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ERRC report on Turkey
For the 2010 EU Progress Reports

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1. Human rights and anti-discrimination law

Turkey has not yet ratified Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, providing for a general prohibition of discrimination.

Turkey has also failed to adopt a comprehensive anti-discrimination law in line with European Directive 2000/43/EC which deals with racial and ethnic discrimination, though certain progress has been made in this direction. On 13 November 2009 the Government drafted a law proposal, Combating Discrimination and Establishing an Equality Council, and sent the draft to the bar association, academics, experts and NGOs for their opinion. The draft includes race and ethnicity among the prohibited grounds of discrimination. The draft received a positive response from human rights circles. On 17 March 2010, the Government announced that the draft had been transformed into a law proposal, however at the time of submitting this report the proposal had not yet been submitted to the parliament.

Turkey has still not recognised Roma as a minority group and as such do not benefit from the rights and protections afforded minorities in law such as minority language education; the concept of minorities is still officially linked strictly to the Lausanne Treaty of 1924.¹

Discriminatory legal provisions targeting Roma still exist in Turkey: Article 21 of the Law on the Movement and Residence of Aliens No 5683 which authorises "the Ministry of Internal Affairs to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture" is still in force in Turkey. However, on 25 March 2010 an MP, Ali Koyuncu, submitted a proposed legal amendment which suggests the removal of this paragraph. The proposal was accepted by the Parliamentary Commission and was presented to the Plenary of the Grand National Assembly on 25 May 2010; the proposal is currently pending.

Amendments from 2006 eliminated explicit references to Roma in the Law on Settlement No 2510;² however, Article 48 of the amended Law of Settlement No. 5543 contains vague formulations which may be open to discriminatory application. It reads: "Those foreigners who are not descendants from Turkish ancestry or not bound to the Turkish culture as well as those who are of Turkish ancestry or bound to Turkish culture that were expelled and those who are deemed to be unsuitable to enter Turkey for security reasons are not accepted to Turkey as migrants."³

2. Political developments

¹ The Lausanne Treaty was signed after the World War I, on 24 July 1923 between Turkey on the one part and the British Empire, France, Italy, Japan, Greece, Romania, and the "Serbo-Croat-Slovene" State on the other. It is considered as the "founding treaty" for the Republic of Turkey. Full text of the Treaty available at: <http://www.lib.byu.edu/~rdh/wwi/1918p/lausanne.html>

² Before its amendment, the law stated: "those that are not bound to the Turkish culture, anarchists, migrant gypsies, spies and those that have been deported, are not recognized as migrants".

³ Danko, Anita. "Institutional and Legal Framework for Protecting Roma Rights in Turkey" in "We Are Here!: Discriminatory Exclusion and Struggle for Rights of Roma in Turkey", ed. Savelina Danova. ERRC/hYd/EDROM, Istanbul, 2008.

Turkey has not adopted a comprehensive strategy to address the situation of Roma in the country; nor has it joined the Decade of Roma Inclusion despite calls from civil society. However, at a political level there were several positive developments in Turkey during the period. At the end of 2009, the Turkish Government finally included Roma as a target group within campaigns (or "openings" as the Turkish media calls them) ongoing since 2008 forming part of a "democratisation project"; previously Roma had been excluded while the Kurdish population and Alevites were included.

On 16 November 2009, MP Koyuncu organised a meeting in Ankara with Romani NGOs to discuss the situation of Roma in Turkey; 14 Romani NGOs attended this meeting⁴ and discussed the problems of their communities. This meeting also served as a preparatory meeting for a wider meeting hosted by State Minister Faruk Celik. On 22 November 2009, Prime Minister Tayyip Erdoğan delivered a speech and stated that the government will develop plans to address the problems of Roma in Turkey. On 10 December 2009, State Minister Faruk Çelik, Ali Koyuncu and Nursuna Memecan (MPs) hosted the First Roma Workshop with the participation of about 120 representatives of Romani, Dom and Lom associations.

The most recent step of this process occurred in Istanbul on 14 March 2010 when Prime Minister Erdoğan met with approximately 15,000 Roma from around the country. During this gathering, the Prime Minister again declared that the Turkish government will address the problems of Roma, prioritising housing, and that the government will not tolerate discrimination against Roma. In the days following the gathering, the government announced the establishment of a Roma Research Centre at the Aydin Adnan Menderes University; the Centre is expected to open in early autumn of 2010.

3. Violence against Roma

During the period, the ERRC documented a significant anti-Romani attack in the Selendi suburb of Manisa on the Aegean coast: on 6 January 2010 around 1,000 people attacked Romani settlements in Selendi. Tensions started when a Romani person was told "No tea for Gypsies" in a coffee shop on New Year's Eve. The tensions eventually turned into a fight in which houses, tents and vehicles of local Roma were torn down or set on fire. The attackers shouted slogans like "Selendi belongs to us and it will remain ours" and "We don't want Roma in Selendi."

The gendarmerie brought the families living in the Romani neighbourhood to the district of Gördes to spend the rest of the night at the homes of other Romani families. A total of 74 people were taken to Gördes, among them 15 children and 20 women. In following days almost all of the victims were relocated to Salihli, a nearby town. The Salihli District Governor's Office rented houses for the Selendi victims for a six month period and gave each family a one-off 1,000 Turkish Lira (approximately 500 EUR) payment when they arrived in Salihli. Some of the victims found temporary jobs in Salihli; however, according to a local lawyer they all are facing serious financial problems. The Selendi victims will face a new challenge in June 2010 when they are supposed to start paying rent.

The ERRC, accompanied by a local lawyer, visited the affected Roma in Salihli on 25-26 January. Most of the victims complained about the inadequate response of the police during the events, stating that the police did not intervene effectively to stop the mob. They were reportedly only saved in the last minute by the Gendarmerie.

As of 28 May 2010 no criminal case had been filed regarding the Selendi events. According to the local lawyer, the local prosecutor is still working on the file and expects to submit the indictment to the court in a few weeks.

⁴ EDROM, Lüleburgaz Batı Trakya Romanları Kültür Yardımlaşma Derneği, Mersin Romanlar Derneği, Keşan Roman Kültürünü Araştırma Derneği, Kırklareli Roman Kültürünü Koruma Derneği, İzmir Çağdaş Romanlar Derneği, Romankara, Muratlı Romanlar Derneği, Artvin Lom Derneği, Hatay Dom grubu, Bergama Kadınları Roman Kültürünü Tanıtma Derneği, Dikili Romanlar Derneği, İzmir Romanlar Derneği and Bursa Romanlar Derneği

4. Update on Sulukule

A number of urban renewal projects have adversely affected Romani communities in various cities in Turkey. The situation in Romani quarters in Istanbul's Sulukule neighbourhood has received the most attention, where approximately 5,000 Roma were displaced from their homes which have since been destroyed; Sulukule was one of the oldest Romani settlements in Europe. Within an urban renovation project, Fatih Municipality started to demolish buildings in early 2008 and the final stage of the demolition campaign was launched in early May 2009; by the end of May 2009 the Sulukule neighbourhood was almost entirely flattened. The ERRC and its partners in Turkey, the Helsinki Citizen's Assembly (hCa) and Edirne Association for Research of Romani Culture and Solidarity (EDROM) supported a court case launched on 31 December 2007 at the Istanbul Administrative Court on behalf of several Romani residents of Sulukule aiming to cancel the urban renovation project against Fatih Municipality and the Ministry of Culture and Tourism.

The first and only hearing in the case was held on 4 March 2009 in Istanbul before the Istanbul 10th Administrative Court. However, the court decided in early May to transfer the file to Istanbul 4th Administrative Court to connect it with a similar case litigated by the Chamber of Architects and City Planners. The lawyer handling the case on behalf of the ERRC notes that the transfer of the case violates the right to fair trial because it was at the final stage and the ruling was expected when the transfer was ordered and because oral arguments made in the initial court lost their legal value in the transfer. Istanbul 4th Administrative Court instructed a group of experts to conduct a site visit to Sulukule on 13 November 2009 and ordered them to submit a report within one month after the site visit. However, as of 28 May 2010, the report has not been submitted to the Court. On the other hand, despite the pending case, Fatih Municipality started the construction of the new housing project in Sulukule on 6 May 2010. The ERRC and the local lawyer filed this case with the European Court of Human Rights on 20 May 2010 claiming the violation of Articles 1 (general provision), 6 (right to a fair trial), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention of Human Rights and Article 1 of the Additional Protocol 1 (protection of property).