

Republic of Turkey

Education International – Submission to the UN Universal Periodic Review

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Education International (EI) – the world’s largest Global Union Federation representing over 30 million education workers through 401 member organisations operating in 172 countries and territories – hereby lodges a submission for violations of the principles of freedom of expression, association and assembly and the right to collective bargaining by the Government of Turkey. This submission focuses on the situation of the teacher union EGITIM-SEN. Teacher unionists are regularly dismissed, arrested and detained. The interference of the authorities in union affairs prevents the functioning of the union. The arrest, detention and condemnation of teacher unionists because of their trade union activities are not only serious violations of human rights, but also create an atmosphere of fear prejudicial to civil society development in Turkey.

1. BACKGROUND AND FRAMEWORK

Constitutional and legislative framework

Articles 33 and 34 of the Constitution support the right to freedom of association and assembly. Article 53 supports the right to collective bargaining. Article 42 supports the right to education. All these articles are violated in law and in practice by ministries' orders.

Teacher union context

Full trade union rights have yet to be established in Turkey. There are improvements to the legal framework on freedom of association, but the rights to organise, to strike and to bargain collectively still need to be brought in line with EU standards and ILO conventions. Unions are still being thwarted in their organising efforts, and/or by massive lay-offs of their members and dubious court cases and arrests of their leaders. Strikers and peaceful demonstrators face excessive police violence.

2 IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Restriction on freedom of association

Restrictions to freedom of association and collective bargaining for teachers in the public sector in Turkey:

- Sections 3(a) and 15 of Act No. 4688, the Public Employees' Trade Unions Act (PETU), deny several categories of public servants the right to organise.
- As far as the public sector is concerned, the PETU does not mention the concept of collective bargaining. Instead, it provides for what is called "collective consultative talks". The PETU defines in detail what these can cover, but the list is restricted to financial issues, covering salaries and other allowances, compensation and bonuses. This falls far short of the definition of collective bargaining contained in ILO Convention 98, and in practice leaves the power of decision making with the government.

- Bill No. 2821 (the Trade Unions Act) still contains various detailed restrictions on the right to strike.
- There is still no formally recognised right to strike for the public sector, despite a revision of the PETU in 2005. The ILO has repeatedly stressed that sections 29 and 30 of Act No. 2822, concerning the right to strike, are incompatible with the Convention.

In 2004, the Attorney General of Ankara initiated an attempt to shut down the organization on the grounds that EGITIM-SEN's statute contained the statement "...the defence [of the right] of individuals to receive education in their mother tongue." Facing closure following the decision of the Supreme Court in May 2005, EGITIM-SEN was forced to remove the statement from its statute.

The harassment, arrest and detention of trade union leaders and activists because of their legitimate democratic activities are serious violations of international human rights law, including the International Labour Organisation convention 87 on freedom of association, ratified by Turkey in 1993. During the last International Labour Conference that took place in June 2009, the ILO Committee on the Application reminded the representatives of the Turkish authorities of their obligations and urged your Government "to take all necessary measures to ensure a climate free from violence, pressure or threats of any kind so that workers and employers could fully and freely exercise their rights under the Convention."

Restriction on freedom of assembly

Unions must obtain official permission to organise meetings or rallies, and must allow the police to attend their events and record the proceedings.

On 4 March 2007, the union premises of the Sakarya branch of EGITIM-SEN were attacked and set on fire. The investigation showed this had been done intentionally.

On 21 and 22 October 2008, the Denizli Branch of the union was attacked by the police, which proceeded to confiscate a large number of documents.

On Thursday 28 May 2009, the Turkish police forces launched operations in the KESK (Turkish Confederation of Public Services) headquarters in Ankara and in the KESK local branch offices in Izmir, Istanbul, Van and Manisa. 35 KESK and EGITIM-SEN members were arrested, including members of administrative boards of EGITIM-SEN local branches, a member of the EGITIM-SEN executive board, and both Women Secretaries of EGITIM-SEN and KESK, Gulcin Isbert and Songul Morsümbül. Documents and computers were seized by the police.

Arrested trade unionists were transferred to the Izmir local court for investigation. They were arrested on the basis of the anti-terrorist legislation. Six unionists were released the same day after having their statements taken by the police. Others were released on the following days. However, 14 union officials have remained in custody.

A second wave of arrests occurred on 16 June 2009, when eight of the leaders and members of KESK and EGITIM-SEN who had been released were arrested again. The Women Secretaries of EGITIM-SEN and KESK were among them. In total, 22 trade unionists remain in detention (see list in appendix). In addition, 10 other KESK members and leaders were already in prison before that time, which brings the total number of detained trade unionists to 32.

The trial of the KESK and EGITIM-SEN unionists arrested in May and June will take place in Izmir on 19-20 November 2009.

On 5 June 2009, marching columns of EGITIM-SEN members who had departed from all over Turkey reached Ankara to demand collective bargaining rights for public servants.

Intending to march to the building of Ministry of National Education, the trade unionists were assaulted by the riot police, who employed tear gas. Some teachers, including at least one member of EGITIM-SEN's National Executive Board, were beaten and wounded, and taken to hospital. At least one teacher required surgery.

On 17 September 2009, Onder Dogan, president of the Sivas branch of EGITIM-SEN, and Nejat Sezginer, president of the Sivas branch of the transport union BTS (ITF affiliate), went on trial in Erzurum. They were detained since last February. They faced charges of 'assisting and supporting a terrorist organisation'. Nejat Sezginer was released on bail; Onder Dogan remains in prison. This case was dealt under secrecy; the lawyers did not have any access to the files.

Restriction to Freedom of Expression

In October 2008, EGITIM-SEN had its website blocked by the authorities. The union was also prevented from using the clipboards intended for trade union posters and announcements in most public institutions, in particular the ministries of Justice, Labour and Social Security, Health and Education, which are held by the ruling party AKP. Furthermore, a great number of EGITIM-SEN branch leaders and members have been transferred to other posts, and often other cities, owing to their participation in union activities.

3. RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Ask government of Turkey to:

- review all cases of detained trade unionists with a view to their release.
- respect the fundamental trade union rights of workers' organisations like EGITIM-SEN and KESK and stop impeding their activities.
- bring laws and practices in line with international human rights standards.