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REPORT
BY MR ALVARO GIL-ROBLES,
COMMISSIONER FOR HUMAN RIGHTS,
ON HIS VISIT TO TURKEY
3-6 December 2001

for the Committee of Ministers and the Parliamentary Assembly

1. Ladies and gentlemen, I am taking advantage of this opportunity to give you a brief account of my visit to Turkey last week (from 3 to 6 December 2001), on which I was accompanied by Mr Bülent Gökay, Head of the Council of Europe Department in the Turkish Foreign Ministry, and two colleagues from my Office, MM. Müller-Rappard and Mora. As I told the Turkish authorities beforehand, I had no intention of making an in-depth assessment of the general situation regarding respect for human rights in Turkey, since that had already been done very recently, on several occasions and on several levels. You are familiar with the results – the findings of the experts appointed to assess Turkey’s compliance with the European Social Charter, the comments of the CPT, our Assembly’s decision to pursue the monitoring procedure in close co-operation with the Turkish Delegation (following its adoption, on 28 June 2001, of Recommendation 1529 (2001) on “the honouring of obligations and commitments by Turkey” and Resolution 1256 (2001) on the same question) and also, of course, your own decision, i.e. the Committee of Ministers’ reply (of 18 November 2001, Doc. 9206, to written question No. 390, Doc. 8964, by Mr Jurgens and others) concerning application by Turkey of the judgments of the European Court of Human Rights. To this should be added certain information published by the Office of the United Nations High Commissioner for Refugees and, above all, the voluminous regular report for 2001 on Turkey’s progress towards membership of the EU (doc. SEC(2001)1756), published by the EU Commission on 13 November 2001, which details the latest developments.

2. The purpose of my visit, the programme of which is appended, was to initiate contacts with the Turkish authorities, and also with representatives of Turkish civil society, so that I could form a personal idea of the scope of the 34 or so amendments made very recently, on 3 October 2001, to the 1982 Turkish Constitution, and particularly the arrangements and timetable envisaged for passing of the necessary implementing legislation, which is now being drafted. The vital thing, of course, is the date from which, and the spirit in which, these constitutional amendments - mostly designed to strengthen the protection and improve the exercise of human rights in Turkey (e.g. reduction in the length of detention on remand, the public use of languages other than Turkish) – will become effective and be implemented in practice.

3. The officials I talked to spoke, in this connection, of a “definite and steadfast” political determination to improve human rights protection in Turkey, but they also, I felt, tempered their optimism with pragmatism, if not actual caution. As they see it, improving the situation – which includes adopting the national legislation needed for that purpose – will chiefly depend on there being no return to the earlier climate of internal violence (this affects certain restrictions on civil and political rights), but also on the national political situation (since government bills have to negotiate a path through shaky parliamentary coalitions), the support and co-operation of civil society, economic recovery (this affects the guaranteed protection of certain economic and social rights), and even the settlement of certain conflicts in the region East of Turkey’s borders (this affects, for example, resumption of a large part of Turkey’s exports to Iraq).

4. I had the impression that this official reading of the situation was shared by Mr Paker, President of the Turkish Economic and Social Studies Foundation (speaking for employers), and largely accepted, too, by Mr S. Çelebi, President of the Confederation of Progressive Trade Unions – DISK (speaking for most of the trade unions). It was essentially criticised and questioned, however, by the NGO representatives whom I met the day before my official talks began. The latter were deeply concerned at the maintenance of various restrictions on civil, political and cultural rights (such as freedom of assembly and expression) in practice. They felt that these restrictions were disproportionate to the security risks faced at present by the “secular and indivisible” Turkish state, and were not justified by any pressing economic and social needs rooted in the current economic crisis.

5. The representatives of the three non-Muslim religious minorities (i.e. Jewish, Armenian and Christian, under the 1923 Treaty of Lausanne) did not raise these particular problems, but they did speak of the complications, and indeed difficulties, caused them by the fact that their communities do not, as such, possess legal personality – which means, for example, that they are not allowed to have bank accounts or accept gifts of land or buildings. [This indeed confirmed the usefulness of the seminar which my Office is holding, this very week, on “church-State relations as regards the exercise of the right to freedom of religion”, on which I shall be saying a few words later.]

6. In response to this information, and to these explanations and arguments, many of them interesting and cogent, I obviously referred to some of my Office’s recent activities, such as the seminars on the role of Ombudsmen in times of crisis, the rights of old people in institutions, or the arrival of foreigners on our member states’ frontiers and, in some cases, their forced return. All of these activities reflect my own deeply-held conviction that a lack of material resources may not be used to justify sundry violations of fundamental rights, including human dignity, and that all restrictions on such rights must be provided for in law, proportional to the aims pursued, and subject to regular monitoring by the authorities concerned, and particularly the courts. I also insisted strongly on the exploratory nature of my first official visit to Turkey, on the need for a rapid transition from a period of violence to one of normalcy, with all the guarantees which that implies, and thus on the need to lose no time in implementing the recent constitutional amendments, and on my own wish to do everything in my power to support the efforts which the Turkish authorities are already officially committed to make in order to promote effective respect for human rights in the country.

7. For this purpose, I proposed that a select seminar be held in Turkey, before summer 2002, on the role and working methods of Ombudsmen in several western countries, the aim being to contribute to public discussion and adoption by Parliament of the bill on this question which it is currently examining. I am counting very much on the active presence of Turkish parliamentarians at this seminar, although I have not yet had an opportunity to discuss this with the Turkish parliamentarians in our Assembly. I also suggested that a second, later seminar in Turkey should look at ways of improving co-operation between the authorities and civil society, for the purpose of protecting human rights in practice. The government and civil society representatives, with whom I raised the matter, all confirmed their willingness to explore this question, and their interest in doing so at a joint meeting – practical details of which have still, however, to be agreed. The fact that these two projects have, in principle, been

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accepted seems to me to augur well for my commitment to promoting and protecting human rights in Turkey. It simply remains for me to ask the Permanent Representative of Turkey to convey my thanks to his authorities for their help and support in organising my recent visit to their country so efficiently.

APPENDIX

Programme of the visit by
Mr Alvaro Gil-Robles,
Council of Europe Commissioner for Human Rights

Ankara and Istanbul, Turkey, 3-6 December 2001

Accompanied by Mr Ekkehart MÜLLER-RAPPARD, Director of the Office, and Mr Fernando MORA, member of the Office

Ankara, Sunday, 2 December

5.30 p.m. Meeting with non-governmental organisations (human rights issues: women, children, migration, freedom of expression, etc.)
Hotel, meeting room

Monday, 3 December

10 a.m. Ambassador Daryal BATIBAY, Director General of Policy, Multilateral Affairs

11 a.m. Mr Uğur ZİYAL, Under-Secretary of State, Ministry of Foreign Affairs

11.45 a.m. Mr Mehmet ALTUNKAYA, Deputy Director, Department of Religious Affairs

12.30 p.m. Lunch hosted by Ambassador Daryal BATIBAY, Director General of Policy, Multilateral Affairs

2 p.m. Mr Mustafa BUMIN, President of the Constitutional Court

3.30 p.m. Professor Himet Sami TÜRK, Minister of Justice

4.45 p.m. Mr Bayram MERAL, President of the Confederation of Trade Unions

5.45 p.m. Mr Can ÜNVER, Director General, Ministry of Labour and Social Security

8 p.m. Private dinner, hosted by the Swiss Ambassador, Mr. K. WYSS-LABASQUE

Ankara and Istanbul, Tuesday, 4 December

9.30 a.m. Mr Ramazan ER, Deputy Director of Security

10.30 a.m. Mr Nejat ARSEVEN, Minister of State for Human Rights

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- 11.30 a.m. Mrs Ionna KUÇURADI, Chair of the National Committee for Human Rights Education Decade
- 12.30 p.m. Lunch hosted by Mrs KUÇURADI
- 2 p.m. Mr Sami GÜNER, President of the Prime Minister's Human Rights Authority
- 4.30 p.m. Departure for Istanbul
- 7.30 p.m. Meeting with MESROB II, Patriarch of the Armenians of Istanbul and Turkey, and dinner hosted by him

Istanbul, Wednesday, 5 December

- 11 a.m. Mr Bensiyon PINTO, President of the Jewish Community of Turkey
- 12.40 p.m. Patriarch BARTHOLOMEW, Greek Orthodox Church
- 3 p.m. Mr Can PAKER, Association of Industrialists and Businessmen of Turkey
- 5 p.m. Mr Süleyman ÇELEBI, President of the Confederation of Progressive Trade Unions of Turkey

Istanbul, Thursday, 6 December

- 10 a.m. Lecture at GALATASSARAY University and media question session
- 3.20 p.m. Departure for Frankfurt
- 8 p.m. Strasbourg