations of Turkey. EDROM inspired many other Roma groups in different parts of the country in their organisation stage. In 2006, EDROM also initiated the foundation of the ROMDEF, the federation which brings 13 Roma NGOs under its organisational umbrella. EDROM has implemented several projects to ameliorate the living standards of Roma in Turkey, either in partnership with other local and international NGOs or on its own. Additionally, EDROM was one of the three partners in the EC/OSI/SIDA funded project entitled, “Promoting Roma Rights in Turkey”. This project made the first steps paving the way for mobilising Roma rights activism in Turkey. www.edrom.org.tr.

This submission is based upon the field research undertaken by the ERRC, EDROM and the Helsinki Citizens’ Assembly (hCa) in the period July 2006 – January 2008. For the purpose of this submission the term Roma comprises other similar but distinct ethnic groups such as Dom and Lom, which are also perceived as Roma by the non-Roma. However where necessary we also use the specific name for these groups.

EXECUTIVE SUMMARY

Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 16 September 2002 and it entered into force on 16 October 2002. ICERD guarantees the right of equality before the law and equal enjoyment of civil, political, economic, social and cultural rights. The ICERD applies to citizens and non-citizens alike. So far Turkey has made no declaration under Article 14 of the ICERD on the consideration of individual communications by the Committee for the Elimination of Racial Discrimination.¹ The government made reservations upon ratification of the ICERD limiting its implementation only to the States Parties with which it has diplomatic relations and to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The submitting organisations are aware of the contents of the Turkish government's initial, second and third periodic report to the CERD, as well as other recent Turkish government policy documents of relevance to Roma. To date, however, measures adopted and undertaken by the Turkish government have been insufficient to ensure the effective implementation of ICERD.

As to Article 2, the government has not fully complied with its obligations to “prohibit and bring to an end, by all appropriate means, including legislation [...] racial discrimination.” Domestic legislation in Turkey does not provide comprehensive protection against discrimination, and the government has made no moves to remedy this. As a result, there is no form of actionable domestic legal ban on racial discrimination in access to most of the sectoral fields of the ICERD. Ethnicity is not mentioned specifically as a prohibited ground of unequal treatment in Turkey, which limits the legal protections against discrimination afforded Roma in Turkey. In practice, Roma in Turkey are regularly subjected to discrimination in almost all aspects of their lives.

As to Article 5, Roma in Turkey are frequently victims of violence by both police and non-state actors. Arrests take place in ‘swoops’ upon the community or local tea-houses where Romani men gather, or in mobile communities where women are also targeted and numerous individuals are removed and detained without access to legal representation or communication with family members. This submission also notes a number of concerns related to discrimination against persons of Romani origin in social and economic sectoral fields including education, employment, housing and health care.

As to Article 6 of the ICERD, there is no independent public body to monitor and conduct research on discrimination on the grounds of race and ethnicity, produce independent reports and recommendations as well as provide assistance to the victims in Turkey. There is no available statistical data concerning race and ethnicity, which hinders the exposure and tackling of discrimination on these grounds. In addition, Turkey has yet to establish an Ombudsman system, pending the implementation of the Ombudsman Law, suspended by the Constitutional Court in November 2006.

¹ Information available at: <http://www.unhchr.ch/html/menu2/8/stat4.htm> and [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/C6AA531CB528DA54C12573EF00371532?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/C6AA531CB528DA54C12573EF00371532?OpenDocument).

I. ARTICLE 2: BAN ON DISCRIMINATION

1.1. Legal Framework in Turkey

Due to its history and geographic location, Turkey has been and is today the home of a variety of national, ethnic, religious and linguistic minorities. Although Turkey is party to most of the international and regional human rights instruments prohibiting discrimination and protecting the rights of minorities, Turkey's minority and anti-discrimination policies are determined by and interpreted in line with the Treaty of Lausanne, the peace treaty signed between the Allies of World War I and Turkey.² The Treaty of Lausanne refers to minorities as "Turkish nationals belonging to non-Muslim minorities." The fact that only religious minorities are recognised minority groups is reinforced by the equality clause of the Treaty where the only prohibited ground of discrimination is religion. Article 39/2 states, "all the inhabitants of Turkey, without distinction of religion, shall be equal before the law." In addition to this narrow interpretation of minority groups, Turkish administrations have persistently interpreted this protection to apply to only three religious groups: Armenian Orthodox Christians, Greek Orthodox Christians and Jews.³

The 1982 Constitution of the Republic of Turkey does not refer to minorities. Article 10 provides the basis for equal treatment:

- "(1) All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.
- (2) Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.
- (3) No privilege shall be granted to any individual, family, group or class.
- (4) State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings."⁴

Ethnicity is not mentioned specifically as a prohibited ground of unequal treatment in Turkey, which potentially limits the legal protections against discrimination afforded Roma in Turkey. Moreover, Turkey does not have a general anti-discrimination law; equality clauses are, however, included in several laws such as the Criminal Code, Labour Code, National Education Fundamental Act, Higher Education Act and the Act on the Foundation and Broadcasting of Radio and Television Channels.

The Criminal Code extends its protection to everyone without making "any distinctions on the basis of race, language, religion, sect, nationality, colour, sex, political or other opinion, philosophical belief, national or social origin, birth, economic and other social status and without extending privileges to anyone." Article 122/1 provides for between 6 to 12 months imprisonment and fine to anyone who discriminates on the grounds of language, race, colour, religion or sect in the areas of sale/transfer of goods or services, employment, provision of food, access to services,

² See Section III of the Treaty of Lausanne. Available at: <http://www.hri.org/docs/lausanne/part1.html>.

³ International Helsinki Federation for Human Rights. October 2006. *Turkey: A Minority Policy of Systematic Negation*, p.1.

⁴ Translation in English by International Constitutional Law (ICL) based on the text published by the Office of the Prime Minister of Turkey. The status date follows the last amendment mentioned there (Provisional Article 17, Annex 10.05.2007/ Article 5659/1). Available at: http://www.servat.unibe.ch/icl/tu00000_.html.

or the exercise of an economic activity.⁵ However ethnicity is not mentioned as a specific ground on which discrimination is prohibited.

Article 5 of the Labour Code⁶ incorporates the general principle of equal treatment as follows:

“In labour relations no discrimination shall occur on the grounds of language, race, sex, political opinion, philosophical belief, religion, membership of a religious sect or other similar grounds.

...

In the case of any treatment in a labour relationship or the termination of a contract that is contrary to the above provisions, an employee may claim compensation amounting to a maximum of four months worth of wages and other rights of which he deprived. The provisions of Article 31 of the Trade Unions Act shall be reserved / shall be without prejudice.

An employee, on the condition that provisions of Article 20 are reserved, shall prove the fact that the employer has acted against provisions in paragraphs above. However, when an employee puts facts down strongly indicating the possibility of the existence of a violation, the employer shall prove that there is no such a violation.”

The prohibition of discrimination in the Labour Code is limited to employment relations and does not extend to recruitment. Therefore an important area covered by the EU Employment and Race Equality directives ensuring equal access to employment is not guaranteed. Ethnicity is not mentioned as a specific ground on which discrimination is prohibited.

Another deficiency concerns Turkish law’s handling of the burden of proof issue. According to Article 5 of the Labour Code, the burden of proof may be reversed if the employee puts facts down that strongly indicate the possibility of a violation of the anti-discrimination clause, when the employer would have to prove that there had been no such a violation, which is in accordance with the Article 8⁷ of the European Council Directive on Race Equality (2000/43/EC). In addition to that, Article 20/2 of the Labour Code lays down that the employer must prove that termination is based on valid reasoning. If the employee argues that there is another reason, he or she should prove it. Article 18(c and d) clearly state that in applications made by the employee to administrative and judicial authorities, race, colour, sex, civic status, family responsibilities, pregnancy, religion, political opinion and ethnic and social origin cannot be valid reasons for the termination.

Although the sharing of the burden of proof is introduced into Turkish legislation, its application is unclear. Judges, after reviewing the employee’s plea, decide on whether to shift the burden of proof. At this stage, the employee should convince the judge that there are “facts indicating strongly the possibility of a violation.” This means that Article 5 accepts the shift of the burden of proof conditionally and the condition itself may force the employee, instead of the employer, to prove the facts.⁸ Although Article 20 of the

⁵ *International Helsinki Federation for Human Rights. October 2006. Turkey: A Minority Policy of Systematic Negation.*

⁶ *Labour Act No. 4857 of 22 May 2003. The equality clause was added in 2003. English translation available from the International Labour Organization’s Ankara Office. Available at: <http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm>.*

⁷ *Article 8/1 stipulates that: “Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.”*

⁸ *Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 34, available at: <http://www.humanconsultancy.com/TURKEY%20Final%20EN.pdf>.*

Labour Code clearly states that in case of dismissal the burden of proof is reversed, this provision cannot be implemented in all cases. The employer should justify dismissal with valid reasons only if he/she employs 30 or more employees. Furthermore, the employer has no obligation to justify the dismissal if the employee does not have at least six months seniority. Thus, the reversal of the burden of proof provision in Article 20 will not be implemented in around 80% of all dismissal cases.⁹

Article 4 of National Education Fundamental Act¹⁰ states that, “Educational institutions are open to all, with no distinction of language, race, sex and religion. No privilege shall be granted to any individual, family, group or class in education.” Article 5 of the Higher Education Act¹¹ includes a provision on equality of opportunity: “The necessary measures shall be taken to provide equality of opportunity in higher education.”

Article 4 of the Act on the Foundation and Broadcasting of Radio and Television Channels¹² stipulates that radio and television broadcasting shall be made, inter alia, in accordance with the principle that “people shall not be offended because of their race, sex, social class or religious belief” and “without leading the community to violence, terror, ethnic discrimination [...]”

There is no legislative framework for the protection of minorities and anti-discrimination in Turkey. As Minority Rights Group International reported in December 2007, millions who belonged to ethnic, linguistic and religious minorities remained unrecognised by the Turkish state, including Alevis, Yezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma.¹³ As a result, these minority groups are prevented from exercising their religious rights and the right to preserve their cultural identity and language as well as to participate effectively in social, economic and political life. There are no comprehensive civil and administrative anti-discrimination provisions nor are there any effective mechanisms of enforcement and redress. Definitions of “direct discrimination”, “indirect discrimination”, “harassment” and “instructions to discriminate” do not exist in the Turkish legal system. Apart from the Labour Code, there is no provision for reversal of burden of proof. Although in its second report on Turkey the European Commission against Racism and Intolerance (ECRI) recommended that Turkish authorities provide for an aggravating circumstance in the event of racist motives in respect of all ordinary offences, the Criminal Code remains unchanged.¹⁴ Multiple discrimination is not accepted as an aggravating circumstance either.

1.2. Discriminatory laws

Several provisions in Turkey’s domestic legislation single out Roma for discriminatory treatment. Before its revocation in 2006, the Law on Settlement¹⁵ stated at Article 4 that “those that are not bound to the Turkish culture, anarchists, migrant gypsies, spies and those that have been deported, are not recognized as migrants.” It also stipulated that nomads and Roma were to be settled in sites designated by the Ministry of Health and Social Assistance in accordance with the programme to be made by the

⁹ *Ibid.* p. 35.

¹⁰ *Act No. 1739.*

¹¹ *Act No. 2547.*

¹² *Act No. 398.*

¹³ *Minority Rights Group International: A Quest for Equality: Minorities in Turkey. December 2007.*

¹⁴ *European Commission against Racism and intolerance. 15 February 2005. Third report on Turkey. Available at: http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/Turkey/Turkey_CBC_3.asp - TopOfPage.*

¹⁵ *Law on Settlement, No 2510.*

Council of Ministers with “a view to ensuring their loyalty to Turkish culture and improving the establishment and distribution of the population.”¹⁶ Explicit references to Roma were dropped in the new Law of Settlement No. 5543 dated 19 September 2006. The new Article 48, however, contains vague formulations and is therefore open to discriminatory application: “Those foreigners who are not descendants from Turkish ancestry or not bound to the Turkish culture as well as those who are of Turkish ancestry or bound to Turkish culture that were expelled and those who are deemed to be unsuitable to enter Turkey for security reasons are not accepted to Turkey as migrants.”

Moreover, another provision directly discriminating against Roma, however, remains in force. Article 21 of the Law on the Movement and Residence of Aliens¹⁷ states that “the Ministry of Internal Affairs is authorised to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture.” In this regard, in its pre-accession report on Turkey the European Commission highlights that “no steps have been taken to amend the Law on the Movement and Residence of Aliens, which authorises “the Ministry of Internal Affairs to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture”, thus promoting discrimination against Roma.”¹⁸

The impact of these provisions on Roma is difficult to define due to a lack of data about their application. In fact, research carried out by the ERRC/hCa/EDROM in Turkey did not identify cases in which these provisions were enforced against Roma. Such provisions, however, have to be immediately repealed because they are in violation of Turkey’s commitments under international human rights law and, at minimum, promote discrimination against Roma.

Other laws aimed at protecting minorities have failed to achieve the intended legal effect and due to bad application actually punish those who advocate minority rights. The Criminal Code criminalises, at Article 216/1, incitement to enmity or hatred on the basis of race, religion, sect or religion, where such incitement leads to a clear and imminent threat to national security. Article 216/2 states that a punishment shall be enacted against anyone who openly humiliates one part of the public on the basis of their social class, race, religion or sect. Minority Rights Group International has reported that while prosecutors frequently use Article 216/2 to bring charges against individuals who express non-violent opinions, they do not resort to Article 216/1, which could potentially be used to protect minorities against hate speech, racism and anti-Semitism.¹⁹

¹⁶ *Article 9 of the Law on Settlement. Unofficial translation.*

¹⁷ *Law on the Movement and Residence of Aliens No 5683. Unofficial translation.*

¹⁸ *Commission of the European Communities. November 2008. Turkey 2008 Progress Report. Brussels; SEC (2008) 2699. Available at: http://ec.europa.eu/enlargement/press_corner/key-documents/reports_nov_2008_en.htm.*

¹⁹ *Minority Rights Group International. 2007. A Quest for Equality: Minorities in Turkey, p. 29. Available at: <http://www.minorityrights.org/?lid=4572>.*

II. ARTICLE 5: BAN ON DISCRIMINATION IN ACCESS TO CIVIL, POLITICAL, ECONOMIC AND SOCIAL RIGHTS

2.1 The Right to Security of Person and Protection by the State

According to Article 5(b) of the ICERD, the States Party has an obligation to ensure the right to security of person and to provide adequate protection to each individual in the case of violence or bodily harm inflicted by state officials or by any individual group or institution. In addition General Recommendation 27 of the CERD Committee calls on governments, amongst other things, “to ensure protection of the security and integrity of Roma, without any discrimination, by adopting measures for preventing racially motivated acts of violence against them; to ensure prompt action by the police, the prosecutors and the judiciary for investigating and punishing such acts; and to ensure that perpetrators, be they public officials or other persons, do not enjoy any degree of impunity.”²⁰

The field research undertaken by ERRC/hCa/EDROM demonstrated that Roma in Turkey are frequently victims of violence by both police and non-state actors. Roma are raided by security forces in cases of petty crimes committed in the vicinity. Arrests take place in ‘swoops’ upon the community, local tea-houses where Romani men gather or in mobile communities where women are also targeted. Numerous individuals are removed and detained without cause, and without access to legal representation or communication with family members. Detentions can last for several days without any indication being given to the detainees about the nature of the investigation or accusation against them. Instances of torture and ill-treatment of Romani persons have been reported during these periods of detention, but none of those who divulged this information were willing to pursue redress for fear of further persecution.

Police officials also assault Romani children working in the streets of towns and cities, beat them, confiscate whatever monies they have in their possession, and often deport them to the outskirts of the town. Romani women are also subjected to violence from state actors in similar circumstances when caught begging or fortune-telling in the streets. The widespread perception of Romani women as immoral makes them targets as suspected sex workers, even at very young ages.

In addition to this, Roma in Turkey are also exposed to acts of violence by non-state actors. The situation of the Dom community in south eastern Turkey, for example, is one of frequent abuse at the hands of other communities. Women are especially vulnerable, as marriages by Dom women into majority communities place them in danger if their identity is discovered. The research documented instances of marital rape, torture and even murder by husbands and family members, under the guise of so-called ‘honour killings’.

2.1.1. Violence against Roma by police

On 23 August 2006, while the ERRC/hCa/EDROM researchers were visiting the Kartal neighbourhood in Bursa, there was a police operation in a house in the neighbourhood, allegedly searching for narcotics. Roma being interviewed at the time in the local tea-house told researchers, “Roma are expected to be criminals as a matter of course. This kind of operation is frequent in the neighbourhood and discrimination can be harsh towards the ones who look more ‘Gypsy’.”

²⁰ CERD. *General Recommendation 27, “Discrimination against Roma.” Paragraph 12.*

According to testimonies of Romani individuals in different parts of the country, ill-treatment and arbitrary detention by police are not isolated occurrences. Roma are racially profiled by police as crime suspects and subjected to arbitrary stops and detention. In the Küçükbakkalköy neighbourhood of Istanbul, a 41-year-old man told the ERRC/hCa/EDROM that, “Police always accuse us [Gypsies] of being thieves and blame us for all kinds of crime, while the police co-operate with the real criminals. The police also attack us when we sell things in the streets, and they try to take away from us whatever we sell and talk to us in an offensive way.”²¹

The problem of police violence, however, has been difficult to document due to the reluctance of victims and witnesses to testify. There is almost total non-reporting of police violence against Roma in Turkey, due to victims’ fear of reprisals. None of the victims of such actions interviewed in the course of this research had considered taking legal action against agents of the state. Challenging the state by pursuing legal redress for violations by police is predominantly seen to be a declaration of oppositional views that is inevitably equated with separatism. Most attempts to discuss these issues in the course of research resulted in an intervention from the wider group of Roma that suggests “We don’t need outsiders like you stirring up this country”²², and charges that the underlying research is aimed at undermining the state. As conflicts between Romani communities and Kurds in Istanbul in April 2006²³ and continuing situations in the southeast of the country demonstrate, there is a strong identification with the state against its ‘opponents’ amongst Turkish Roma. One Romani resident of Dolapdere, Istanbul, commented that he is committed to equality for everyone in the Republic except Kurds, as they do not want to be part of the Republic, whereas Roma were clearly both loyal and determinedly committed citizens.²⁴

In Istanbul’s Küçükbakkalköy district, the scene of large-scale demolition operations, one Romani neighbourhood was subject to 24 hour closed-circuit camera surveillance. Police operations have been regular during the past few years. Researchers were told, “An operation usually starts at 5:30 AM or 6:00 AM and goes on until 9:00 PM or later. If you don’t have food at your home, you are hungry that day” because it is not safe to go outside. The police reportedly use dogs, armoured personnel carriers and tear gas during these operations. Special Forces teams are always present. “They break the doors to get in, remove individuals from the house then beat them in the street before handcuffing them and searching the house for drugs and weapons. They mostly take all of the male residents into custody. Usually, people are not seriously injured but the police beat people with truncheons constantly. This violence is always accompanied by offensive language and abuse,” researchers were told. Because of the tear gas, one woman reportedly had had an asthma attack during one of these operations, but the police refused to believe her. She was accused of play-acting and beaten by the police.

A Dom man, Mr Y.K. in his late fifties, who identifies strongly with the surrounding community of Roma, all of whom use the self-appellation of Dom, testified to the ERRC/hCa/EDROM about an incident involving police violence and arbitrary detention which had taken place several years previously in Diyarbakır.²⁵ On the second day of Ramadan (the fasting month or “oruç” for Muslims), a night-time

²¹ ERRC/hCa/EDROM interviews, Istanbul, September 2006.

²² This remark was made to researchers in Kuştepe, Istanbul, in January 2007, and frequently alluded to in many of the research missions.

²³ In April 2006, residents of Istanbul’s Dolapdere neighbourhood, the majority of whom are Romani, chased PKK (Kurdistan Worker’s Party) supporters with axes and knives when it became clear who exactly the group was representing. Around 200 PKK supporters had run towards the Dolapdere neighbourhood after police forces chased them away from Istanbul’s Taksim square. See *Roma Daily News*, 3 April 2006, available at: http://groups.yahoo.com/group/Roma_Daily_News/message/4713.

²⁴ ERRC/hCa/EDROM interview, Istanbul, January 2007.

²⁵ ERRC/hCa/EDROM interview, Diyarbakır, October 2006.

robbery of nine kilos of gold took place. The gold-makers were located in the neighbourhood around the Ulu Cami area of the old city, inside the Byzantine walls, in the complex of jewelry shops and ateliers there. Upon discovery of the theft, the police immediately surrounded the Hançepek mahalle, one of the bigger neighbourhoods where there is a sizeable Dom population, and rounded up all the Dom men for detention in the local police stations. All were later released after about seven or eight hours except Y.K., who was kept in detention for nine days without any explanation.

During this period he was tortured by having freezing water from high-pressure hoses poured upon him for hours, beaten and hung by his wrists from the cell wall with his arms behind him. On the tenth day, after another interrogation by a police officer, Y.K. was “tossed into the street” where relatives were waiting for him. Y.K. was at no point offered counsel or legal representation, nor was a medical check carried out. Y.K. was unwilling to pursue legal action, fearing that such action would result in further retaliations. He believed that Dom are subject to prejudice and racism from the wider community and the state.

In Istanbul’s Kuştepe neighbourhood, the ERRC/hCa/EDROM documented a case of police violence and arbitrary detention of a young man which took place in July 2006.²⁶ The story was told to researchers by the young man’s father, who did not let researchers speak directly to his son. The son was working at the time in a furniture shop, and the father feared that this would make the owner of the shop suspicious and his son could lose his job. According to the father’s testimony, C.B. was arrested by police officers and taken into custody for one night in the Çağlayan area of Istanbul. C.B. was a flower-seller working on the urban highway that crosses the city, in Beşiktaş. He was walking between the cars that had halted in the traffic of the mid-evening rush hour, selling flowers to the motorists and passengers when a motor-cycle policeman challenged him using a megaphone on the bike. When C.B. tried to leave the scene the police officer drove his motorcycle into him. C.B. was then taken to the local health clinic in Beşiktaş where he was examined and pronounced fit by the clinicians to undergo interrogation by the arresting officer. He was taken to the police station and beaten by the police officer whilst in custody. His family was informed of his whereabouts at 1:00 AM; he was eventually released into his father’s care at 5:00 AM without charge, with no explanation (other than he attempted to flee when challenged by a police officer and the police were searching for another street-peddler that they confused with him) and with no official comment upon his injuries. C.B. was reportedly unable to walk for two weeks following his detention. The family did not pursue any complaint because of fears of further ‘trouble’ with the police.

2.1.2. Violence against Roma by non-state actors

A number of incidents involving violence against Roma by non-Romani individuals demonstrate that the discourse of racism and exclusion is common to all non-Roma in Turkey, and that Romani individuals are exposed to vulnerability regardless of the composition of the surrounding population. The most serious cases of abuse, involving murder and torture, have been documented in south eastern Turkey and affected the communities in the areas of Van, Silvan, Kızıltepe and Diyarbakır. Women and children are particularly vulnerable to violence.

In Silvan, two shepherd boys were reportedly murdered in September 2006. According to the family, whom researchers visited in October 2006, the two brothers Velat (16 years old) and Hakim (14 years old) were killed on 23 September 2006.²⁷ They had been working for seven months as the shepherds of 280 cattle in the nearby Görmez village, when they were allegedly murdered only four days before their contract with the village’s council of elders was due to finish. Velat called his brother Nevzat (in Silvan

²⁶ ERRC/hCa/EDROM interview, Istanbul, 30 January 2007.

²⁷ ERRC/hCa/EDROM interviews with the family of the deceased, Silvan, October 2006.

with the rest of the family at the time) on 23 September 2006. This was the last news the family heard from them and they believe the boys were killed immediately after. Following this conversation, the family had telephoned the boys, but did not receive an answer. On the following day, the family contacted the villagers in Görmez and were told that the boys had run away to Istanbul. The family reported the two boys missing to the gendarmerie, however, the officers refused to investigate the case. On 27 September, the family themselves went to the village in order to search for the boys and Nevzat found the bodies of his two brothers at a nearby river. He told researchers that they appeared to have been dead for some days. The family's attempt to reconstruct the sequence of events suggested that the two boys had been captured on 25 September 2006, shortly after their phone conversation with their brother in Silvan. They believe the boys were kept in a stable where Velat was stabbed to death, and that Hakim had escaped, but eventually was caught, strangled and stabbed to death. The family in Silvan again contacted the gendarmerie, who made an initial report of the incident but reportedly failed to show any further interest.

Incidents of extreme violence recorded by researchers indicated that the primary source of inter-communal discrimination in these areas is between Kurds and Romani groups. The vast majority of these incidents remain without adequate reaction of the state institution, as it is described in the case above. The hostility of local Kurdish communities, compounded by wider societal prejudices, creates an atmosphere of total exclusion of Dom and Romani communities. A similar pattern appears to exist in the north east of Turkey where Laz communities are also overtly hostile to Lom groups in the region.

The abuse of Dom women who marry into Kurdish families but hide their identity was a common theme during the researchers' visits in the southern and eastern parts of Turkey. In Van, a woman's husband started abusing her after finding out she was Dom (she had married into a Kurdish family), and the woman was forced to return to her father's house. Because of the 'dishonour' this brought upon the Dom family, her older brother took her back to the house of the husband, where she was subject to further abuse. Then on an unspecified day in 1997, during an incursion into the village by guerrillas and an ensuing gun battle, the husband reportedly pushed his Dom wife into the street and shot her in the back, blaming her death on the PKK.²⁸

Incidents recorded in the northeast of the country also highlighted the discrimination by other communities against Roma in Turkish society. The small Black Sea town of Ardeşen (also called "Artaşen" in Laz), is some 48 kilometres along the coast road from Rize towards the Georgian border. Despite government attempts to control flourishing home-made small arms production with the opening of an official manufacturing plant, fire-arms are widely available and tensions between the ethnic Laz community and the Lom are coloured by these circumstances (researchers were told of the fear of gun attacks from the local Laz youth).

The Lom of the town are not engaged in the economic activities centred around tea growing or in the industrial manufacturing, but are reduced to day-labour and part-time construction work or unemployment. Two years before the researcher's visit in September 2007, a young Lom man had set out with some Laz friends to visit his grandfather and take a large sum of money for the family to invest in land. On the road, the Laz boys (in their late teens) had turned on the young Lom and fatally beaten him before stealing the money and dumping him into the sea. When his body was washed up on the shore a day or two later, the police arrested the young men who had accompanied him. The perpetrators were tried and received light sentences as they were underage. Since this incident, the Laz youth in the town had reportedly taken to openly abusing young Lom men and women and if any resistance is shown, they draw their pistols and threatened the individuals and their families, taunting them that they would have no justice even if they were killed.²⁹

²⁸ *ERRC/hCa/EDROM interview, Van, October 2006.*

²⁹ *ERRC/hCa/EDROM interviews, Ardeşen, September 2007.*

Researchers also documented a case of an attempted lynching of Turkish Roma in the city of Afyon, in the Aegean region of Turkey. On 29 April 2006, a crowd of angry non-Roma attacked a Romani family and burned several homes belonging to Roma. The crowd was reportedly instigated by the alleged abuse of female students by two Romani youth in a local school. Following a confrontation between the school director and the Romani youths at a local bazaar, a crowd gathered, threatening to burn the Romani youths and their family alive. Despite intervention of local police, the crowd beat several Roma who were present, followed the two boys and their family to the house where they had hidden and set the house on fire. Several local officials tried to calm the crowd and bring the events under control. Reportedly, no one was arrested or brought to justice for the violent action against the Roma.

The incidence of police abuse and violence by non-state actors against Roma requires the urgent intervention by the Turkish authorities to ensure that members of Romani community enjoy equal protection of the law.

2.2. Discrimination against Roma in housing

The prohibition of discrimination in access to adequate housing is explicitly guaranteed in Article 5(e)(iii) of the ICERD. In its General Recommendation 27, CERD recommended that State Parties “[...] develop and implement policies and projects aimed at avoiding segregation of Romani communities in housing”, as well as “to act firmly against local measures denying residence to and unlawful expulsion of Roma”.³⁰ The field research for this report in the period July 2006 – January 2008 demonstrated that the Romani community in Turkey faces serious infringements of the right to adequate housing ranging from forced evictions and demolition of entire communities to exposure to extremely substandard living conditions and lack of security of tenure. In addition to our findings, in its pre-accession report on Turkey the European Commission also highlighted that:

“As regards housing, the Roma population has faced several instances of demolition of communities, forced evictions and exposure to poor living and sanitary conditions without recourse to any publicly accountable process. In many cases, Roma who have been dispossessed as a result of demolition join the ranks of IDPs, with all the social problems that this entails.”³¹

The conditions of substandard housing, lack of legal security of tenure and forced evictions and other systemic violations of the right to adequate housing affect the Romani community in Turkey, indicating a violation or violations of Turkey’s obligations under the Article 5(e)(iii) of the ICERD.

2.2.1. Destruction of and forced evictions from Romani neighbourhoods

The demolition of Romani neighbourhoods has been a constant factor in the rapid urbanisation of Turkish cities since at least the 1950’s. Commercial redevelopment and urban renewal were primarily the reasons for the displacement of these neighbourhoods. Such measures affected all poorer communities in Turkey, and were not consistently targeted at one group. The Romani community however, has been more vulnerable than others as it frequently inhabited older areas in the heart of towns and cities that could be profitably sold to agencies and corporate interests. In addition to disruption of personal life and security, the demolition of Romani neighbourhoods and the forced removal of their inhabitants

³⁰ CERD. *General Recommendation 27, “Discrimination against Roma.” Paras 30 & 31.*

³¹ *Commission of the European Communities. November 2008. Turkey 2008 Progress Report. Brussels, SEC (2008) 2699. Available at: http://ec.europa.eu/enlargement/press_corner/key-documents/reports_nov_2008_en.htm.*

have damaged Romani culture immeasurably through detaching those elements of community that retained the traditions and customs of the past from younger generations. The resultant breakdown in many cases has led to poverty and marginalisation.

The enactment in 2005 of the Urban Renewal Law No. 5366 gave impetus to a number of urban transformation projects, many of which resulted in massive destruction and dislocation of Romani neighbourhoods throughout Turkey. The legislation itself is deeply flawed and its application is widely perceived to have a disparate impact on Roma as Romani neighbourhoods are overly represented in the areas ‘zoned’ for redevelopment.³²

Forced evictions of Roma from areas slated for urban renewal have often been carried out without due notice for the residents and without adequate consultation with the community prior to any action taking place; in some instances law enforcement officers and local authority security officers (zabıta) have used excessive force to coerce people to leave their accommodations; and no alternative accommodation or due care and regard for the residents has been provided once their property was demolished. Access to legal representation for persons affected by such actions is severely limited, and has only been available through the intervention by various activists and advocates. In very many cases the relocation of Romani neighbourhoods is an ad hoc affair or one where no concern is shown regarding the amenities and conditions for the displaced population. “They’ve sent us to a spot even God doesn’t give a damn about, we’ve been sent to exile,” stated one of the interviewees in Erzincan, in the eastern Anatolian region.³³

Currently, there are a number of urban renewal projects that threaten demolition or have actually succeeded in the destruction of Romani neighbourhoods: Sulukule, Kağıthane, Küçükbakkalköy, Dolapdere (Hacıhüsrev), Kuştepe and Gaziosmanpaşa (where it was originally suggested in newspaper reports that some of the dislocated Sulukule community were going to be re-housed) in Istanbul, Çinçin Bağları in Ankara, Yeniköy in Diyarbakır, Turgutreis in Mersin, Kınalıçam in Yusufeli, 28 Haziran mahallesi in Izmit, Çarşı and Taksim mahallesi in Erzincan, and Gündoğan in Balıkesir (this list is not exhaustive). Other areas of Istanbul, such as Kasımpaşa where a new sports complex has been developed or Galata where property redevelopment has dislocated the Romani communities, have also been affected in the last four years.

The ongoing demolition of the Romani quarters in Istanbul’s Sulukule neighbourhood has received the most attention. Since December 2006, when the Turkish government endorsed the rapid expropriation of land in Sulukule, home owners have begun selling their homes to third parties for as little as YTL 7,000-25,000 (approximately 3,500-12,500 EUR). As a result, the position of Romani tenants in Sulukule, who make up more than a half of the neighbourhood’s residents, has been particularly precarious. Not entitled to any compensation, and with many earning less than 220 EUR per month, most Romani tenants from Sulukule cannot afford renting accommodation outside of Sulukule where prices are several times higher than in the old neighbourhood.³⁴ In December 2007, Fatih Municipality allocated apartments for 204 tenants in

³² *The detrimental consequences of urban transformation projects on Romani communities were also highlighted by the European Commission in its 2007 report on Turkey’s progress toward EU accession. The European Commission stated: “Further to an April 2006 decision by the Council of Ministers, an urban renewal programme targeting “wrecked urban areas” is being implemented. In this context Romani neighbourhoods have been demolished in several provinces, in particular in Istanbul. Istanbul municipalities have taken no steps to provide shelter, basic sanitary facilities or other social and economic services for Roma people after the demolitions.” See European Commission. 2007. Turkey Progress Report, pp. 22-23. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.*

³³ ERRC/hCa/EDROM interviews, Erzincan, 14 October 2006.

³⁴ *According to a research conducted by the Sulukule Platform, 13% of the tenants used to pay less than 100 YTL (approximately 50 EUR), 60% paid less than 200 YTL (approximately 100 EUR), and 80% paid less than 300 YTL (approximately 150 EUR). In the districts neighbouring Sulukule, the prices of rents start from 600 YTL (approximately 300 EUR).*

Taşoluk, an area located about 40 kilometres away from Sulukule.³⁵ As of March 2008, however no contracts were signed for these apartments due to the fact that banks required YTL 800-1300 (approximately 400-650 EUR) as stamp tax and the amounts were unaffordable for the tenants. The majority of the tenants living in demolished houses had to relocate to districts other than Sulukule, where the rents are 4-5 times higher than their former quarters. Those who could not afford increases in their rental payments took refuge in the houses of their relatives or rooms that their neighbours provided.

In December 2007, the ERRC, hCA and EDROM, acting on behalf of four residents of the Sulukule neighbourhood in İstanbul and the Sulukule Roma Culture Development and Solidarity Association, challenged the urban renovation project for the neighbourhood developed by the Fatih Municipality before the İstanbul Administrative Court. In their complaint the applicants ask the court to suspend the implementation of the urban renovation project and to annul the Fatih Municipal Council's decision 2007/156 for the implementation of the project on the grounds that it is in contravention to the national Constitution, a number of domestic legislative acts, as well as international human rights law. On 28 January 2008, the Court requested the position of the Municipality in response to the Applicants' allegations and stated that it would deliver its decision on the requested interim measures having received the Municipality's standpoint. In the meantime, Fatih Municipality proceeded with demolishing houses in Sulukule. In February 2008, more than 50 houses were demolished. In certain instances demolitions proceeded reportedly in violation of the law. According to information from the Sulukule Platform, on 11 February 2008, Fatih Municipality demolished nine houses, two of which were officially registered cultural heritage sites. According to Turkish legislation, such buildings cannot undergo even minor renovations without permission from the Cultural and Natural Assets Protection Council.³⁶ By the time the houses were destroyed, such permission had reportedly not been obtained by the municipality. There are reportedly total of 45 houses protected on the grounds of cultural heritage in Sulukule.

On 25 February 2008, the applicants filed a motion for an immediate order to cease the implementation of the project by Fatih Municipality pending decision of the court. The applicants called for an immediate action by the court based on the threat of grave and irreparable harm. On 3 March 2008, a second motion was filed by the applicants referring to the claims of 31 December 2007 and 25 February 2008.

On 13 March 2008 another seven houses belonging to Romani families were demolished in Sulukule regardless of the fact that the notice for demolition stated that the houses should be evacuated by the end of March 2008. Two of the houses were destroyed while they were still inhabited by tenants. As a result, approximately 15 people, among them 7 children, were rendered homeless. No alternative accommodation has been provided to the tenants. Furthermore, although the notification for demolition stated that the houses had to be evacuated by the end of March 2008, the municipal authorities did not observe the deadline they had set themselves. In addition, during the demolition two neighbouring buildings were seriously damaged and private property of the people who could not gather their belongings in time were destroyed.

Following the events of 12 March 2008, another motion was filed with court on 14 March calling for an immediate order to cease the implementation of the project by Fatih Municipality pending decision of the court. This request was made on the basis that houses still inhabited were being demolished, which

³⁵ *Renters can acquire ownership of the apartments by paying monthly instalments of 275-475 YTL (approx. Euro 138- 238) depending on size of the apartments, over a fifteen year period.*

³⁶ *The Law on Protection of Cultural and Natural Assets (No. 2863), issued in 1983, defines all cultural and natural assets – known or to be discovered – as state property. The Ministry of Culture's Higher Council for Protection of Cultural and Natural Assets determines the general principles governing protection areas, and forms local Protection Councils that are required to implement those principles in terms of formation and management of candidate reserves. According to its founding legislation, any governmental organization (including municipal authorities) and the courts must abide by the decisions of local Protection Councils. Infringements are subject to heavy fines or 2-5 years' imprisonment.*

violates international law. On 10 April 2008, the applicants filed a new motion for an immediate order to cease the implementation of the project, claiming that the buildings registered as historical and cultural asset are under threat. This claim was emphasised once more in a new application filed on 28 April 2008. The Istanbul Administrative Court rejected all these applications on 29 May 2008 and this decision was communicated to the lawyer on 1 July 2008. Following this communication, the lawyer appealed to the Istanbul Regional Administrative Court. However, this appeal was also rejected on 3 September 2008. Neither the Administrative Court nor the Istanbul Regional Administrative court provided any justification/explanation for their rejection. The trial of the original case is scheduled for 4 March 2009.

2.2.2. Substandard housing conditions

In the overwhelming number of demolitions of Romani neighbourhoods, alternative accommodation or compensation was not provided by the responsible authorities; where alternative accommodation has been provided, the housing was located in areas far away from the central parts of the city, a fact which posed serious problems for the affected people regarding access to employment opportunities and which created excessive burdens on the budgets of poor people. Compensation for housing demolition has usually been very low compared to market prices and prices of rent, and offered only to those residents of communities who accept and relocate immediately.

As a consequence of destruction of their housing, many individuals have been forced into extremely substandard conditions. The proliferation of shanties at the site of demolished Romani neighbourhoods is one of the most salient indicators of a change in policy by the municipal authorities in recent years. In Küçükbakkalköy, Kağıthane, Avcılar, Tahtakale, Silivri and Sulukule in or near Istanbul, shanty-housing has been resorted to by Roma forced out of their homes, frequently at short notice or no notice whatsoever. The shelters in the town of Saray, in Tekirdağ Province in Thrace, where people live in plastic-covered shacks with one or two ‘rooms’, no running water, no electricity (outside of what is often secured illegally from the main supply) and entirely inadequate protection against bad weather, are not limited to those groups who have recently settled. Roma from Saray were forced from the centre of the city in 1998 and made to settle about one kilometre from the commercial district, with no municipal services provided. In the past one or two years, the community expanded with the arrival of previously nomadic groups, now living in shanty dwellings on the outskirts of the neighbourhood.

Extremely substandard conditions, often following demolitions, have reportedly caused several deaths. In the Kağıthane district of Istanbul, the families whose housing was destroyed in August 2006, continued living on the site in barracks assembled from the remains of their previous housing due to the lack of other accommodation options. In at least one instance, exposure to substandard conditions reportedly caused the death of a young baby. In November 2006, Zeynep Açıbükena, the 5-month-old child of Sultan Eser, an 18-year-old Romani woman from Istanbul, died following the destruction of the family’s home in the Yahya Kemal neighbourhood. According to the testimony of Ms Eser, her family was forced to live in a tent after local authorities demolished their home in Istanbul. Ms Eser stated that the baby had developed difficulties breathing and coughed all the time. She took the baby to the local medical clinic where the doctors gave her some medication. However, Ms Eser awoke one morning to find that her baby was not breathing and she was unable to find anyone to take her to a hospital. When she returned to her tent, Ms Eser stated that she watched her baby die. In the month following her baby’s death, according to Ms Eser, municipal authorities came to her tent everyday trying to take the family’s tent away.³⁷

³⁷ On 29 November 2007, the ERRC and the Accessible Life Foundation sent a letter of concern to Mr. Selami Öztürk, Mayor of the İstanbul’s Kadıköy Municipality, urging the municipal authorities to cease without delay its actions leading to severe human rights violations and to design and implement an acceptable solution of the housing situation of the affected Roma, in consultation with the communities concerned.

In addition to Ms Eser's case, the extremely substandard living conditions are assumed to be the main reason for the death of two persons from the Yeni Mahalle in Silivri, near Istanbul. Namely, on 2 January 2008, a fire broke out in the house of the Güreşir family causing the death of 10-month-old Yaşam Güreşir and her uncle Yılmaz Güreşir. According to local residents, the fire was caused by an overturned stove, that quickly set alight the plastic and wooden shelter and three nearby shelters that were at that point unoccupied.³⁸

Roma living in the Silivri district are a relatively old community, settling in the area some 46 years ago. Roma reside in two neighbourhoods, Yeni mahalle and Fatih mahalle. Some fifteen years previously, the community at Yeni mahalle had received permission from the local municipality to construct up to twenty dwellings. In the following years, this number had grown through marriages and a number of nomadic groups which joined the community, so that by 2007 there were some 20 houses and 25 or so tents in total in the neighbourhood.

On 15 August 2007, the municipality moved in with bulldozers and machinery to demolish the Yeni mahalle, both small houses and tents. Some Roma were aware of the demolitions, while others claimed that they were not informed and had only had a very brief time to remove their belongings before the houses were demolished. No immediate alternative accommodation was made available to the occupants. Two weeks after the demolition, following pressure by the community on the municipal authorities, tents for the families were provided by the Turkish Red Crescent. A few families took them but most rejected them as unsafe and dangerous.

In early November 2007, the municipality responded to repeated concerns by the muhtar (government representative elected by the local community) that the construction of a new sports stadium and pitches near the neighbourhood threatened to cause floods. The community was evacuated to the local sports hall. Fifty-five families were moved to the hall, where conditions were very cramped, noisy and sanitary arrangements proved inadequate. Several days later, the majority of the group living in the sports hall decided to temporarily return to their tents, salvage their belongings and rebuild the shelters. By the beginning of December 2007, some 40 or so families had returned to the site, by that time covered in mud and detritus from the floodwaters. The families rebuilt their shelters and reclaimed what belongings they could, reconnecting electricity supplies through cables that lay on water-logged ground and over ramshackle shelters. The decision to return to these tents was not forced upon the Roma, but made by themselves in light of the difficult circumstances in the over-crowded sports hall.

At the time of the researchers' visit to Yenimahalle, the living conditions were dire. The environment was wet and muddy; there were heaps of earth and rubble from the demolition and the previous passage of the bulldozers creating obstacles to easy movement across the site. The shelters were scattered amongst the remains of previous tents filled with mud and slime.

The temporary housing offered by the municipality to the owners of legal housing is located some fifteen kilometres away from Yeni mahalle, next to a municipal recycling unit where large rubbish trucks arrive constantly. The Silivri mayor has reportedly promised service transport for the new residents to bring them into town and ensure the children can access schools, but one interviewee suggested that the real reason for this distance was the construction of new, expensive apartment blocks on the old site of the Romani neighbourhood: "They don't want us too close for fear of crime [...]." The facility's unsuitability as a site for even temporary housing has been raised on a number of occasions by the muhtar.

³⁸ *ERRC/hCa/EDROM interviews with Mahmut Alkan (muhtar) and other residents of Yenimahalle, Silivri, 12 January 2008.*

2.2.3. Discrimination in access to housing

Roma in different parts of the country testified about discriminatory denial of housing. In the Agora neighbourhood of İzmir, a 70-year-old woman described how she could not rent a house in her own neighbourhood or in other neighbourhoods as the owners know she is Romani.³⁹ In Kızıltepe near the city of Mardin, a 44-year-old man was living in a tent with 15 children. He wanted to rent an apartment for his family, however despite the money he suggested that he could pay, landlords and house owners refused to rent a house for his family, reportedly since they were Dom.⁴⁰

In some instances, local non-Romani residents have attempted to expel Roma from neighbourhoods. In Kadıköy, İstanbul, reportedly the local muhtar in the neighbourhood was behind the collection of signatures on a petition to remove Roma from the neighbourhood.⁴¹ In a similar incident, in the Hançepök neighbourhood of Diyarbakır, local Kurdish residents reportedly collected around 2,000 signatures on a petition they presented to the local muhtar asking for forced removal of the Roma from the area. In the latter case, however, the muhtar reportedly refused to support the petitioners.

2.3. Discrimination against Roma in access to employment

Amongst some Romani communities in Turkey, the degree of structural unemployment is extremely high. In the Diyarbakır Dom community, for example, second and third generation unemployment is very common, and the number of young men with jobs is barely one percent of the approximately 14,000 Dom in the region. During interviews, researchers were told that Dom women were absent from the employment sector entirely.⁴² Employment in the majority of cases researched is insecure, lacking any social insurance or social benefits (which however is a common problem in Turkey). The majority of employment opportunities are in the low-skilled or unskilled sectors, and restricted to a number of what might be described as “ethnicised niches,” or jobs consistently identified by the surrounding non-Romani communities as “Gypsy jobs” or “Gypsy business,” often with a pejorative association of underhandedness or shady dealings. Roma face specific disadvantages and prejudices in employment related to their ethnicity, where access to jobs is denied on this basis, or only menial tasks are open to Roma. In Erzurum, eastern Anatolia, a man who presented himself as Özgün referred to discrimination against Roma: “The employers place a great importance on which area you live in. If you say you live in the Sanayi mahallesi, then you haven’t got a chance. Once I applied for a job with a wholesaler and he refused to give it to me after he found out where I lived.”⁴³ In a similar vein, a respondent from the Akıncılar mahallesi in Adana, southeast Turkey, related how he got off the bus well before his stop in order to ‘hide’ where he lives and therefore his identity from those he works with.⁴⁴

In August 2006, in the Konak mahallesi in İzmir, a person called Necdet told researchers he felt his job applications were being turned down because he was Romani. In Çorlu, Tekirdağ Province in Eastern Thrace, a Romani man named Yüksel told ERRC/hCa/EDROM that two years previously he had become the chief waiter in a restaurant employing between 20-30 persons. The other employees had complained to the owner, asking him “So what is this, a ‘gypsy’ is to lord it over us?” Eventually

³⁹ ERRC/hCa/EDROM interviews, İzmir, August 2006.

⁴⁰ ERRC/hCa/EDROM interviews, Mersin, October 2006.

⁴¹ ERRC/hCa/EDROM interview, İstanbul, August 2006.

⁴² ERRC/hCa/EDROM interviews, Diyarbakır, October 2006.

⁴³ ERRC/hCa/EDROM interview, Erzurum, October 2006.

⁴⁴ ERRC/hCa/EDROM interview, Adana, September 2006.

Yüksel quit his job because he could not work in this kind of environment. In the same town, a Romani woman testified that her daughter had applied for a job in a store but they did not employ her after learning about where she lived, as they automatically understood that she was a Roma. In order for her son to get a job in a factory, the family had to give a false address.

According to the testimony of a leader of the Romani community in Kırklareli, north western Turkey, in the autumn of 2004, he had a meeting with the governor's office in order to discuss the problems of employment for the Roma in the city. The head of the governor's employment office called the Zorlu Linen factory and explained that he was calling on behalf of the vice-governor. The loudspeaker of the telephone was activated, so that the Romani leader could follow the conversation. The representative of Zorlu Linen asked whether the people in search of work were Roma, and when the officer from the governor's office affirmed this, the reply from the representative of Zorlu Linen was "I am sorry, but we have a board decision not to employ Roma."⁴⁵

The problem of unemployment is also compounded by the length of time that unemployment lasts for Roma, resulting in permanent unemployment for large numbers of Roma, especially in areas where the economic infrastructure is also particularly weak. In the south eastern and eastern parts of Turkey, for example, researchers were told by Mr. Fehmi Kaya, 42 years old and unemployed, that he had been trying to find job for some years, but no one wanted to give jobs to Roma in Diyarbakır. He added that the way non-Roma treated him made him feel like a dog.⁴⁶ Even in areas that are more stable economically, such as western Turkey and the Thrace region in particular, the incidence of Roma unemployment remains high. For example, the Aydoğdu mahallesi of Tekirdağ has a very high rate of Roma unemployment that contrasts strongly with the surrounding community, where economic growth is being driven by expansion in the building sector and tourism and there are a range of opportunities arising from this.

Amongst Romani women, discrimination in access to employment was also common as testified to researchers in the Çinçin Bağları mahallesi in Ankara and in Bodrum. S.D., a 25-year-old woman, started working in a patisserie shop in Ankara in June 2006. She began having problems when a non-Romani colleague started complaining about her to the owner of the business, compounded with constant verbal abuse and insults from them. They made the comment about her being a "Gypsy" and therefore "naturally" incapable of doing anything right. As a result, she felt she had to give up and leave the job. Also, at her previous job, while working as a waitress, she was sent to work in the kitchen where customers could not see her because of their negative reactions, and eventually she was sacked after a short time.⁴⁷

In Bodrum, in the south western Aegean region of the country, researchers talked to a Romani woman who, like her colleagues, migrated from Istanbul because she could not find work there. The woman testified that she had witnessed some local Turkish girls yelling agitatedly because they thought the *hamam* (Turkish bath) women attendants were from Sulukule (i.e. they were Romani), which they had seen and heard about on the television and did not like.⁴⁸ The woman had reportedly assured them, "No, no we are not from there; we are from Fatih [the most religious area of the city]."

The limitations in employment might also be broadly said to include the military and discrimination in recruitment is present in this sector as in all other ones. During military service for young men (Roma are very positive about this, arguing that it is one of the distinctions that makes them 'loyal' citizens), the most frequent experience is that of being allocated to the band, according to many interviewees. This

⁴⁵ *ERRC/hCa/EDROM interview, Kırklareli, September 2006.*

⁴⁶ *ERRC/hCa/EDROM interview, Diyarbakır, October 2006.*

⁴⁷ *ERRC/hCa/EDROM interview, Ankara, October 2006.*

⁴⁸ *ERRC/hCa/EDROM interview, Bodrum, October 2006.*

was viewed as a benefit by many, who suggested that in this way, wider prejudices against them as Roma were limited and there was a degree of solidarity from being with other Roma, Dom and Lom. The kind of training that was given was also seen as valuable, as during their military service many Romani musicians had learned to read music formally.

However, beyond the duty served by these soldiers for their 18-month terms, entry to the armed services is limited. The leader of the Romani organisation in Kırklareli, in Eastern Thrace, had applied to the Turkish navy school and passed the written, oral and physical exams. He was subsequently rejected without any explanation. When he called the General Command in Ankara he was told that he did not “meet the necessary conditions.” When he asked for more details he was told that he should stop asking more questions in order not to cause himself trouble. The man wanted to take up this case legally, but his application to do so was rejected by five different courts: first the local court, then a higher court, then the military court, then Ankara’s 10th administrative court and, finally, the Council of State (Danıştay). After his failure with the Turkish legal system, the man considered taking the case to the European Court of Human Rights. He felt that Romani people are excluded “even though we are not terrorists.” He believed discrimination is of a general character, and also prevents them from getting jobs.⁴⁹

The “security check”, or investigation, held by the public bodies for applicants as potential recruits, is a test frequently failed by Roma. It is very difficult for Roma to be recruited for any public service, such as in ministries or the police force or other (central or local) agencies of the central government/administration. This security check is common procedure for all applicants, though what is investigated and what are the criteria is unknown to citizens. However, many Roma express their personal tales of having not been able to pass the test, and they believe this is based on their ethnic identity.

2.4. Exclusion of Romani children from equal participation in education

Romani children are marginalised in the education system as a result of poverty and prejudice. Patterns of overt and subtle discrimination stand in the way of their access to equal education opportunities. Low teacher expectations, low attendance and attainment, early drop-out, low parental levels of basic education and poor resources to support the child’s learning are all present to varying degrees in Turkey.

Most children in the Sulukule’s Neslişah and Hatice Sultan neighbourhoods in Istanbul go to school, but only for one or two years. The reason that children do not attend for longer is due to the economic situation of parents, who cannot afford to buy the requisite books, uniforms, shoes, pens and stationery, or provide lunch money and other expenses such as contributions to the school funds that are frequently expected from parents. In 2006, reportedly for the first time, the state provided some basic text books for the children; however, parents received no support for food, clothing, or other expenses. A further disadvantage that the Romani children have, as compared to their wealthier peers, is that they are not able to access extra tuition after school. None of the Romani families interviewed could afford the cost, which is around 40 YTL (approximately 21 EUR) per month for each two-three hours of extra help each day. The highest level of education that children in the community reach is high school, and the men interviewed from the community estimated that perhaps one out of 1,000 children actually attain that level of schooling.⁵⁰

Access to education for Romani children is limited in part by the socio-economic problems of their families, combined with the factor of ethnicity in a complex matrix of social exclusion. A number of

⁴⁹ *ERRC/hCa/EDROM interview, Kırklareli, September 2006.*

⁵⁰ *ERRC/hCa/EDROM interviews, Istanbul, July-August 2006.*

Romani parents have experienced difficulties in registering their children in schools in the Sulukule neighbourhood in Istanbul, on the basis that they are from the Romani quarter. It is also the case that anyone from this area (and a number of other areas in Istanbul and across the country) faces the same unwillingness to register their children, regardless of their ethnicity, as the ‘mahalle’ in question have poor reputation – the common denominator being that all areas have large populations and anyone from them is considered to be “Gypsy” regardless of their actual ethnicity. The parents said that children are frequently turned away from several schools before they are actually accepted at any one: “First they tell us to go to one school, then another school, and then when they can’t send us anywhere else, they accept our children.” In general, children are in mixed classes with both Romani and non-Romani children. However, within the classrooms, Romani children reportedly often sit in separate rows from non-Romani children. In another instance, following evictions in Küçükbakkalköy, Istanbul, children were denied schooling because they were no longer considered residents after their housing had been demolished.

Separation of Romani from non-Romani children within the classroom was reported to the ERRC/hCa/EDROM in many areas of Turkey. In Kağıthane, in Istanbul, parents complained about the separation of their children in the classroom to both school principals and teachers but did not get any reaction.⁵¹ In Küçükbakkalköy, Istanbul, researchers spoke to an 8-year-old girl about her experience at school. She stated that she was always seated in the last row, farthest away from the teacher. The girl admitted she sometimes had hearing difficulties and that it was hard to concentrate when sitting at the back of the classroom. The girl also told researchers that once she had actually dared to ask the teacher if she could sit in the first row closest to the white board and the teacher replied: “Just this once.”⁵²

S.K. from the Aladağ mahallesi, Bartın, northern Turkey, has four children. She told researchers that one of the most important problems Roma face is constant rejection by the two neighbourhood primary schools, each insisting that the other school to take the children. This resulted in children being admitted to school late in the school year and consequently missing classes and falling behind.⁵³

A 32-year-old woman in Ankara’s Ulucanlar mahallesi, who is married with three children, told researchers that Romani children go to the same school as non-Romani children in the neighbourhood. The school’s head teacher is reportedly hostile towards the Romani children, beating them, verbally insulting them and negatively commenting on their clothing. Because of his attitude, non-Romani children also reportedly avoided Romani children, barring them from their games and behaving negatively towards them.⁵⁴

Drop-out rates, especially for girls and young women are high, in common with many other groups in Turkey. Education as a means to social inclusion and improvement is recognised widely to be the most important issue facing Romani community. However, low expectations are also very much present in the Romani communities themselves and aspirations match this in their perceptions of what is possible. A Lom woman named Leyla in Şavşat, in the Black Sea region, felt that Lom were discriminated against at school and many other public institutions. She gave an example of her daughter’s experience. In the sixth grade her daughter could neither read nor write and, according to her mother, she suffered from some learning disability, possibly dyslexia. Leyla had been unable to persuade the school to investigate this and her daughter was reprimanded by her teacher who told her: “Go home and let your parents teach you.”⁵⁵ In the same town, a Lom man named Fehamettin told the researchers that some years earlier his daughter

⁵¹ ERRC/hCa/EDROM interviews, Istanbul, September 2006.

⁵² ERRC/hCa/EDROM interviews, Istanbul, October 2006.

⁵³ ERRC/hCa/EDROM interviews, Bartın, September 2006.

⁵⁴ ERRC/hCa/EDROM interviews, Ankara, August 2006.

⁵⁵ ERRC/hCa/EDROM interviews, Şavşat, August 2007.

was the highest achieving student at her school. In spite of this, the school administration tried to prevent her from giving the annual student speech at the diploma ceremony, instead awarding this honour to a local doctor's daughter because Fehamettin's daughter was "Posha" and "not decent enough". The family protested and, in the end, their daughter was allowed to give the speech after all.

2.5. Discrimination in access to health care

The prohibition of the discrimination in access to health care is explicitly guaranteed in Article 5(e) (iv) of the ICERD. In particular, this article stipulates that State Parties "*undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... the right to public health, medical care[...].*"

The ERRC and EDROM findings with respect to access to medical services of equal standard reveal that Roma are victims of endemic prejudice and discrimination in accessing these services. Problems encountered by Romani community by medical personnel range from accessing emergency services to discriminatory and differential treatment. In at least one instance documented during the research, a Romani man reportedly died as a result of failure to access medical care. On 6 May 2006, at around 1:00 AM, Y.X., who was shot in the leg, was brought to the state hospital in the town of Çerkezköy. The general surgeon on duty was called, but he reportedly refused to come and take care of the patient. Witnesses claimed that the doctor made racist remarks concerning the Romani man's ethnic origin while refusing to treat him. There was no other surgeon at the hospital to operate on Y.X. so in the end he was transferred to another hospital in a nearby town. However, Y.X. died on the way to the second hospital due to blood loss. A criminal complaint was filed on behalf of the deceased's wife against the doctor claiming discriminatory treatment. However, in later stages of the case, the witnesses withdrew their statements, which were crucial to substantiate the racist motivation in the refusal to provide care.⁵⁶

According to Roma interviewed in Izmir and Manisa, medical staff in public hospitals subject Romani patients to differential treatment based on their perceived physical differences.⁵⁷ For example, a 40-year-old Romani woman named Saniye from the Tepecik mahallesi in Izmir attended a public hospital regularly in order to receive treatment for her legs. She stated that whenever she went to the hospital to see the doctor, she felt the negative attitude of the staff, including her doctor. They spoke to her differently and kept her waiting more than other patients. "It is not just my being Roma that makes me different, he [the doctor] speaks with a different tone" she told researchers. In Izmir's Ikiçeşmelik mahallesi, a Romani man named Hasan, who was undergoing treatment for cancer, asserted that doctors and nurses at the hospital did not treat him in a polite manner; he felt his Romani origin was the main reason for that.

In Kırklareli, Eastern Thrace, a respondent told researchers that they [Roma] "[...] are usually subjected to discrimination and are excluded in the hospitals on the basis of their 'unhygienic' conditions and their Romani accents [distinctive in the dropping of the letter 'h' at the beginning of words, in Thrace]."⁵⁸ In the Aladağ mahallesi, Bartın, one of the elderly women in the neighbourhood stated that people deliberately avoided them in the hospitals. She suggested, "No matter how cleanly we dress up, staff there do not give us the same service, and other patients will try to move to another chair if we sit next to them while waiting; we have a bad reputation no matter what we do."⁵⁹ In Şavşat, in the Black

⁵⁶ Case description provided to ERRC/hCa/EDROM by the legal representative of the deceased person's wife.

⁵⁷ ERRC/hCa/EDROM interviews, August 2006.

⁵⁸ ERRC/hCa/EDROM interviews, Kırklareli, September 2006.

⁵⁹ ERRC/hCa/EDROM interviews, Bartın, September 2006.

Sea Region, researchers were told that in hospitals discrimination against Lom was common. Reportedly, if hospital staff knew patients were “Posha”, then they were made to wait longer than necessary, even if it was an emergency: “If they don’t know you are “Posha” then you get much better service”, according to a Lom man named Fehamettin.⁶⁰

ERRC/hCa/EDROM also received allegations from Roma that ambulances refuse to respond to calls from Romani neighbourhoods. In Kırklareli, while an interviewee explaining how the fire brigade had failed to react to their call to arrive and stop a recent fire near the Yayla mahallesi, another Romani man from the neighbourhood, named Adnan, joined in the discussion and emphasised that the ambulance did not come to the neighbourhood and in the case of an emergency, they would have to carry the patient covered with blankets by horse carriage to the local hospital.⁶¹

The separation of Romani women in maternity wards was also reported. A Romani woman from the Aydoğdu mahallesi Tekirdağ in Thrace stated that a year before she was taken to a separate room for ‘Gypsy’ women in the local hospital. In Çorlu, Thrace, a Romani member of the Hıdırağa Mahallesi Sosyal Yardımlaşma ve Güzelleştirme Derneği (Social Support and Beautification Association) named Mehmet told researchers about discriminatory treatment experienced in the local hospital during treatment after a fire at his son’s house. His daughter-in-law had been badly burned in the fire and he and his wife were visiting her at the hospital, when a security guard stopped them and refused them entrance to the hospital. Mehmet told researchers that the security guard seized his wife by the hair and declared that he knew how to treat them. When Mehmet attempted to wrestle his wife from the grasp of the security guard, a fight broke out and they were taken to the local police station after the hospital administration filed a complaint against them. At the police station, Mehmet insisted on filing a counter-complaint against the security guard and the hospital administration, but the police persuaded both parties to drop these complaints.

Although data about the health status of persons belonging to Romani community does not exist, it is reasonable to assume that, with the effects of poverty and substandard housing, poor health conditions are very high amongst the Romani community. In one instance, doctors at an Istanbul hospital which serves the Romani communities of Tophane, Dolapdere, Tarlabası and Kuştepe, informed the ERRC/hCa/EDROM that the incidence of chronic respiratory illness is particularly high amongst Romani women who constitute approximately one-third of the patient group at that particular hospital.⁶²

⁶⁰ ERRC/hCa/EDROM interviews, Şavşat, August 2007.

⁶¹ ERRC/hCa/EDROM interviews, Kırklareli, September 2006.

⁶² ERRC/hCa/EDROM interview with Dr. Mustafa Özinal, Taksim Hospital, Istanbul, January 2007.

III. ARTICLE 6: RIGHT TO EFFECTIVE PROTECTION AND REMEDIES

Turkish authorities have, to date, failed to adopt a comprehensive anti-discrimination law framework through which Roma might seek to secure their rights and/or challenge abuses when these occur. In addition, the capacity of the existing bodies to provide effective protection for Roma and other minority groups in case of discrimination, racism and intolerance is very limited.

Based on Article 40 of the Constitution, everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities. Damages incurred by any person through unlawful treatment by the holders of public office shall be compensated by the state.

According to Article 11/2 of the Turkish Constitution, laws shall not be in conflict with the Constitution. The Turkish Constitutional Court is authorised by the Constitution to decide on the unconstitutionality of laws, statutory decrees and the Rules of Procedure of the Turkish Grand National Assembly.⁶³ Individuals cannot directly put forth claims of unconstitutionality regarding laws to the Constitutional Court; it is the Parliament and thus the parliamentarians who must claim this.⁶⁴ The unconstitutionality of statutory decrees issued during a state of emergency, martial law or in time of war cannot be challenged before the Constitutional Court.⁶⁵

On the other hand citizens can apply to administrative courts for the abolishment of administrative codes and procedures, upon claims of having been deprived of their constitutional rights; i.e., claiming the unconstitutionality of administrative procedures. They cannot directly challenge the conformity of existing legal norms with constitutionally guaranteed rights and freedoms and their access to the Constitutional Court in a pending proceeding is dependent on the trying judge's assessment.

According to Article 125/1 of the Constitution, all acts of the administration shall be subject to judicial review. Based on Article 125/5, if the implementation of an administrative act should result in damages, which are difficult or impossible to compensate for and at the same time this act is clearly unlawful, then a stay of execution may be decided upon. But there are some exceptions of the principle of judicial review in the Turkish legal system. The acts of the President of the Republic on his or her own competence and the decisions of the Supreme Military Council are outside the scope of judicial review.⁶⁶

⁶³ Article 148/1 of the Constitution.

⁶⁴ Access to the Constitutional Court can be secured in two ways: principal proceedings (*iptal davası*) and incidental proceedings (*somut norm denetimi*).⁶⁴ Principal proceedings for annulment can be instituted within sixty days of the promulgation of the law in question in the Official Gazette by the President of the Republic, the parliamentary groups of the governing party, the main opposition party or at least one fifth of the total number of members of the Grand National Assembly. Incidental proceedings can be initiated by any individual and they are not subject to time limitation. Access to the Constitutional Court in incidental proceedings is dependent upon two conditions. First, a plea of unconstitutionality (*anayasaya aykırılık iddiası*) must be put forward in the course of judicial proceedings. Secondly, the regular court trying the case should determine whether access to the Constitutional Court is justified. If there is a plea and the judge of the court in the case is convinced that the claim is serious, then the consideration of the case is postponed and the file is sent to the Constitutional Court for review of the law, according to Article 152 of the Constitution. See: Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 41.

⁶⁵ Article 148/1 of the Constitution.

⁶⁶ Article 125/2 of the Constitution.

The main human rights bodies of the state are the Human Rights Inquiry Commission of the Parliament,⁶⁷ the Human Rights Presidency of the Prime Ministry and the Human Rights Advisory Council. The Human Rights Inquiry Commission of the Parliament has the authority to conduct fact-finding research on specific subjects, publish the results and investigate alleged abuses. Although the Commission has the mandate to oversee compliance with the human rights provisions of domestic law and international agreements, its purely advisory role limits its efficacy to the extent that it is not consulted on legislation affecting human rights.⁶⁸

The Human Rights Presidency of the Prime Ministry and its 931 provincial human rights councils were established to serve as a forum for human rights consultations among non-governmental organizations (“NGOs”), professional organisations and the government. They have authority to investigate complaints and refer them to the prosecutor’s office. Between January and June 2006, 778 applications were submitted, the vast majority of which were related to health and patients’ rights, non-discrimination, the right to property and social security rights.⁶⁹ However, many councils failed to hold regular meetings or effectively fulfil their duties owing to the lack of adequate financial and human resources.⁷⁰ Human rights NGOs generally refused to participate in the councils, maintaining that they lacked authority and independence from the government.⁷¹

The Human Rights Advisory Council includes both representatives of governmental and NGOs. The function of the Advisory Council is to build up dialogue between NGOs and the government and provide advice to relevant institutions on domestic and international matters with respect to human rights. In its 2006 progress report, the European Commission noted that the Council had not been operating since the publication of a report on minority rights in Turkey in October 2004.⁷² Legal proceedings were initiated against the two main authors of this report. The initial acquittal has been overruled by the Court of Cassation in September 2007, and an appeal procedure is ongoing. The US State Department reported that, in March 2006, six NGOs withdrew from the Council because of government interference with the body.

There is no independent public body to monitor and conduct research on discrimination on the grounds of race and ethnicity, produce independent reports and recommendations as well as provide assistance to the victims in Turkey.⁷³ There is no available statistical data concerning race and ethnicity, which hinders the exposure and tackling of discrimination on these grounds. According to the CERD General Recommendation 27 on discrimination against Roma:

“States parties include in their periodic reports, in an appropriate form, data about the Romani communities within their jurisdiction, including statistical data about Roma participation in

⁶⁷ *It was established by Law No: 3686 in 1990.*

⁶⁸ *Commission of the European Communities. 8 November 2006. Turkey 2006 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf.*

⁶⁹ *Ibid.*

⁷⁰ *Ibid. See also Commission of the European Communities. 6 November 2007. Turkey 2007 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.*

⁷¹ *Ibid.*

⁷² *Commission of the European Communities. 8 November 2006. Turkey 2006 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf.*

⁷³ *Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 40.*

political life and about their economic, social and cultural situation, including from a gender perspective, and information about the implementation of this general recommendation”.⁷⁴

In addition, Turkey has yet to establish an Ombudsman system, pending the implementation of the Ombudsman Law, suspended by the Constitutional Court in November 2006.⁷⁵ In order to comply with the EU Race Equality Directive and implement ECRI’s recommendation, Turkey has to establish a specialised body to effectively combat and monitor racism and intolerance.

⁷⁴ CERD. *General Recommendation XXVII: Discrimination against Roma*. Available at: http://www.bayefsky.com/general/cerd_genrecom_27.php.

⁷⁵ Commission of the European Communities. 6 November 2007. *Turkey 2007 Progress Report*. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.

IV. RECOMMENDATIONS

In the light of the above findings, the ERRC and EDROM recommend that the Turkish government:

- Without delay, adopt a comprehensive anti-discrimination law securing protection against discrimination on grounds of race and ethnicity in all areas relevant for realising the rights secured in the Covenant. Particular attention should be paid to providing mechanisms to ensure real and effective remedies in cases of discrimination against Roma, including effective and dissuasive sanctions for perpetrators and adequate damages for victims. The minimum standards applied by the Government in adopting a comprehensive law banning racial discrimination should be those established in European Council of the European Union Directive 2000/43/EC “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”;
- Amend the Criminal Code to provide for an aggravating circumstance in the event of racist motives in respect of all ordinary offences;
- Improve the institutional framework for human rights by implementing the Law on Ombudsman and provide for direct access of individuals to the Constitutional Court in cases involving the violation of internationally protected human rights.
- Monitor access of Roma to justice, social and economic rights and establish a mechanism for collecting and publishing disaggregated data in these fields;
- Investigate promptly and impartially incidents of violence and abuse of Roma by law enforcement officials and prosecute the perpetrators of such crimes to the fullest extent of the law;
- Ensure that victims of police violence and abuse who lodge complaints are effectively protected against intimidation and reprisals;
- Conduct human rights and anti-racism trainings for the public administration, medical practitioners, teaching staff, members of the police force and the judiciary;
- Adopt legal and policy measures to prevent discriminatory practices against Romani children at school such as the segregation and harassment of Romani children; provide academic and social support for Romani children from vulnerable families;
- Adopt legal and policy measures to prevent discriminatory practices in access to medical services and design health promotion programmes for individuals at risk of social exclusion;
- Adopt policy measures ensuring that Roma, and particularly Romani women, are able effectively to realise rights to employment and counteract discrimination against Roma by awareness-raising campaigns on the rights of job-seekers to equal access to the labour market; and
- Speak out against public expressions of racial antipathy, racial discrimination and human rights violations at the highest political level.