

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the 87th
Session of the Committee for the Elimination of Racial Discrimination
(3-28 August 2015)**

Turkey

LIST OF THEMES

21 August 2015

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at www.internal-displacement.org.

I. Background to internal displacement in Turkey

1. At least 954,000 people were forced or obliged to flee their homes in the south-eastern part of Turkey from 1985 to 1997 during an armed struggle between the Partiya Karkerên Kurdistan (PKK) and government security forces.¹ The vast majority of displacement movements occurred in the south-east of the country from rural areas to urban centres, where security forces battled Kurdish militias. Some villages in the region were destroyed, and most inhabitants were displaced by the authorities. The village guard system, which was meant to combat the links between Kurdish militia and local villages, also played a part in forced displacement as well as loss of livelihoods due to government bans on livestock grazing in the high plateaus, embargo on transport of food to villages as well as other economic impacts of the conflict. More than 30 per cent of the persons displaced by violence fled their homes between 1986 and 1990, 60 per cent between 1991 and 1995, and the remainder between 1996 and 2005 ([Hacettepe University](#), 2006). The vast majority of IDPs are Kurdish, and their displacement and current situation is tied to the lack of recognition of the Kurdish identity.

II. Law and policy on internal displacement

2. There remains no national strategy to address IDPs' needs, the effectiveness of the law on, "Compensation of Damages that Occurred due to Terror and the Fight against Terror" (2004) has still to be improved and there also continues to be a failure by the Turkish government to develop a justice-based approach to forced displacement. The omission of state agents from the jurisdiction of the law remains an obstacle to reconciliation, a key criterion for durable solutions to displacement. Positive government initiatives include the Van Action Plan (2006) and the Return to Villages Rehabilitation Project from 1994. Lack of consistent reporting and monitoring of implementation of these projects has meant their overall success is unknown.
3. Turkey's response to internal displacement is cemented to the "Kurdish issue" and has most notably included a discussion of dismantling the village guard system, the approval by the Turkish Parliament of the Fourth Judicial Package, which aims to strengthen the protection of human rights including freedom of expression and end impunity for cases of torture and ill-treatment.² The package includes the adoption of the law establishing the right to speak Kurdish in a court of law and continued payment of compensation to IDPs for lost property.
4. The political environment in Turkey has significantly tensed following the elections in June 2015 in which the Kurdish People's Democratic Party (HDP) surpassed the 10 per cent threshold to become a represented party in parliament and upset the majority rule of Turkey's conservative Adalet ve Kalkınma Partisi (AKP). The elections were seen as a giant leap forward for Kurdish minorities in the country.³ However, following several acts of violence directed both at Turkish civilians and Kurds, on 28

¹ *Turkey IDP Figures Analysis*, IDMC < <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/turkey/figures-analysis> >

² *Turkey: Progress Report 2013*, European Commission, <http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/turkey_2013.pdf>

³ *Turkey's election is a blow to Erdogan and a victory for Kurds*, Washington Post, 8 June 2015 <https://www.washingtonpost.com/world/turkeys-erdogan-may-see-ambitions-checked-by-parliamentary-election/2015/06/07/d76db05a-0cf3-11e5-9726-49d6fa26a8c6_story.html >

July, President Erdogan declared that the peace process between the Government of Turkey and the PKK which was agreed upon in 2013 could not continue and threatened legal action against members of parliament in the HDP for links to terrorism.⁴ This was followed by Turkey's decision to carry-out aerial bombardments of Kurdish held areas in northern Iraq in its 'war on terror' in July 2015.⁵

5. In August 2015, the Turkish military began designating areas as temporary "security zones" in rural parts of south eastern Turkey, preventing farmers from grazing their livestock in mountainous pasture lands, the same tactic that caused mass displacement during the internal conflict in the 1990s as families could not sustain their agricultural lifestyle in the midst of the military operations.⁶

III. Issues of concern

Article 2: Non- Discrimination

6. In its combined fourth and sixth Periodic State Report submitted to the Committee on 10 February 2014, Turkey reports that another "democratization package" was unveiled on 30 September 2013, which proposes comprehensive reforms.⁷ The "Law on Anti-Discrimination and Equality" which includes provisions dealing with both direct and indirect discrimination was presented to the Office of the Prime Minister in February 2014 and went before Parliament in late autumn, but has yet to be adopted.⁸
7. The Law no: 6529 which legislates the provisions of the Democratization Package was adopted in March 2014. Under the new law, political campaigning and propaganda in different languages and dialects other than Turkish are allowed. Education in private schools in languages and dialects traditionally used by Turkish citizens is permitted. The ban on women wearing headscarves in public service is lifted. Hate crime is included in the Turkish Penal Code (TPC) for the first time and the penalty for the offence of discrimination and hatred is increased. The amendments have also broadened the scope of freedom of assembly and demonstration.⁹
8. Furthermore, the Action Plan for the Prevention of Human Rights Violations was published in the Official Gazette on 1 March 2014. The Action Plan aims at protecting fundamental rights and freedoms more effectively and minimizing the number of applications against Turkey before the European Court of Human Rights. "The Law on Ending Terrorism and Strengthening Social Integration" entered into force on 16 July 2014.¹⁰ The law aims to provide a legal basis for the discussions between the government of Turkey and the PKK.

⁴ *Erdogan steps up pressure on Kurds as Turkey's peace process falters*, dalje.com, 28 July 2015, <<http://dalje.com/en-world/erdogan-steps-up-pressure-onkurds-as-turkeys-peace-process-falters/551574>>

⁵ *PKK leader: Turkey is protecting IS by attacking Kurds*, BBC, 10 August 2015 <<http://www.bbc.com/news/world-europe-33818282>>

⁶ *The Turkish Kurds who want peace – but not at any price*. The Guardian, 11 August 2015 <<http://www.theguardian.com/world/2015/aug/11/turkish-kurds-who-want-peace-but-not-at-any-price>>

⁷ CERD/C/TUR/4-6

⁸ CERD/C/TUR/4-6; A/HRC/WG.6/21/TUR/1

⁹ A/HRC/WG.6/21/TUR/1

¹⁰ Ibid

9. Turkey bases its minority policies on the Treaty of Lausanne of 1923 and claims to be bound only by this treaty. In the shadow of current international standards for minority rights and protection, the treaty is rather obsolete. While the treaty provides protection for all non-Muslim minorities, all Turkish governments since 1923 have persistently interpreted the treaty to guarantee protection only to three minority groups: the Armenian Orthodox Christians, the Greek Orthodox Christians, and Jewish people. What is more, these groups are recognized only as religious minorities – not as ethnic. Other minority groups such as Kurds, the Alevis, the Laz, the Circassians and the Roma have not been granted formal recognition by the Turkish Government and thereby are deprived of protection of their rights as communities, despite de facto tolerance of some of their communal activities.¹¹ The Council of Europe reports continued discrimination against these minorities.¹²
10. Turkey has not signed the European Union's Framework Convention for the Protection of National Minorities or the UNESCO Convention against discrimination in education and has maintained its reservation on article 27 of the ICCPR and other Treaties that include the protection of minorities.
11. A new form of forced migration is occurring in Turkey with the removal of homeless Syrian refugees from town centres. Provincial governors gave written notice to district governors' offices, provincial and district police departments and provincial directorates of the Prime Ministry's Disaster and Emergency Management Directorate (AFAD) to round up homeless Syrian refugees and return them to refugee camps. Many refugees flee the camps in search of livelihood opportunities but without a legal work permit, which the government of Turkey has refused to offer, they are restricted to informal labour and begging.¹³ This is seen by local authorities to encourage criminal activity and creates discrimination within town centres and the country as a whole.¹⁴

¹¹ *Turkey: A Minority Policy of Systematic Negation*, International Helsinki Federation for Human Rights, October 2006, < <http://www.refworld.org/pdfid/46963b010.pdf> > ; *Turkey Overview*, Minority Rights Group < <http://www.minorityrights.org/4387/turkey/turkey-overview.html> >

¹² A/HRC/WG.6/21/TUR/3 pg. 4

¹³ *Turkey will not give refugees right to work: Minister*, Hurriyet Daily News, 7 August 2015, < <http://www.hurriyetaidailynews.com/turkey-will-not-give-syrian-refugees-right-to-work-minister.aspx?pageID=238&nID=86642&NewsCatID=344> >; *Syrians in Turkey: Social Acceptance and Integration Research*, Hacettepe University, December 2014.

¹⁴ IDMC interview with Hacettepe University, April 2015

In line with Article 2 of the Convention on the Elimination against Racial Discrimination, international instruments and EU aspirations:

- Could the Government of Turkey describe how ethnic minorities/ ethnic communities not legally recognised by the Government of Turkey are protected under current legislation?
- Could the Government of Turkey confirm that evictions of Syrian refugees are being done in line with international standards?

Article 5: Right to equal treatment before tribunals and all other organs administering justice

12. As specified in the state's report, "Turkey does not discriminate in purpose or effect on the grounds of race, colour, or any other grounds, and individual are not subjected to racial or other profiling or stereotyping. The Government revises the anti-terror law on regular basis with the view to effectively safeguarding fundamental rights and freedoms (...)"¹⁵.
13. The killing of 32 people in a suicide bombing on 20 July 2015, in the Turkish town of Suruc, near the border with Syria sparked an upsurge in violence between the Government of Turkey and the PKK.¹⁶ The attack targeted Turkish Kurdish activists who were preparing an aid mission to Syria to support Kurdish held areas. On 24 July, the Turkish authorities arrested more than 200 people on suspicion of terrorist links, many of them Kurds.¹⁷ The police raids took place in 16 provinces across Turkey.¹⁸ During the security crisis in the 1980s and 1990s arbitrary detentions and raids were used as a tactic to suppress the PKK but often ensnared innocent civilians in the process.

In line with Article 5 of the convention on the right to equal treatment before tribunals and all other organs administering justice:

- What efforts are the authorities undertaking to ensure that racial profiling is not the motivation for arrests in relation to suspicions of terrorist activities?
- What efforts are authorities making to prevent fear of re-displacement or enforced disappearances as experienced during the military operations in the 1990s?

¹⁵ CERD/C/TUR/4-6

¹⁶ International Crisis Group, 3 August 2015, < <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7b5875B08E-4CDC-4879-9179-17AAE2724AEB%7d#results>>

¹⁷ *The Turkish Kurds who want peace – but not at any price*. The Guardian, 11 August 2015 <<http://www.theguardian.com/world/2015/aug/11/turkish-kurds-who-want-peace-but-not-at-any-price>>

¹⁸ *Turkey arrests hundreds amid offensive against IS group, Kurdish militants*, France24, 25 July 2015, <<http://www.france24.com/en/20150725-turkey-air-strikes-is-kurds-syria-iraq>>

Article 5: Right to housing

14. The state's report highlights the continued progress in providing social housing for vulnerable populations by the General Directorate of Social Assistance of the Ministry of Family and Social Policies and TOKI (the Housing and Development Administration).¹⁹ However, there is no mention of IDPs or returnees who have benefited from social or other housing programmes. There is also no information on the current housing conditions of IDPs and returnees
15. Such housing schemes are not available in areas that were evacuated or destroyed during the internal conflict. Many IDPs who wish to return to their villages of origin are unable to do so. This is partly because the 'Compensation Law' which enables IDPs to apply to the government for compensation of losses has been deemed restrictive and ineffective.²⁰ Other obstacles include secondary occupation of properties by village guards who, despite being shown property deeds of ownership by IDPs are unwilling to vacate the property. In order to receive their property back, some IDPs have resorted to 'purchasing' the property from secondary occupants.²¹ Those who cannot afford to do so are unable to return. Lack of infrastructure and landmines have also been noted as challenges to return and/or sustainable return.
16. Village evictions that took place before 1987 and persons who were under 18 when forcibly displaced are not considered eligible for compensation under the 'Compensation law'.²² Additionally, for those who were displaced under the age of 18, repossessing their parent's property is often difficult. Almost half of applications for compensation have been rejected and the amount of money received for destroyed or damaged property has been characterised as a symbolic amount much smaller than the amounts awarded under judgements by the European Court of Human Rights.²³ The deadline for applying for compensation was originally limited to 2010 but was extended until May 2015.²⁴
17. Most IDPs have remained in their place of displacement though limited information is known about their current housing conditions. Research published by the Migration Platform in 2011, indicates that the majority of IDPs fled to urban centres in Adana, Diyarbakir, Mersin, Istanbul, Van and Batman.²⁵ Many lived with more than one family in a single dwelling or shared housing with their extended family mostly as a result of financial hardship. Despite most IDPs having ownership of their current properties, many report environmental or infrastructure problems such as lack or shortage of drinking water, harsh road conditions, lack of easy access to schools and

¹⁹ CERD/C/TUR/4-6 pg. 22

²⁰ *Displaced Villagers Denied Fair Compensation*, Human Rights Watch, 19 December 2006 < <https://www.hrw.org/news/2006/12/19/turkey-displaced-villagers-denied-fair-compensation> > ; IDMC interview with NGOs in Ankara, April 2015

²¹ Ibid

²² *Submission to the United Nations Universal Periodic Review 21st Session*, Migration Platform, 15 July 2014

²³ IDMC interview NGOs in Ankara, April 2015

²⁴ As published in the official Gazette on 18 June 2014

²⁵ *Economic, Social and Cultural Rights: research report for people displaced by force*, Migration Platform, June 2011 (on file with IDMC)

transportation.²⁶ An NGO in Mersin reports that despite the near 20 years since displacement, there are IDPs living in camp-like settings with limited access to public services and running water.²⁷ Government efforts to address these issues have been limited.

In line with Article 5 on rights to housing:

- Have IDPs displaced in the 1980s and 1990s benefited from the government social housing programme? If so, how many and what kind of tenure security do they receive?
- What efforts outside of the Compensation Law have been undertaken to ensure the sustainability of IDP return? Do these efforts include development of infrastructure and restitution of properties seized by village guards?
- How many IDPs have returned and how many continue to live in their return areas?
- What efforts have been undertaken to address the situation of landmines?
- What efforts have been made to improve the conditions of IDPs at their current place of residence, including development/repair of infrastructure? Specifically what efforts have been made to provide adequate housing for IDPs living in makeshift settlements or camps?

Article 5: Right to education and training

18. In the state's report, the Government of Turkey reaffirms that under Article 42 of the Constitution, 'no one shall be deprived of the right to learn and education' and highlights that primary education is compulsory for all citizens of both sexes and is free of charge in state schools. The state emphasises the targeted approach of the government to increase attendance rates of young girls through such programs as 'Come on girls, let's go to school'. However, there is no information made available on the level of attendance for minority children and/or ability to access education despite Article 4 of the Basic Law on National Education which stipulates that educational institutions are open to all regardless of language, race, sex or religion.²⁸

19. Despite these legal provisions, in practice Kurdish students often find it difficult to access education in their own language provided by the state. The number of qualified teachers able to teach in Kurdish is limited. Most often leave impoverished Kurdish areas and migrate to urban centres, which also provide better pay.²⁹

²⁶ Ibid pg 63-68

²⁷ IDMC interview with NGO in Ankara, April 2015

²⁸ CERD/C/TUR/4-6 pg. 23

²⁹ IDMC interview with NGO in Ankara, April 2015

20. This has resulted in many Kurdish communities seeking alternatives to state supported schools, by establishing private Kurdish educational institutions with Kurdish names. Three Kurdish non-governmental organizations established private elementary schools in designated pilot areas in Turkey's Kurdish populated provinces of Diyarbakir, Hakkari and Yüksekova. Schools opened on 15 September 2014, but were immediately closed down by the judicial authorities upon the instruction of the Ministry of Interior. Furthermore, criminal investigations were conducted against school administrators on charges of opening educational institutions without authorisation and committing offences in the name of a terrorist organisation.³⁰
21. On 2 March 2014, the Turkish Parliament adopted amendments to the law permitting education in minority languages, including Kurdish. However, this right is limited to the secondary level in private schools and does not extend to elementary schools or to public schools. The revised Law on the Teaching of and Education in Foreign Languages and the Learning of Different Languages and Dialects by Turkish Citizens bans the provision of the following classes in any language other than the official Turkish language: history, Turkish language and literature, history of revolution and Atatürkism, geography, social sciences, religion and ethics, and other courses related to the Turkish language.³¹ These legislative changes were put into place through amendments made on 5 July 2014 in the Regulation on Private Educational Institutions.³² The revised regulation requires all educational institutions to be given Turkish names, thus banning the opening of private schools with Kurdish names.³³
22. While some studies have had difficulties separating the Kurdish minority population from the internally displaced population, as the data is often grouped together, evidence suggests that there is disparity between rates of attendance for IDP children and the general population. This persists throughout the educational system, with larger gaps at higher levels of education. IDP children also have higher rates of poverty which often influences their ability to access education and lower rates of educational achievement, often having to repeat grade levels. Language is considered to be a major barrier to educational success.³⁴ Further data is needed to fully comprehend the scope and scale of barriers to the educational system for IDP and minority children.

³⁰ *The Kurdish national movement clashes with the Turkish government over civil initiatives to provide alternative education in Kurdish*, Migration Policy Group and Human European Consultancy, 22 September 2014,

<http://www.equalitylaw.eu/index.php?option=com_edocman&task=document.viewdoc&id=2660&Itemid=295

>
³¹ Law on the Teaching of and Education in Foreign Languages and the Learning of Different Languages and Dialects by the Turkish Citizens, no. 2923, as revised on 2 March 2014:

<http://www.mevzuat.gov.tr/MevzuatMetin/1.5.2923.pdf>

³² The Regulation on Private Educational Institutions, as revised on 5 July 2014:

<http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2014/07/20140706.htm&main=http://www.resmigazete.gov.tr/eskiler/2014/07/20140706.htm>

³³ *The Kurdish national movement clashes with the Turkish government over civil initiatives to provide alternative education in Kurdish*, Migration Policy Group and Human European Consultancy, 22 September 2014,

<http://www.equalitylaw.eu/index.php?option=com_edocman&task=document.viewdoc&id=2660&Itemid=295

>
³⁴ *Principle versus practice Poverty and discrimination as barriers to the enjoyment of the right to education for internally displaced children*, IDMC, August 2010 pg. 6

In line with Article 5 and the right to education and training is not limited by race, sex, religion or ethnicity:

- What provisions have been made to encourage Kurdish speakers to become educators in order to provide sufficient, qualified education to those in Kurdish speaking areas?
- What efforts has the government taken to ensure internally displaced children, especially in rural areas, can access schools?
- What efforts have the government taken to ensure non-discriminatory access to education in minority languages where there is sufficient demand?
- What efforts have been made to collect data on enrolment rates of IDP and minority children and their ability to access and excel in the education system?