

In Turkey, the right to freedom of association and unionisation remains under threat

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With their faces wrapped in traditional white scarves, they spend hours in silence at the gates of the country's prisons : more than 45 days outside the Maltepe Prison in Istanbul, and 25 outside Bakırköy on the outskirts of the city. In the last few months these peaceful gatherings have quickly turned into violent clashes with the police, the latest example of the increasing repression against any gatherings organised by Turkey's associations and activists. "The police threaten to tear off their veils and tread on them. They began their sit-in in front of the prisons, without slogans," says Sinan Zincir, a lawyer.

With a cigarette permanently in his hand, he now spends his days between the law courts and the prisons. The lawyer remains by the side of these women, the mothers of Kurdish political prisoners, who have been supporting the hunger strike undertaken by some 3,000 detainees this spring. Their action is in solidarity with [the protest by the Kurdish member of parliament Leyla Güven](#) against the prison conditions faced by Abdullah Öcalan, the leader of the Kurdistan Workers' Party (PKK).

The hunger strike ended on 26 May. But for weeks there were repeated road blocks in the neighbouring streets, tear gas and baton blows, all met with deafening silence by the media. "It is a violation of the most fundamental right in the Constitution of the Republic of Turkey ! [Article 34](#) says that everyone has the right to organise peaceful, unarmed meetings and demonstrations," says Zincir.

Permission to demonstrate denied

The governor of the town of Kocaeli, 100 kilometres east of Istanbul, has officially banned all gatherings outside the prison. The same decision was taken for Bakırköy Prison. "We offered to gather in a different public space in the neighbourhood, but the chief of police told us quite clearly that they had been ordered to stop us and attack us, regardless of where we assembled," Zincir explained to *Equal Times*.

For over two decades, another gathering has been taking place every Saturday, without confrontation, in the heart of Istanbul, on Galatasaray Square, the epicentre of the long Istiklal pedestrian street. 'The Saturday Mothers' have been demanding for years that light be shed on the disappearance of their children, following their arrest and detention, in the 1980s and 1990s.

They have been meeting every Saturday since 27 May 1995. The women always carry a red carnation in their hand and a portrait of their missing child. But last August they were [violently attacked by the police](#). The town's deputy mayor said in a press release that "the demonstration had been advertised on social media networks on accounts linked to the PKK, which is illegal in Turkey, and permission was not requested for the demonstration".

Ever since then, [the Saturday vigils have not been authorised](#), but the group continues to assemble,

in a little street not far from Galatasaray Square, still under the surveillance of dozens of police officers. It is from there that the fragile voice of Emine Ocak resonates, the voice of the women who unwittingly became the symbol of this repression. The photograph of the arrest of the octogenarian was reproduced in all the media. "I have been taking part in the sit-ins on Galatasaray Square for 24 years. I beg you to help me [to get justice]." This mother discovered that her son Hasan, who disappeared after being arrested in 1995, had died, after carrying out her own research to discover the truth. Today she wants those responsible to be identified and brought to justice.

National security and public order offences

These events, like so many others, are taking place against a background of a security crackdown following the attempted coup in July 2013 and the declaration of a state of emergency. "Suddenly, demonstrations were banned, and there were serious violations of the freedom of expression. Thousands of people have been sent to prison for messages they published on social media, accused of belonging to or spreading propaganda for terrorist organisations. There are over 260,000 people in detention in Turkey today, 100,000 of whom were arrested after the attempted coup," says Gülseren Yoleri, a lawyer and president of the Istanbul Human Rights Association (*İnsan Hakları Derneği*, or IHD), which recently published a report on human rights violations in Turkey.

Sitting at his desk, covered in files, Yoleri doesn't have a moment's rest these days. The non-governmental organisation, created in 1986, does not claim any political affiliation. It is largely thanks to the support of the IHD that the Saturday Mothers have been able to continue their sit-ins.

Scenes of police repression multiply, during events as diverse as the International Women's Day march on 8 March and the Gay Pride march in Istanbul, or the young people's protests organised by the Anti-Capitalist Muslims activist group during Ramadan. "Football fans can assemble, religious organisations can hold press conferences outside the courts, but when it comes to Kurds, socialists, women, prisoners' mothers or anyone from the opposition, the state sends in the police and arrests citizens, citing national security or public order offences," Zincar explains.

Unions and workers see their rights restricted

NGOs and political organisations are not the only ones finding it difficult to make their demands heard and exercise their democratic rights. Turkey may well have ratified international conventions, notably those of the International Labour Organization (ILO), such Convention 98 on the right to organise and collective bargaining and Convention 87 on freedom of association and protection of the right to organise, but "there are various legal levers to counteract all forms of collective organisation or strikes, be it via the penal code or the Constitution," explains the researcher Işıl Erdinç, a doctor of political science and author of [*Syndicats et politique en Turquie : les ressorts sociaux du pouvoir de l'AKP*](#) (2002-2015). (*Trade unions and politics in Turkey : the social force behind the AKP's power*).

In the 2000s, political, economic and social life, as well as legal regulations, were shaped by the recommendations and demands of the country's application for membership of the European Union. In 2004, Turkey embarked on a process of labour law reform. The reforms finally came into effect in 2012. But Erdinç believes the reforms are insufficient : "They embody the same spirit of [restricting trade union rights](#) as the previous law".

For this reason, Turkey will be subject to an evaluation study by the ILO for failing to respect international standards in this area. A series of recommendations will be published following the ILO's annual conference in Geneva next week.

There are no workplace union elections in Turkey. Trade unions have to justify a certain representative threshold (being the majority union in the company) to be considered eligible for signing a collective agreement at the shop floor level. But it is also necessary for the union to reach a threshold of representativeness in the sector at the national level. "This representative threshold, for example, was changed by the government in 2012. It went from ten per cent in 1983 to three per cent. That could be seen as progress, but in practice some trade unions are exonerated from this threshold under some conditions," Erdinç explains to *Equal Times*.

The system means that independent unions are at a disadvantage as conditions include participation in the Economic and Social Council. "This council is a tripartite body largely dominated by state representatives. The unions that take part in these meetings are exonerated from the three per cent threshold, they are given de facto representative status, and can therefore sign collective agreements. But when we look at which unions are members of the council, most are confederations belonging to Hak-İş [*author's note : close to the AKP*] and Türk-İş [*author's note : nationalist*]. DISK, the left-wing confederation of revolutionary trade unions in Turkey, has not been granted this exoneration".

It is now officially laid down in law, moreover, that a strike is only legal if it concerns a dispute within an enterprise. Solidarity strikes and political strikes are immediately considered illegal. Another lever is the invocation of 'superior' interests : in 2014, for example, a strike at the [glass manufacturing company Şişecam](#), was suspended by the authorities supposedly on the grounds that it was "[harmful to public health](#)", because it would risk a shortage of medication, if the medication came in glass containers.

More recently, in September 2018, 600 workers on a building site for Istanbul's third airport were arrested, according to [a report by the International Trade Union Confederation \(ITUC\)](#), when a vast strike was launched to protest against their [terrible working and health and safety conditions](#) (according to official figures 52 workers have died on the site). Some 10,000 workers blocked access roads to the site, burning tyres and putting concrete blocks in the way.

"What happened at the airport construction site encapsulates what is happening in Turkey in 2019. Not only the workers' situation but also, from the outset of the project, the choice of location which meant destroying a forest, the choice of construction companies close to the government and the reactions to the workers' most basic requests such as having enough food. There were also bugs in the sleeping quarters and delays in paying their wages," says Arzu Çerkezoğlu, president of the DISK trade union confederation. "The message sent in response by the authorities was addressed to the whole of the working class : if you resist, you will face the same response. Even the president of our union [Ozgur Karabulut] was arrested."

Being a union member means risking dismissal

"The main problem in Turkey is that trade union discrimination is rife in many companies. Workers are dismissed after they join a union. Some workers are threatened by their employers and are forced to leave their union or choose another, pro-government union, if they want to be covered by a collective agreement, for example," explains Erdinç. Yet [Article 25 of Law no.6356 on trade unions and collective bargaining agreements](#), which came into force in 2012, stipulates that "hiring workers cannot be conditional upon membership of a trade union or the leaving of a trade union. The employer cannot discriminate between unionised and non-unionised workers, as regards working conditions and dismissals."

However, union discrimination clearly exists, and is exemplified by the case of workers at Flormar, a

Turkish subsidiary of the cosmetics company that bears the Yves Rocher trademark. In 2018, 132 workers took part in daily demonstrations at the entrance to their factory, for over 300 days. They had been unfairly dismissed for belonging to a trade union. Some, those who chose not to return to the union, were finally given their jobs back. The others got severance pay following a court judgement.

“Our friends at Flormar resisted as much as they could. Their resistance is exemplary,” says Çerkezoğlu at her Istanbul office. “Everything is designed to stop the trade unions from existing : from the behaviour of the employers to the behaviour of the state, by means of decrees and judicial decisions.” According to figures supplied by the confederation, only ten per cent of workers in the country are union members. And when it comes to collective agreements, figures show that only seven percent of workers in the public sector are covered ; in the private sector it’s five per cent.

Many unions have been affected by the loss of members. The Education and Science Workers’ Union, Eğitim-Sen, has lost over a third of its members since the attempted coup d’état in the summer of 2016. “We used to have over 100,000 union members, but now we only have about 70,000,” estimates Yılmaz Yılcı, president of the Kadıköy branch of Eğitim-Sen in Istanbul. Purges have been carried out in the public sector throughout the country since 2016, with nearly 150,000 civil servants and army personnel dismissed or suspended, often after being accused of planning or participating in “attacks on national security”.

They include [4,219 members of KESK](#), the public sector trade union confederation. “With one simple decree law, they have the right to suspend all your rights. Our members cannot teach any more, they have no access to social security. It is a civil death.”

Trade union activities are now seen as suspicious by the authorities, and can even lead to arrests, such as the recent arrest of a member of the KESK executive committee, or even convictions, as in the case of the workers at a Renault factory in Bursa who participated in an unauthorised protest.

Yılcı speaks at length about internal investigations and summonses to appear before the Ministry of Education disciplinary panel. Union members try as best they can to continue with their activities, not without difficulty. “As soon as our demands become publicly visible, the state hardens its tone towards us. The police attack us during our rallies. Our leaders are held in detention.”

As a result, members are leaving the union for fear of the political and social reprisals. “Society has been reduced to silence,” sighs Yılcı. But he hasn’t. When he met *Equal Times* in May he was about to take the train to Ankara where a march had been organised by the teachers’ unions outside the Education Ministry. “We will doubtless be attacked by the police. But we will try anyway,” he explains, with a wry smile.

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