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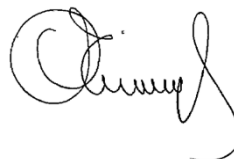
16 September 2024

Written submission to the Human Rights Committee (CCPR) on the implementation of the ICCPR in Türkiye (CCPR 142nd session 14 October – 7 November 2024)

The International Trade Union Confederation (ITUC), together with its affiliated organizations from Türkiye - the Confederation of Public Employees' Trade Unions (KESK) and the Confederation of Progressive Trade Unions of Turkey (DISK), welcome the opportunity to make a written contribution on the human rights situation in Türkiye, in advance of the 142nd session of the CCPR taking place between 14 October – 7 November 2024.

This submission sets out some of trade unions' key concerns and recommendations related to the implementation of the International Covenant on Civil and Political Rights (ICCPR) by the Government of the Türkiye. The submission highlights concerns with regard to freedom of peaceful assembly (Article 21) and freedom of association (Article 22) with the hope of supporting the Committee's consideration of the 2nd report by Türkiye.

Yours sincerely,



Luc Triangle
General Secretary

Written submission on the upcoming consideration of the 2nd report for Türkiye at the ICCPR's 142nd session (14 October – 7 November 2024)

ITUC, KESK, DISK

Submitting organisations:

The International Trade Union Confederation (ITUC) represents 191 million workers in 169 countries and territories and has 340 national affiliates. The ITUC's primary mission is the promotion and defense of workers' rights and interests through international cooperation between trade unions, global campaigning, and advocacy within the major global institutions. Its main areas of activity include the following: human and labour rights; economic and social policy; equality and non-discrimination; and international solidarity. The ITUC enjoys General Consultation Status with the UN ECOSOC.

Confederation of Public Employees' Trade Unions (KESK) is a confederation of eleven trade unions in Türkiye. It represents more than 160 000 public employees in all public sectors. KESK's primary mission is to protect and promote quality public services, which is equal, free, accessible, and in mother tongue, for everyone. KESK is the only ITUC and ETUC affiliate in the public sector in Türkiye.

Confederation of Progressive Trade Unions of Turkey (DISK) is one of the four major national trade union centres in Türkiye. It was founded in 1967 as and has a membership of 327 000 workers in several sectors. DISK is affiliated with the ITUC and ETUC.

Summary:

ITUC, KESK and DISK make the following observations with respect to the Türkiye's obligations under ICCPR.

The trade union movement is deeply concerned with the situation in Türkiye. We deplore the continuing acts of violence against workers, the arrest and detention of trade unionists in connection with their activities, including participation in the peaceful protests, as well as the lack of effective and timely investigations in relation to these incidents and the lack of legislative reform to make national law compliant with the international labour standards on freedom of assembly and association.

This submission is focused on freedom of association and assembly of workers. We include information about the outcomes of the supervision of situation in Turkey by the ILO supervisory bodies, taking into account the provisions of Article 22 ICCPR, according to which nothing in this article shall authorize States Parties to the ILO Convention No. 87 to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

We also wish to recall the long-standing position of the ILO supervisory bodies which repeatedly stressed the interdependence between civil liberties including freedom of assembly and trade union rights and emphasized that a truly free and independent trade union movement can only develop in a climate free from violence, pressure and threats of any kind against the leaders and members of such organizations.

This submission covers the following matters:

- Use of emergency decrees for dismissal of civil servants motivated by anti-union reasons and lack of remedy;
- Use of emergency decrees and laws for arbitrary dissolution of trade unions and lack of remedy;
- Criminalization of legitimate and usual trade union activities;
- Laws allowing undue interference in trade union activities (restriction of strikes and excessive audits);
- Exclusion from right to form and join unions of several categories of workers, including senior public employees, magistrates, prison staff, locum workers in the public sector, public servants working without a contract of employment and pensioners;
- Banning public meetings and demonstrations by trade unions, arresting trade unionists for participating in peaceful assemblies, excessive police force used against peaceful demonstrators.

BACKGROUND

On 15 July 2016, following the attempted coup d'état, a state of emergency was declared in Türkiye and subsequently renewed 7 times, 18 until July 2018. Throughout the entire time the state of emergency was in place, fundamental freedoms were heavily restricted and protesting activists, including trade unions, systematically silenced. Following the approval of declaration of state of emergency by Parliament, the Government started to legislate through emergency decrees. 32 emergency decrees have been enacted between 2016-2018. 17 of these decrees targeted individuals or organizations. The first was Decree no. 667, which entered into force on 23 July 2016. Decree No. 667 provided that organizations found, under very vague and broad criteria, in connection, communication or adherence to groups and organizations threatening national security or terrorism would be banned, and their assets transferred to the State, permanently and without compensation (Article 2 of Decree No. 667). Accordingly, the Decree ordered permanent dissolution of over 2000 private institutions. Under the state of emergency laws and decrees the authorities also acquired powers to execute mass dismissals of civil servants allegedly "having connection with terrorist organizations," posing a "threat to national security." Based on these regulations, more than 150 000 civil servants and university teachers were permanently dismissed from their functions. In addition, Emergency Decree Law No. 668 (art. 37) states that there shall be no form of investigation or responsibility for those who made decisions and took steps within the scope of the decree. That means impunity.

Between 2017 and 2023 the only venue for seeking remedy for those individuals and organizations who were affected by measures under emergency decrees was the Inquiry Commission on the State of Emergency Measures established by Decree No. 685 on 23 January 2017.

This Inquiry Commission considered more than 127,000 appeals, only 14% of which were accepted, and the remaining 86% were dismissed. The mandate of the Commission has ended in January 2023 after five years of operation and the persons who received negative decisions of the Commission had 60 days after notification of the decision to apply to designated administrative courts in Ankara.

Although the state of emergency was lifted, laws integrating emergency measures into ordinary law and giving additional exceptional powers to the authorities in the name of "counterterrorism" were adopted, resulting in the continuation of abuses of fundamental

freedoms and the lack of space for respect for human and labour rights. For example, in 2018 the Government passed the Law No 7145 on the Amendment of some Laws and Emergency Decrees which enshrined several state of emergency measures into ordinary law, including extension of powers of dismissals of civil servants on alleged grounds linked to anti-terrorism and national security.

The state of emergency had a profound effect on workers and trade unions. We also want to underline that trade union laws in Türkiye do not comply with the minimum international standards.

FREEDOM OF ASSOCIATION (ARTICLE 22 ICCPR)

1. Use of emergency decrees for dismissal of civil servants motivated by anti-union reasons and lack of remedy

Since 2016, the government of Türkiye has been relentlessly pursuing an anti-union agenda, using state of emergency powers to justify the massive dismissal and demotion of thousands of civil servants, motivated by anti-union reasons, in order to silence workers and their organizations for protesting Government's policies and their impact on democracy, rule of law and workers' rights.

We note with deep concern that, according to KESK, a total of 4,267 of their members were arbitrarily dismissed from all public sectors under the emergency laws.

This stigmatization and anti-union discrimination has created a chilling effect on workers wishing to join trade unions, already affecting trade union membership and organizing efforts.

Since then, many trade union members have sought redress through the Inquiry Commission, which failed to provide with effective remedy. The proceedings before the Commission of Inquiry have been subject of examination by numerous international bodies, including the ILO Committee of Experts.¹ It was found that these proceedings did not present the guarantees of due process of law in terms of defense rights, and, ultimately, the obligation to pass through that stage delayed for a long time the access of dismissed public officials and dissolved organizations to courts. For example, the Inquiry Commission focused solely on determining whether the dismissals were justified in view of purpose to "terminate the existence of terrorist organizations within the public institutions". Accordingly, the Commission considered only whether a link, even tangential, (e.g. through analysis of social media contacts or websites visited) could be established between the dismissed civil servants or members or leaders of dissolved organizations and groups determined by the National Security Council as "terrorist". Overall, the activities of the Commission were marred by a lack of institutional independence, long waiting periods, an absence of safeguards allowing individuals to access information gathered against them and rebut allegations and weak evidence cited in decisions to uphold dismissals or dissolution. Now trade union members and leaders have to go through a lengthy process before the courts for the review of their cases.

¹ See: Observation (CEACR) - adopted 2023, published 112nd ILC session (2024) *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Türkiye (Ratification: 1993)*, available at: https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4379115,102893, as well as observations adopted in the preceding years.

Furthermore, we note with concern that despite the expiration of the state of emergency, governors and ministries continue to use exceptional legal provisions to dismiss public servants.

We deplore the failure of the Government to put in place a process to review the appeals of public servants and to examine their anti-union character.

In view of the foregoing, the Committee should ask the Government to establish an independent, impartial, expeditious and in-depth process for investigation and remedy of cases of all the workers who suffered from reprisals, retaliatory acts and dismissals in the framework of the emergency laws, and to specifically investigate their anti-union character and the impact on the right to freedom from discrimination based on trade union membership or activities.

2. Use of emergency decrees and laws for arbitrary dissolution of trade unions and lack of remedy

We are deeply concerned about the Türkiye's Government's arbitrary dissolution of trade unions in violation of Article 22 ICCPR and Article 4 of ILO Convention No. 87. Decree No. 667 provided that trade unions found in connection, communication or adherence to groups and organizations considered by the Government as threatening national security or terrorism were to be banned. The emergency regulation made no distinction between the trade union as an organization with an objective public purpose and individual actors and their actions. In effect, Decree No. 667 held all members of a trade union guilty by association with the consequence of a close down of the union.

We note with deep concern that 4 confederations, 19 federations and 19 trade unions were shut down, as a consequence of application of emergency laws.

Possibility of appeal to the Inquiry Commission has not provided with an effective remedy for these organizations. For example, according to information gathered by a tripartite committee appointed by the ILO Governing Body to examine the complaint brought by the Action Workers' Union Confederation (Aksiyon Is) in 2018, in cases brought by individuals dismissed due to their membership in a trade union, the Inquiry Commission did not review the legality of the closure of the relevant trade union or any of the individual's own activities.²

Furthermore, we note that many of these trade union organizations had a very limited capacity to appeal to the Inquiry Commission due to the imprisonment of their leaders and members and seizure of their funds pursuant to the state of emergency Decree-Laws. Those trade unions are now deprived of access to judicial remedy, since, according to regulation adopted by the Government, obtaining decision by the Inquiry Commission prerequisites access to a court. Although the ILO supervisory bodies have repeatedly asked the Government to provide access to judicial review to persons and organizations affected by application of emergency decrees regardless of whether they have applied to the Inquiry Commission, the Government has so far ignored these requests.

² See; Observation (CEACR) - adopted 2023, published 112nd ILC session (2024) – Türkiye, as well as the Report of the Committee set up to examine the representation alleging non-observance by Türkiye of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), GB.341/INS/13/5, Appendix 1, paragraph 28.

This situation constitutes a blatant violation of the international labour standards. In accordance with Article 4 of ILO Convention No. 87, workers' organizations should not be liable to be dissolved or suspended by the government. The ILO supervisory bodies have held that dissolving or suspending a trade union organization is the extreme form of interference by authorities in the internal activities of workers' organizations and should therefore be accompanied by all the necessary guarantees. This can only be ensured through a normal judicial procedure, which should also have the effect of a stay of execution.³ We regret that no safeguards nor guarantees have been undertaken within the framework of the emergency decrees and laws, as described above.

In view of the foregoing, the Committee should ask the Government to take all necessary measures to ensure that the dissolution of trade unions pursuant to Decree-Law No. 667 is reviewed through the normal judicial procedures, which should also enable those unions to be fully represented to defend their case, with a view to having the trade unions re-registered, their assets restored and access to compensation provided.

3. Criminalization of legitimate trade union activities

Trade unions in Türkiye continue to be subjected to criminalization of their legitimate trade union activities, resulting in arrest, prosecution and detention of their members and leaders, with a serious impact on trade union freedoms in Türkiye. During arrest actions, often excessive and disproportionate force is used by the police. In the course of proceedings, the prosecution often files for suspension from duties of the leaders, creating further negative impact in terms of interference in the freedom of trade unions to organise their own activities and structures.

Illustrative cases:

- President of the Turkish Medical Association (professional association and registered chamber for medical doctors), was arrested and imprisoned on 27 October 2022 under Turkey's Anti-Terror Law after calling in the media for an independent investigation of the allegations that Türkiye used chemical gases during its military operations in Iraq. She was charged with "propagandising for a terrorist organisation" and "publicly degrading the Turkish Nation, the state of the Republic and its institutions". 5 members of KESK, who tried to attend the court hearing as observers, were arrested but later released. Ankara Chief Public Prosecutor's office has also asked that the President of TMA be suspended from her duties.
- Police used pepper spray and arrested 108 striking workers at Farplas factory in January 2022. Farplas is a supplier for Renault, FIAT, Toyota, Hyundai and Ford. Workers organized a strike, during collective negotiations over wage increase, to protest violations of law by the employer, including dismissal of nearly 150 workers, both members and non-members of the union, for taking part in an earlier protest, despite negotiated agreement to the contrary and despite authorization certificate obtained by the trade union to engage in collective bargaining with Farplas. The management called the police which stormed the factory, dispersed peaceful striking workers with pepper gas and undertook massive arrests. According to the reports, 2 workers fainted during

³ See the 2012 ILO General Survey on the fundamental Conventions, paragraph 162, available at: <https://www.ilo.org/resource/conference-paper/report-iii1b-giving-globalization-human-face-general-survey-fundamental>

- the police intervention and another workers had his leg broken. Over 100 protesters were arrested and released only later, after giving their statements.
- in September 2018 about 600 workers were arrested in their dormitories at night for engaging in a peaceful protest against health and safety breaches at the construction site of the new Istanbul airport where, according to official figures, about 57 workers had died as a result of various health and safety violations. Though many of the workers have been released from pre-trial detention, about 31 workers were kept on bail under strict judicial control.

We recall that according to the ILO supervisory bodies, under ILO Convention No. 87, the arrest and detention, even if only briefly, of trade union leaders and trade unionists for exercising legitimate activities in defence of the interests of workers constitutes a violation of the principles of freedom of association.⁴ Criminalizing trade union representatives in response to legitimate opinions expressed in the media or for other legitimate trade union activities creates an atmosphere of intimidation and fear prejudicial to the normal development of trade union activities.⁵ Accordingly, penal sanctions should not be imposed on any worker for participating in a peaceful assembly or strike.⁶

In view of the foregoing, the Committee should ask the Government to review laws and practices of the law enforcement and take other measures to ensure that legitimate trade union activities, including peaceful strikes and public expression of views by trade union officials on the wider policy questions which have a direct impact on their members' interests are not criminalized.

4. Laws allowing undue interference in trade union activities (restriction of strikes and excessive audits)

The law in Türkiye allows undue interference in trade union activities by, among others, extending prohibition of strikes to non-essential services and giving the authorities' the power to investigate and audit trade unions and other associations at any given time without safeguards and guarantees provided by a prior judicial process.

The laws regulating trade unions have been under long-term critique from the ILO supervisory bodies for their lack of conformity with ILO Convention No. 87, in violation of the principles of freedom of association, such as the principle of non-interference in trade union activities, programmes and administration and the principle of independence of action of trade unions, including their right to take strike action.

The ILO Committee of Experts highlighted in particular that section 63(1) of Act No. 6356 does not conform with Article 3 of the Convention No. 87. This provision allows the Council of Ministers to suspend strikes for 60 days and unilaterally refer the underlying matters for compulsory arbitration if no agreement is reached after 60 days. While the law indicates that such a suspension should be limited to strikes that may be prejudicial to public health or national security, it has been interpreted in such a broad manner that strikes in non-essential services have also been effectively prohibited. These excessive powers to interfere in

⁴ 2018 ILO FOA Digest, available at: <https://www.ilo.org/publications/freedom-association-compilation-decisions-committee-freedom-association-pdf>, paras 121, 123 and 126.

⁵ 2018 ILO FOA Digest, para 126 and 237.

⁶ 2018 ILO FOA Digest, para 954.

legitimate trade union activity were further boosted under Decree No. 678. This Decree allowed the Council to postpone strikes in local transportation companies and banking institutions for 60 days contrary to an earlier constitutional court ruling.

Further, Decree No. 5 gave the State Supervisory Council – an outfit of the Office of the President – power to investigate and audit trade unions and other associations at any given time. With this power, all documents and activities of trade unions and other associations may come under investigation without safeguards and guarantees provided by a prior judicial process. The effect is that unions are restricted and impeded from freely and fully exercising the right to pursue their legitimate activities without fear. Unions are forced to self-censor their activities and programmes in order not to suffer continued, politically motivated and malicious investigations and audits.

We recall that according to the ILO supervisory bodies, under ILO Convention No. 87. The principle regarding the prohibition of strikes in essential services has to be interpreted strictly, and strikes should only be prohibited in relation to services “essential” in the strict sense of the term, i.e. services whose interruption would endanger the life, personal safety or health of the whole or part of the population.⁷ Further, even within essential services, certain categories of employees, such as hospital labourers and gardeners, should not be deprived of the right to strike.⁸

With regards measures of administrative control over trade union assets and finances, the control exercised by the public authorities over trade union finances should not normally exceed the obligation to submit periodic reports. The discretionary right of the authorities to carry out inspections and request information at any time entails a danger of interference in the internal administration of trade unions.⁹ As regards financial audits and investigations, these should be applied only in exceptional cases, when justified by grave circumstances (for instance, presumed irregularities in the annual statement or irregularities reported by members of the organization), in order to avoid any discrimination between one trade union and another and to preclude the danger of excessive intervention by the authorities which might hamper a union’s exercise of the right to organize its administration freely, and also to avoid harmful and perhaps unjustified publicity or the disclosure of information which might be confidential.¹⁰

In view of the foregoing, the Committee should ask the Government to adopt measures to stop extending prohibition of strikes to non-essential services and to review laws and practice that gives the authorities power to investigate and audit trade unions at any given time without safeguards and guarantees and to limit financial audits and investigations only to exceptional cases, when justified by grave circumstances.

5. Exclusion from right to form and join unions

⁷ 2018 ILO CFA Digest, para 838.

⁸ 2018 ILO CFA Digest, para 849.

⁹ 2018 ILO CFA Digest, para 711.

¹⁰ 2018 ILO CFA Digest, para 712.

Under Turkish law several categories of workers are excluded from the right to form and join trade unions for the protection of their interests, contrary to Article 22 ICCPR and Article 2 of ILO Convention No. 87.

Under section 15 of Act No. 4688 senior public employees, magistrates, prison staff, locum workers (workers who temporarily fill in positions) in the public sector (including teachers, nurses, midwives etc.) as well as public servants working without a contract of employment and pensioners do not have the right to form and join public service unions.

These restrictions go well beyond the exclusions allowed in the international labour law and the ILO supervisory bodies have repeatedly and for many years called on the Government of Türkiye to review the provisions of Section of Act. No. 4688.¹¹

ILO Convention No. 87 guarantees the right to establish and join organizations for all workers in both the private and public sectors with the sole exception of the armed forces and the police; It is contrary to the Convention to refuse access to form and join trade unions to prison staff, as repeatedly stated by the ILO supervisory bodies. The ILO supervisory bodies have repeatedly drawn the Government's attention to the fact that Convention No. 87 does not allow any distinction based on whether the employees are engaged on a permanent or temporary basis, or with regard to their contractual status or the lack thereof; and that legislation should not prevent former workers and retirees from joining trade unions, if they so wish, particularly when they have participated in the activity represented by the union.¹² Accordingly, locum workers in the public sector or public servants working without a contract of employment or pensioners have full right to form and join trade unions for the purpose of defending their interests.

Despite this, the Government applied broad restrictions to join trade unions to one in six public employees, who are neither in the armed forces nor the police. This is a blatant breach of Article 2. The Government should urgently review this Decree relevant sections of Act No. 4688 including section 15 in consultation with the social partners.

In light of the above, the Committee should urge the Government to take necessary measures to review the legislation or to adopt specific legislation with a view to ensuring that senior public employees, magistrates and prison staff, locum workers, public servants working without a contract of employment and retirees can enjoy and exercise their right to establish and join organizations.

FREEDOM OF ASSEMBLY (ARTICLE 21 ICCPR)

1. Banning public meetings and demonstrations by trade unions, arresting and detaining trade unionists for participating in peaceful assemblies, excessive police force used against peaceful demonstrators

Turkish law restricts excessively the right to freedom of assembly and demonstration. Law on Meetings and Demonstrations No. 2911 as well as Law on States of Emergency No. 2935 contain numerous limitations that affect the right of workers and their organizations to hold

¹¹ Observation (CEACR) - adopted 2023, published 112nd ILC session (2024) - *Türkiye*, as well as observations adopted in 2022,2020,2019, 2018, 2015, 2014, 2012 and earlier .

¹² Ibidem.

peaceful demonstrations and public meetings to defend their interests, contrary to Article 21 ICCPR or ILO Convention No. 87.

These regulations have been consistently been used to prohibit numerous legitimate trade union activities. Only between November 2021 - August 2023, 14 specific cases public meetings organized by trade unions were banned, and as the participants persisted in pursuing their action the authorities intervened to stop the action and sometimes the participating union members and leaders were arrested. In relation to none of these cases dis the Government indicate that the public meetings were not peaceful.¹³ these meetings were “illegal” for not taking place in the designated locations or for not having respected a specific ban on demonstrations. We provide more illustrative cases below.

Illustrative cases:

- On 26 February 2023, the Deputy General Secretary of the DISK was among the union leaders and members detained at a protest in Istanbul. The protest was organised by the DISK and the KESK over reports of corruption hampering efforts to help victims of the country’s recent earthquake. Members of both unions were among more than 100 people detained.
- Private school teachers gathered in Ankara, Turkey, on 30 August 2022 to protest low wages and poor working conditions. The demonstration was organised by the Private Sector Teachers’ Union, which has nearly 4000 members in 60 provinces of the country. The teachers attempted to march to the Ministry of National Education. Police surrounded and blocked them, and used pepper spray on the teachers when they insisted on marching. 7 people, including 2 lawyers, were detained during the incidents.
- Health and Social Service Workers Union (SES) has been on trial due to its trade union activities since May 2021. SES organized public gatherings to ask the Government to provide health services to citizens in the curfew areas, to protest against the curfews and to protest the ISIS attacks in Syria. Subsequently, on 25 May 2021, eight SES leaders and members were arrested, on unspecified charges, after a dawn raid on the union’s office. Later, they were charged with terrorism (establishing or managing an armed terrorist under Article 314/1 of the Criminal Code). The group of arrested trade union leaders included 5 leaders - 2 female current and former co-presidents, former women’s Secretary, 2 former executive committee members - and 3 SES members. The leaders were further charged with leadership of an armed illegal organization and the members with the offence of membership in an armed illegal organization, substantiated solely on grounds of trade union activities undertaken by SES. In addition, the judge decided to declare confidentiality on the file, the legal team had no access to its details until the court approved the indictment. Trade unionists were subsequently released with judicial orders that imposed international travel bans and judicial controls, then some of them were re-arrested for excessive periods. One of the co-presidents was imprisoned on 3 July 2022 and released only on 5 June 2023, the other was imprisoned on 22 September 2021 and was released on 13 March 2023. These leaders remained under house arrest for several months are still not allowed to leave the city of their residence after they were released from prison. This case is still pending.

¹³ See: findings of the ILO Committee of Experts in Observation (CEACR) – *Türkiye*.

We recall that according to the ILO supervisory bodies, under ILO Convention No. 87. Workers should enjoy the right to peaceful demonstration to defend their occupational interests.¹⁴ Penal sanctions should not be imposed on any worker for participating in a peaceful assembly or strike.¹⁵ Trade unions should be able to hold meetings without the need to communicate the agenda to the authorities, in accordance with the principle embodied in Article 3 of Convention No. 87, whereby organizations have the right freely to organize their activities without interference from the authorities.¹⁶

In view of the foregoing, the Committee should ask the Government to ensure that the measures taken to protect public order do not deprive workers' organizations of their right to hold peaceful demonstrations and public meetings to defend their interests, and further urges the Government to refrain from arresting, detaining and prosecuting workers and trade unionists for participation in peaceful public meetings.

CONCLUSIONS

The scale and seriousness of the labour rights violations in Türkiye are deeply worrying. We deplore the continuing acts of violence against workers, the arrests of trade unionists in connection with their activities, including participation in the peaceful protests, as well as the lack of effective and timely investigations in relation to these incidents and the lack of legislative reform to make national law compliant with the international labour standards on freedom of assembly and association. The Government of Türkiye should be called on to immediately remediate cases of violations of trade union rights and ensure guarantee of these rights, both in law and in practice.

Accordingly, the Committee should ask the Government of Türkiye:

- to establish an independent, impartial, expeditious and in-depth process for investigation and remedy of cases of all the workers who suffered from reprisals, retaliatory acts and dismissals in the framework of the emergency laws, and to specifically investigate their anti-union character and the impact on the right to freedom from discrimination based on trade union membership or activities;
- to review laws and practices of the law enforcement and take other measures to ensure that legitimate trade union activities, including peaceful strikes and public expression of views by trade union officials on the wider policy questions which have a direct impact on their members' interests are not criminalized;
- to adopt measures to stop extending prohibition of strikes to non-essential services and to review laws and practice that gives the authorities power to investigate and audit trade unions at any given time without safeguards and guarantees and to limit financial audits and investigations only to exceptional cases, when justified by grave circumstances;
- to review the legislation or to adopt specific legislation with a view to ensuring that senior public employees, magistrates and prison staff, locum workers, public

¹⁴ 2018 ILO FOA Digest, para 208.

¹⁵ 2018 ILO FOA Digest, para 954.

¹⁶ 2018 ILO FOA Digest, para 202.

servants working without a contract of employment and retirees can enjoy and exercise their right to establish and join organizations.

- to ensure that the measures taken to protect public order do not deprive workers' organizations of their right to hold peaceful demonstrations and public meetings to defend their interests, and to refrain from arresting, detaining and prosecuting workers and trade unionists for participation in peaceful public meetings.