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Educating Syrian Refugees in Turkey

February 17, 2016

by Rudy Williams

As of November 2015, two-thirds of Syrian refugee children in Turkey are receiving no formal education, according to [Human Rights Watch](#) (HRW). Although Turkey has been generous in its efforts to accommodate refugees during this crisis, Turkey has struggled to ensure that Syrian school children have the access to education they are entitled to under international law. [Shaza Bakart](#), founder of a Syrian temporary education center in Istanbul, states that “If a child doesn’t go to school, it will create big problems in the future—they will end up on the streets, or go back to Syria to die fighting, or be radicalized into extremists, or die in the ocean trying to reach Europe.” Turkey hosts more than [two million Syrian refugees](#), including 708,000 school-aged children. More than 400,000 do not receive any formal education. [AFAD](#), the Disaster and Emergency Management Presidency of Turkey, has spearheaded efforts to meet the needs of Syrian refugees, the majority of whom are [women and children](#). Of the 200,000 refugees in Turkish camps, 60% are children.

Prior to the conflict, the primary school [enrollment rate in Syria was 99 percent](#) and lower secondary school enrollment was 82 percent, with high gender parity. In Turkey’s government-run refugee camps, approximately [90 percent of school-aged Syrian children](#) regularly attend schools. However, these children represent just 13 percent of Syrian refugee school-aged population in Turkey. The vast majority of Syrian children in Turkey live outside refugee camps in towns and cities, where their school enrollment rate is much lower—in [2014-2015 only 25 percent of them attended school](#).

One of the immediate challenges is physically establishing the schools. In [Islahiye camp](#), the government erected large tents in a former warehouse, with concrete walls blocking the sun and heat, and electric lights to compensate for the darker locations. Attempting to sanction and recognize camp schools has only exacerbated the problem, leading to a lack of licensed Turkish teachers in camps. Camps instead rely heavily on volunteers from among the refugees themselves. As volunteers, [they are not bound by set schedules or any particular curriculum](#), so their time and instruction with the children is often inconsistent. One of the principal challenges has been the lack of Syrians who speak Turkish, and Turks who speak Arabic, which directly affects the assigned curriculum. Not only do the camp schools lack structure, but they also lack resources needed to keep up with Turkish schools. Furthermore, Syria will not accept the language and curriculum of the camp schools.

In order to remedy these issues, according to the [HRW](#), Turkey has taken several steps to meet its legal obligations by lifting legal barriers to Syrian children’s access to formal education. In 2014, for example, the government lifted restrictions requiring Syrians to produce Turkish residency permit in order to enroll in public schools, instead making the public school system available to all Syrian children with a government-issued ID. In addition, Turkey has begun to accredit a parallel system of temporary education centers that offer an Arabic language curriculum approved by the education ministry of the Syrian Interim Government. However, for all its efforts, Turkey

has not yet succeeded in making education available to most Syrian refugee children, especially those living outside the camps.

Turkey is a party to numerous international treaties guaranteeing the right to access to education, including International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)), the Convention on the Rights of the Child ([CRC](#)), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the European Convention on Human Rights (ECHR). The [CRC](#) states that “state parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall . . . receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.” Based on the difficulty in receiving an education faced by school-aged Syrian refugees, Turkey may be falling short of its obligations under international law.

ICC Investigates Possible War Crimes in Georgia

March 22, 2016

by Summer Woods

The International Criminal Court (ICC) has authorized an investigation into possible war crimes perpetrated during the 2008 conflict between Georgia and Russia. This will be the ICC's first investigation outside of the African continent. The ICC approved the prosecutor's request on January 27, 2016, more than seven years after the conflict ended. [More than 6,000 victims](#) have made representations to the Court for crimes against humanity including unlawful civilian killings, forcible transfer of populations, destruction of property, and intentional attacks against peacekeepers.

Georgia ratified and implemented the [Rome Statute](#) in 2003. Therefore, it is [obligated to cooperate](#) fully with the Court. Russia, however, has not accepted the jurisdiction of the ICC, so is not bound by the same obligations outside of specific rules that grant the Court jurisdiction to investigate potential war crimes committed during the conflict in Georgia. The Georgia case is the Court's [tenth situation](#) under investigation and while there are many other countries where investigations are merited, the ICC financing is under pressure due to the strict budgets of some governments.

On January 29 of this year, Moscow said it would cooperate with the ICC's investigation and released a statement urging the court to interview people affected by the potential crimes in [South Ossetia](#). The spokesman for the Russian Investigation Committee, Vladimir Markin, said the committee has already investigated alleged crimes committed by the Georgian military, and has provided over [30 volumes of documents](#) to the ICC.

The majority of those crimes allegedly occurred in South Ossetia, which is officially a region of Georgia. It is inhabited mostly by Ossetians, who are ethnically and linguistically distinct from other peoples in the region. North Ossetia, however, is separated from the South by an international border, situated within the Russian Federation. In August 2008, conflicts emerged between the Georgian army and separatist South Ossetian forces. By [August 10](#) of that year, Russian troops intervened on the side of South Ossetia to protect ethnic Russians in the region. The parties negotiated a ceasefire within two days, though both sides allege that crimes continued subsequently. Russia agreed to withdraw its forces two months later, on October 10, 2008.

During the course of the conflict, around a thousand people died from the violence and thousands more Georgians lost their homes. The Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCM) attempted to give more exact numbers, finding that 850 civilians were killed while upwards of 100,000 were forced to flee from their homes. ICC prosecutors have introduced evidence specifically related to the South Ossetia region, finding up to 113 ethnic Georgian civilians were killed and up to 18,500 were forced from their homes.

In 2008, the ICC Office of the Prosecutor started preliminary examinations, while the conflict was still ongoing. However, a lack of cooperation between Russian and Georgian investigative authorities complicated the process. Furthermore, Georgian authorities have been unable to conduct investigations into South Ossetia, where the most serious crimes occurred. The ICC is often a court of last resort, and, as FIDH suggests, it is likely that the ICC has stepped in now, [seven years later](#), after the continued inability or unwillingness of national authorities to conduct their own investigations.

Furthermore, this case represents two significant firsts for the ICC: it is the Court's first investigation into a situation outside of the African continent, as well as the first time the alleged crimes of a major power, Russia, have fallen [under investigation](#). This case may therefore have a substantial impact of the perception of the ICC in the future, particularly in regards to accusations of [racial bias](#) towards African countries and [favoritism](#) for Western states.

Commentators remain divided on the significance and purpose behind the opening of the investigation. One commentator stated it illustrated the ICC's willingness to tackle "[politically sensitive conflicts](#) involving powerful actors," while others stated that the case only moved forward because [after seven years](#), the case demanded it.

According to Human Rights Watch (HRW), the ICC should start broad public information campaigns in order to advance its mandate to establish individual criminal responsibility. While this could be a strain on already limited resources, a senior counsel at HRW said that, "The court and its member countries should face reality about what the ICC will need in resources, in cooperation, and in political support to deliver its mandate in this [changed landscape](#)." In particular, the scope of cooperation could be tested by Russia's evolving involvement as—according to foreign ministry spokesperson [Maria Zakharova](#)—Moscow is convinced that "the ICC prosecutor has placed the blame with South Ossetians and Russian soldiers, taken the aggressor's side, and started an investigation aimed against the victims of the attack." Because of these lingering suspicions, the ICC needs to be careful in its approach and fairly target all sides of the conflict in an impartial manner.

Human Rights Situation in Turkey

April 29, 2016

by Summer Woods

According to Human Rights Watch (HRW), the human rights situation in Turkey dramatically worsened in 2015 following the breakdown of the [Kurdish peace process](#), a sharp escalation of violence in the southeast, and a crackdown on media and political opponents of the ruling party.

This trend seems to only be continuing this year and, according to a [senior Turkey researcher](#) at HRW, “Turkey’s trajectory is toward authoritarianism and the dismantling of all checks on the power of its leaders.”

The [human rights situation deteriorated](#) significantly following parliamentary elections in June and the outbreak of violence between the Kurdistan Workers’ Party (PKK) and the Turkish armed forces in July. Following these events, the government heavily pressured the media to limit their online and print coverage. The government targeted, threatened, and physically attacked mainstream journalists, who often lost their jobs after criticizing the government. This is especially true of those who were predominantly covering the Kurdish southeast.

One specific example of the current state of restrictions on the media and reporters in Turkey is the case of Can Dündar and Erdem Gül, journalists for a Turkish newspaper. The two journalists were charged with obtaining and revealing State secrets for the [purpose of espionage](#). The evidence against them consists of a report about arm shipments to Syria, which included photographs and videos from a shipment in January 2014. Dündar and Gül were arrested on charges of spying, and they were detained from November 2015 until this February. If convicted, they face life in prison. On March 25, a court ruled to close the criminal trial on the grounds that some of the evidence pertained to state secrets.

Turkey is a party to the European Convention on Human Rights and, therefore, the [right to a fair trial](#) as articulated in the Convention is binding on Turkey. The court’s decision to hold hearings in secret limits defendants’ right to a fair trial, and ignores the rulings of the European Court of Human Rights that any exclusion of the public from a trial must be exceptional and narrowly tailored to balance national security with the public interest in justice.

Furthermore, there has been controversy over similar allegations about the extent of Turkey’s involvement in the Syrian conflict. Four prosecutors were arrested and have been put on trial after investigating the situation reported by Dündar and Gül. The prosecutors acted on anonymous tips and attempted to examine the contents of the trucks against the authority of the Justice Ministry.

This response to the prosecutors’ attempt to investigate the arms transfers, and Dündar and Gül’s reporting thereof, demonstrate the government’s intention to prevent any [legal or journalistic scrutiny](#) of Turkish intelligence operations, according to HRW.

According to HRW, the authorities in Turkey need to immediately halt the prosecution of journalists and end the unjustified trials and interference with [freedom of expression](#). Amnesty International has been actively monitoring the situation and urging Turkey’s government to end

disproportionate [restrictions on movement](#), such as curfews and other arbitrary measures which have left residents without access to health care, food, or electricity for extended periods.

Turkey's Crossroads

July 30, 2016

by Meghan Monahan

An [attempted coup](#) occurred on July 15, 2016 in Turkey's capital, Ankara. Segments of the Turkish army declared [martial law](#) during the early evening of July 15 and announced they had taken control of the government. The rogue faction of the military sent [tanks and soldiers](#) into the streets of Ankara and Istanbul, and for several confusing hours it was unclear who had control of the country. Turkey's President Recep Tayyip Erdoğan called the attempted coup "[a clear crime of treason](#)" shortly after his pro-government forces regained power after multiple armed clashes between the two parties.

The leaders of the uprising were allegedly [disaffected](#) members of the Turkish military who opposed President Erdoğan and the ruling Justice and Development Party (AKP). However, it is still [unclear](#) which political forces orchestrated the coup attempt. President Erdoğan and his supporters claim that the coup was masterminded by his political opponent [Fethullah Gulen](#). Gulen is a well-known Islamic cleric, who has been living in exile in the United States since 1999, and [denies](#) any involvement in the coup attempt.

[Turkey's foreign ministry](#) estimates that at least 290 people were killed, and another 1,400 people wounded during the failed coup. In what has been referred to as a "[purge](#)," [10,000 people](#) have been detained for allegedly taking part in the uprising, [13,000](#) government and military officials have been suspended or permanently removed from their positions, and thousands of educators have been forced to resign.

To the chagrin of the human rights community, [a national state of emergency](#) was declared on July 20, 2016, which is set to last for three months. President Erdoğan has said that the purpose of the national emergency is to cleanse the "[viruses](#)" in the military and the government. Since then, Erdoğan has charged [118](#) of Turkey's Generals and Admirals with involvement in the coup. These actions have raised significant concerns to human rights observers and Turkish citizens alike.

Unfortunately, the concept of [prolonged martial law](#) is familiar to many Turkish citizens. Turkey has experienced [four](#) separate military coups since 1960, all of which involved some form of martial law afterwards. The last instance of a prolonged "emergency rule" occurred between [1987 and 2002](#) in Southeastern Turkey during a period of conflict between the Turkish government and the minority Kurdish population. During that time, authorities claimed the power to make and enforce curfews, issue search and arrest warrants with less evidence, and restrict public gatherings. The human rights community is concerned that the current state of emergency will last much longer than [three months](#), and that Turkey will permanently suspend its obligations under the International Covenant on Civil and Political Rights ([ICCPR](#)). If this happens, it will severely erode the civil and political rights of all people living in Turkey.

In 2003, Turkey acceded to the ICCPR and is therefore bound to the treaty's provisions to respect the civil and political rights of its citizens. The government's sweeping detentions and 'purging' from public office raise concerns that Turkey may exceed its emergency powers under

international law. Article Four of the ICCPR states that a government has the right “in time of public emergency which threatens the life of the nation” to “take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation provided that such measures are not inconsistent with their other obligations under international law.” This means that a country may suspend the ICCPR only if a national emergency occurs and the government deems it absolutely necessary to suspend certain freedoms for the safety of the nation. This clause only allows a signatory to suspend clauses in the ICCPR that are relevant to the current crisis, rather than a blanket suspension of the treaty.

However, Article Four also explicitly states that, even during an emergency, a state cannot extract itself from, and is therefore still bound by, Article Six of the Covenant (right to life for all people), Article Seven (prohibition of torture), Article Eight (prohibition of slavery), Article Fifteen (ex post facto crimes), Article Sixteen (right to legal recognition), and Article Eighteen (freedom of religion and conscience). The suspension clause of the ICCPR only allows derogation of the other articles when “strictly required by the exigencies of the situation.” Therefore, Turkey is only allowed to suspend articles that otherwise may pose a threat to the immediate security of the nation.

Despite the state of emergency, Turkey is still bound by certain obligations under the ICCPR. As such, human rights groups and civil society organizations, such as [Amnesty International](#), have voiced growing concern over the treatment of those detained in connection with the coup, as [photographs](#) surface showing arrestees kneeling partially naked in a horse stable. Credible [reports](#) suggest that detainees have been beaten, kept in stress positions for over 48 hours, denied food, and even sexually assaulted while in government custody. Such reports call into question whether Turkey has already violated ICCPR’s Article Seven prohibition of torture. A person’s fundamental right to protection against torture is one of the cornerstones of modern human rights law, and Turkey’s violation of this right could further diminish its global reputation.

Moreover, Turkey may also be violating its obligations under the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment ([CAT](#)). Per CAT Article Two, “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Thus, an internal crisis – like Turkey’s attempted coup – is never a justification for the abuse of detainees. Article One of CAT defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person for information or a confession, punishing him for an act he...has committed or is suspect of committing.” Enforced starvation, [severe beatings](#), sexual assault, and forcing detainees to spend days in stress positions are violations of the non-derogable right enshrined by CAT.

There is no doubt that the attempted coup caused a dangerous and confusing period for Turkey. However, while the government initially had the right to suspend the ICCPR based on the internal security crisis, it is not excused from obligations to protect its citizens from torture – both under the ICCPR and CAT. Both conventions prohibit torture under any circumstances, and Turkey’s alleged treatment of detainees would be violative of both. Signatories may only suspend the ICCPR during times of great national danger. As the Turkish government regains control and order, it must abide by its human rights obligations or sacrifice them in favor of a prolonged state of emergency. The world is watching to see which road Turkey takes.