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Turkey's Human Rights Record Impedes European Integration

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Turkey has received a great deal of attention lately as a result of its unsuccessful efforts to join the European Union (EU). European leaders have indicated that before Turkey can join, it must improve its human rights record. This article will examine the relationship between human rights issues in Turkey and its ability to meet international standards necessary for membership in the EU.

Historical Background

The Republic of Turkey was created out of the rubble of the Ottoman Empire when it was broken up following World War I. The 1920 Treaty of Sèvres which settled the peace between the Ottoman Empire and the victorious Allies established that the Empire would be dismembered, dividing up some ethnically Turkish areas and allowing for the creation of an independent Armenia and Kurdistan. Before the treaty was even signed, however, Turkish nationalists, led by General Mustafa Kemal (Atatürk), began a rebellion against the Ottoman government and the British and Greek occupation forces to oppose the division of Turkish lands. The fighting lasted for three years and forced the Allies to renegotiate, resulting in the 1923 Treaty of Lausanne, under which the Allies recognized the present-day boundaries of Turkey and the idea of an independent Kurdistan was abandoned.

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Atatürk became the Republic's first leader, and instilled the guiding principle that Turkey should be a secular, modern democracy. His initial policies included radical programs aimed at modernizing Turkish political and social structures, such as adopting a secular legal code based on European civil code systems, abolishing the Sultanate and the caliphate, and banning the wearing of the fez, which was associated with the Ottoman Empire.

Despite radical measures adopted by Atatürk aimed at assimilation of all peoples into a Turkish national identity, he is revered by most Turks because his attempts at modernization and secularization were successful in making Turkey a reasonably stable and developed democratic nation. Many of the Kurdish people, however, who make up nearly one-quarter of the population of Turkey, continue to be resentful that their culture and languages have been repressed for so long.

Turkey is a parliamentary democracy, but in the past 70 years there have been several bouts of political instability during which the military has seized control. Each time, after a period of brutal authoritarian rule, the military has surrendered control to the elected government. The last of these seizures took place in 1980 and ended with an elected civilian government taking control in 1983. Since then, Turkey has remained democratic, although the military remain an important and influential force in politics, particularly in issues of national security and domestic order.

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Because of the country's strategic location at the junction of Europe and Asia, it became a NATO member and a valued ally to Europe and the United States during the Cold War, and little attention was paid to Turkey's poor human rights record. Even after the end of the Cold War, these close relations have continued because Western countries need an ally in the Middle East to counter hostile regimes in Iraq and Syria. They also want to support a secular nation that sets an example for extreme fundamentalist nations. With its recent efforts to join the European Union, however, Turkey has turned the spotlight on its domestic unrest and its human rights record.

Human Rights Concerns

Many of the current human rights problems in Turkey can be linked to the longstanding "Kurdish problem." Since 1982, Turkey has been fighting an armed rebellion by the Kurdistan Workers' Party (PKK), the most radical of several Kurdish parties in Turkey, which advocates independence for Kurdistan. The Kurds number 23 million around the world, and over half live in Turkey. They are frequently described as one ethnic group, but more accurately, the Kurds are the descendants of several ethnic groups that have historically occupied the lands known as Kurdistan, which encompasses the remote

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mountainous areas around the borders separating Turkey, Iraq, and Iran.

The Kurds have long resented their inclusion in a greater Turkey and the "Turkification" that was forced on them after the creation of the Republic. In 1930, as part of his efforts to sow national unity, Atatürk banned the use of the Kurdish languages and did not allow Kurds to be recognized as distinct from the Turkish people. Until 1989, the term "Kurd" or "Kurdish" was never used by the government or in the media, and Kurds were referred to simply as "Mountain Turks."

Whether or not one sympathizes with the Kurdish claim for self-determination or for greater cultural rights, it is clear that the armed conflict which has raged since 1982 has raised significant human rights concerns. Members of the PKK believe that any means used to bring about independence for Kurdistan are justified, and have frequently resorted to terrorist activities aimed at both civilian and government targets. The government's response to this has been to destroy completely any village suspected of harboring or sympathizing with the PKK. To date more than 14,000 villages and hamlets have been destroyed, causing countless casualties and displacing millions of people.

While there is no doubt that violations of humanitarian law have occurred on both sides in this conflict, NGOs such as Human Rights Watch report that the vast majority of these violations have been committed by the government in its efforts to put down the insurgency. When the conflict began, the PKK, a radical Marxist party, had only limited support among the Kurdish population, but the government's brutal repression of anyone suspected of affiliation with the party has made many Kurds much more sympathetic to the PKK and amenable to its policies.

> The ongoing conflict has damaged Turkey's economy and international reputation, and has created millions of poor, disaffected, and displaced refugees.

Recently, Turkey has been criticized for the routine use of torture by the Turkish armed forces in interrogations of PKK members and sympathizers. Amnesty International has reported that over 400 detainees have been tortured to death since 1980. Human rights workers, journalists who report on the civil war, and doctors who attempt to provide medical care to wounded Kurds also are frequently arrested and tortured. During this decade, disappearances have also become common. The UN Working Group on Enforced or Involuntary Disappearances reported that in 1994, there were over 50 disappearances in Turkey, more than in any other country.

Photo courtesy of Amnesty International

Disappearances have become common in Turkey. Here, Hanim Tosun protests the disappearance of her husband, who was last seen in the custody of plainclothes officers outside his home in Istanbul in October 1995.

Although Turkey is a democracy, it lacks many of the political freedoms expected in European countries. For example, although it guarantees general freedoms of opinion and expression, the 1982 Turkish Constitution provides that no protection is given to "thoughts or opinions contrary to Turkish National interests, the principle of the existence of Turkey as an indivisible entity with its State and territory, Turkish historical and moral values, or the nationalism, principles, reforms and modernism of Atatürk." Article 28 of the Constitution further establishes that the press is not free to publish news articles that "threaten the internal or external security of the state."

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These principles are the justification for provisions in the Turkish Penal Code and the Anti-Terror Law that prohibit any words or actions which might promote separatism or threaten the unity of the state, and these provisions have provided the Turkish military with its best weapon against not only the PKK, but also political activists, human rights workers, members of the press, and even authors of literature. In March 1994, for example, Leyla Zana, the first Kurdish woman ever elected to the Turkish Grand National Assembly (the parliament), was arrested and charged with violations of the Anti-Terror Law. Mrs. Zana is not a member of the PKK, but belongs to a competing Kurdish party that advocates peaceful resolution of the Kurdish problem. Her "crimes" included appearing before the Helsinki Commission of the U.S. Congress to criticize Turkey's violent suppression of the Kurdish minority and to garner support for her party's peaceful struggle in Turkey. For this work, the European Parliament awarded her the 1995 Sakharov Peace Prize and Turkey sentenced her to fifteen years in prison.

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At this point, the conflict with the Kurds seems intractable. The Turkish government and particularly the influential military fear that making any concessions to the Kurds will threaten the continued existence of the Turkish state. Yet the ongoing conflict has damaged Turkey's economy and international reputation, and has created millions of poor, disaffected, and displaced refugees.

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The European Union

The primary requirements for membership in the EU are that a country must be European, must be a democratic system that respects human rights, and must be capable of maintaining the political and economic obligations of a member state. Turkey applied for membership in the European Economic Community in 1959, and in 1963 was granted an associational membership, with a view toward full membership in the future. Turkey still has not attained full membership, but recently entered into a Customs Union with Europe and continues to press its case. The EU has indicated that membership is unlikely in the near future given Turkey's human rights record, and in fact, has withheld aid promised to Turkey under the Customs Union agreement, claiming that Ankara has not complied with its pledge to improve its human rights situation.

Turkey is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In 1989, Turkey accepted the compulsory jurisdiction of the European Court of Human Rights, and since that time, several decisions have found violations of these conventions by Turkey. The most important of these decisions was issued in September of 1996 in the *Akdivar* case, in which the Court held that the government had violated the property rights of Kurdish villagers when soldiers destroyed virtually all the homes in the village of Kelekci, in Southeastern Turkey. Later in 1996, a decision was issued in the *Loizidou* case finding that Turkey had violated the property rights of a Greek Cypriot who has been excluded from her home in northern Cyprus since Turkey invaded and occupied the northern one-third of the island in 1974.

> When asked about the denial of EU membership to Turkey, European politicians will invariably cite human rights concerns. While the concern is genuine, this response might also be triggered by the fact that human rights is a more politicially correct reason than the many other reasons for Europe to doubt Turkey's ability to uphold the obligations of a member state.

Conclusion

When asked about the denial of EU membership to Turkey, European politicians will invariably cite human rights concerns. While the concern is genuine, this response might also be triggered by the fact that human rights is a more politically correct reason than the many other legitimate reasons for Europe to doubt Turkey's ability to uphold the obligations of a member state. A more honest response might cite Turkey's financial instability, particularly its very high inflation rate; the animosity between Turkey and Greece, which is already an EU member, over Cyprus and other issues; and fear that open immigration between Turkey and other member states would result in a flood of immigrants because of the Kurdish conflict and because Turkey's standard of living is still lower than most member states. In addition, there may be some legitimacy to the claim by Turkey that the EU is afraid to admit a country which is over 99% Islamic, even if it is a secular state.

Even if human rights are not the EU's primary concern, international criticism, coupled with Ankara's strong desire to join the EU, may provide Turkey with an incentive to improve its human rights standards. Turkey's efforts to woo Europe have so far resulted at least in superficial improvements such as the creation of a parliamentary commission on human rights, although the effectiveness of this commission is far from apparent at this point. In 1995 Turkey also amended the much-criticized Article 8 of its Anti-Terrorist Law to lower the penalties and raise the burden of proof to require that the prosecutor at least prove seditious intent. Because the amendment was retroactive, over 100 prisoners were released just before the European Parliament was to vote on whether to approve the Customs Union with Turkey. These 100 prisoners represent a mere fraction of the total number still imprisoned under the Anti-Terrorist Law, but their release is certainly a step in the right direction.

> It is clear that there are legitimate concerns about the ability of Turkey to live up to the human rights standards expected among European nations.

The outcome of the struggle for human rights is crucial to Turkey's future. The Turkish people, for the most part, see themselves as Europeans and resent the constant criticisms of their internal politics. It is clear, however, that there are legitimate concerns about the ability of Turkey to live up to the human rights standards expected among European nations.