Questions

1. What is the current treatment of Kurds by the Turkish government/authorities?
2. What treatment is given to Kurds perceived as being connected with the PKK at the current time?
3. Are Alevis currently able to freely practice their religion in Turkey?
4. Please provide information on the treatment of a returnee whose immediate family have been found to be refugees.

RESPONSE

1. What is the current treatment of Kurds by the Turkish government/authorities?

General

The OSCE provides a general summary of the Human Rights situation in Turkey in 2006:

The process of reforming and improving human rights protection in Turkey slowed down in 2006. The use of indiscriminate and excessive force by security forces as well as bomb attacks by non-state groups resulted in numerous deaths. Resurgence of the armed activity against the authorities seemed to bolster the nationalist reaction in the government structures, media and the civil society, and human rights activists were both harassed by the authorities and threatened by paramilitary groups. Independent journalists and human rights groups in Turkey observed a proliferation of racist and isolationist groups engaged in hate propaganda against minorities, liberal intellectuals and human rights activists. Comprehensive reforms were still needed to ensure the independence of the judiciary and legal proceedings conforming to international standards, and efforts to prevent and remedy torture remained unsatisfactory. Members of ethnic minorities and IDPs were also the targets of aggressive nationalism and mob violence, which the authorities often failed to condemn and the perpetrators of which rarely were brought to justice. (International Helsinki Federation for Human Rights 2007, ‘Human Rights in the OSCE Region: Europe, Central Asia and North America Report 2007 (Events of 2006)’ – Attachment 1).
The Minorities at Risk project provided this summary, last updated 2004:

The situation of the Kurds in Turkey has slightly improved in the past few years, although significant obstacles remain and Kurds still face serious discrimination. Kurds are denied autonomy and although military skirmishes have greatly lessened in the wake of Ocalan's arrest in 1999, occasional fighting occurs between the PKK and government forces (having claimed more than 30,000 victims to date). Turkey's Kurds still suffer from discrimination that includes serious restrictions on their language and any expression of Kurdish culture, as well as restrictions on non-violent political organizing. These restrictions are enforced at times by mass arrest…

Any discussion of discrimination of Kurds in Turkey must be qualified, because if a Kurd renounces his culture, all forms of social progress are open to him. Yet unassimilated Kurds face a great deal of cultural, economic, and political discrimination in Turkey…(‘Assessment for Kurds in Turkey’ 2004, Minorities at Risk website, http://www.cidcm.umd.edu/mar/assessment.asp?groupId=64005 – Accessed 6 June 2007 – Attachment 2).

The Canadian Immigration and Refugee Board quoted:

In its 2004 Regular Report on Turkey's Progress Towards Accession, the Commission of the European Communities noted that "[t]here has been a greater tolerance towards the use of the Kurdish language and the expression of Kurdish culture in its different forms" (EU 6 Oct. 2004, 49). According to the United Kingdom Immigration and Nationality Directorate (IND) Operation Guidance Notes, "[a]lthough Turkish citizens of Kurdish ethnic origins may face some unequal treatment or discrimination, this does not generally reach the level of persecution" (Feb. 2005 Sec. 3.8.4). (‘Turkey: The situation of Kurds, including the extent to which legislative reform packages have been implemented (August 2004 - April 2005)’ 2005, Research Directorate, Immigration and Refugee Board, Ottawa website, 20 April, http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=444444 – Accessed 6 June 2007 – Attachment 3).

Legal restrictions on the use of the Kurdish language have been eased:

Between 2001 and July 2004, the Turkish government adopted two major constitutional reforms and eight legislative packages (EU 6 Oct. 2004, 15). The legislative measures introduced the following changes which affect the situation of Kurds: the constitutional ban on the use of the Kurdish language was lifted; radio and TV broadcasting in the Kurdish language was legally permitted; Kurdish language education was permitted, and the ban on Kurdish names was lifted (EU 6 Oct. 2004, 18, 49, 55; The Europa World Year Book 2004 2004, 4224; Country Reports 2004 28 Feb. 2005, Sec. 5; Freedom House 2004; AFP 23 Sept. 2003). Country Reports 2004 also indicated that Kurdish-language audio cassettes and publications have also been permitted (Country Reports 2004 28 Feb. 2005, Sec. 2.a).


Turkey’s process of moving towards entry to the EU has introduced various legal reforms of benefit to the Kurds:

19.09 The ECRI report also stated:
“ECRI is pleased to note that the constitutional and legislative changes in the field of human rights and fundamental freedoms should help to give the Kurds greater freedom of expression, freedom of assembly and freedom of association. It notes, however, that in the case of the Kurds, such freedoms are still severely curtailed, especially in practice. ECRI notes in particular reports that Kurdish students have been arrested and/or expelled from university for having signed petitions or demonstrated in support of the teaching of Kurdish in universities… In some cases, however, persons who have expressed their Kurdish identity by peaceful means have been acquitted. ECRI hopes that the new laws will pave the way for a rapid improvement in this area. It notes that parents are now permitted by law to give their children Kurdish first names, even though a circular prohibits them from choosing names incorporating the letters Q, W or X, which exist in the Kurdish language but not in the Turkish alphabet.” [76] (p22) (UK Home Office 2007 ‘Country of Origin Information report: Turkey’, 12 March – Attachment 4).

The US State Department reported that expressing Kurdish views could result in prosecution:

Individuals could not criticize the state or government publicly without fear of reprisal, and the government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, the question of Turks of Kurdish origin as "minorities", and the history of the Turkish-Armenian conflict after World War I; however, persons who wrote or spoke out on such topics, particularly the Armenian issue, risked prosecution. The Turkish Publishers Association (TPA) reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy. (US State Department 2007 ‘Country Reports on Human Rights Practices - 2006 – Turkey’ 6 March – Attachment 5).

East

The situation has improved in recent years:

Although the Turkish Constitution "does not recognize ethnic groups as national, racial or ethnic minorities" (Country Reports 2004 28 Feb. 2005, Sec. 5), documentary evidence indicates that the overall situation of Kurds in Turkey has been improving in terms of security and the enjoyment of fundamental freedoms, including in the east and southeast where the state of emergency was completely lifted in 2002 (EU 6 Oct. 2004, 54-55; see also UK Oct. 2004, Sec. 6.154-6.160; Foreign Affairs 1 Sept. 2004) (‘Turkey: The situation of Kurds, including the extent to which legislative reform packages have been implemented (August 2004 - April 2005)’ 2005, Research Directorate, Immigration and Refugee Board, Ottawa website, 20 April, http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotor=444444 – Accessed 6 June 2007 – Attachment 3).

The situation in the East remains volatile with attacks by Kurdish rebels continuing:

Kurdish separatist rebels killed at least seven Turkish soldiers when they opened fire on a military outpost in eastern Turkey, officials say. A rebel also died in Monday's attack in Pulumur, a town in the Tunceli area, the Turkish security sources said. The rebels drove a vehicle into the base and detonated a grenade. Seven soldiers were also injured. The raid was blamed on the banned Kurdistan Workers Party (PKK), which has been active in Tunceli before (‘Seven Turks killed in rebel raid’ 2007, BBC News, 4 June, http://news.bbc.co.uk/2/hi/europe/6718965.stm - Accessed 5 June 2007 – Attachment 6).

The Minorities at Risk project reports that:
For example, authorities often censor pro-Kurdish newspapers, particularly in the southeast Kurdish region (POLIC101-03=2). In some towns, local authorities prohibited Kurdish New Year celebrations, and arrested scores of persons for participating in the celebrations (CULPO401-03 = 2; REP0203 = 2). The government continued to arrest many Kurdish activists and leaders (REP0201-02 = 1; REP0301-03= 1), and many unsolved killings occurred in the southeastern region (REP0801-03 = 3). Kurds face restrictions on speaking, publishing, and instructing in their native language (CULPO203 = 2; CULPO303 = 3) as well as forming organizations that promote Kurdish culture (‘Assessment for Kurds in Turkey’ 2004, Minorities at Risk website, http://www.cidcm.umd.edu/mar/assessment.asp?groupId=64005 – Accessed 6 June 2007 – Attachment 2).

West

The Minorities At Risk Project states that assimilated Kurds in the west face little discrimination:

The majority of Kurds reside in the mountainous southeast of the nation, but a great many Kurds who have renounced public expressions of their culture have been assimilated into mainstream Turkish society and live in Istanbul and its surrounding suburbs (‘Assessment for Kurds in Turkey’ 2004, Minorities at Risk website, http://www.cidcm.umd.edu/mar/assessment.asp?groupId=64005 – Accessed 6 June 2007 – Attachment 2).

2. What treatment is given to Kurds perceived as being connected with the PKK at the current time?

Treatment of PKK/KADEK/Kongra-Gel Members, Supporters, Sympathizers


The Canadian Immigration and Refugee Board in 2004 reports that:

An Asylum Aid report, written by a delegation responsible for an investigation conducted in 2000 on the situation of Kurds in Turkey, indicated that Kurds are at risk of arbitrary detention by the security forces because they are suspected of supporting the Kurdish national movement (Feb. 2001, 15)…

Over 95 per cent of people detained by the police in Turkey are released without charge, indicating a high rate of arbitrary detention, particularly for Kurds and Alevis (ibid., 17-18). If
charges are not laid, detainees have no proof of their detention (ibid., 18). (‘Turkey: Authorities with whom Kurds in Istanbul could file a complaint of harassment or extortion by nationalists or the police; the protection offered to such complainants’ 2004, Research Directorate, Immigration and Refugee Board, Ottawa website, 29 January, http://www.irb-cisr.gc.ca/en/research/rr/index_e.htm?action=record.viewrec&gotorec=444510 – Accessed 6 June 2007 – Attachment 8).

3. Are Alevis currently able to freely practice their religion in Turkey?

Question 3 of Research Response TUR30428 (RRT Country Research 2006, Research Response TUR30428, 21 August – Attachment 9) provides information on Alevis in Turkey. The following information supplements and updates that response.

The UK Home Office reports that:

18.19 The European Commission 2006 report recorded that:

“There have been no developments in relation to the situation of the Alevi community. Alevis face difficulties for opening their places of worship (Cem houses). Cem houses are not recognised as places of worship and receive no funding from the authorities. Alevi children are subject to compulsory religious instruction in schools, which fails to acknowledge their specificity. A case on compulsory religious education is pending before the ECtHR. References to Alevis are planned to be introduced in the secondary school curricula as from next year. Overall, freedom of worship continues to be generally respected. However, no progress can be reported with regard to difficulties encountered by non-Muslim religious communities on the ground. Furthermore, the Alevis continue to face discriminatory practices.” [71a] (p16-17)

... 

18.28 As reported by the Turkish Daily News on 22 June 2005:

“Turkey’s Alevis, who follow a moderate interpretation of Islam, warned Tuesday that they would go to the courts to fight for equality if the government fails to recognize their rights. Cem Foundation Chairman Prof. Izzettin Doğan said, ‘We will present our petition to the Prime Ministry and the National Education Ministry today and if we don’t receive a positive response, thousands of Alevis will file suit against the government.’ Izzettin Doğan held a press conference yesterday with members of the newly founded Federation of Alevi Foundations and a lawyer, to state the demands of Alevis and what they plan to do. Doğan said their main demands were the inclusion of the Alevi faith in school textbooks, financial support from the government for the construction of Alevi places of worship and the allocation of funds for the community from the state budget... Although they account for about a fifth of Turkey’s 70-million population and their religious practices differ significantly from those of the Sunni majority, Alevis are denied the status of a separate sect and, unlike the Sunnis, receive no financial support from the government.” [23am]) (UK Home Office 2007 ‘Country of Origin Information report: Turkey’, 12 March – Attachment 4).

The most recent US State Department International Religious Freedom Report states that:

Alevi freely practiced their beliefs and have built "cem houses" (places of gathering), although cem houses have no legal status as places of worship. Representatives of Alevi organizations maintained that they often faced obstacles when attempting to establish cem houses. They said there were approximately one hundred cem houses in the country, a number that they claimed was insufficient to meet their needs.

...
The Diyanet covers the utility costs of registered mosques, but not of cem houses and other places of worship that are not officially recognized. In May 2006, Diyanet President Ali Bardakoglu said the Diyanet could not provide such support to cem houses as it did not have funds for "supporting mystical worship."

Many Alevi alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes in public schools. They also charged a bias in the Diyanet, which does not allocate specific funds for Alevi activities or religious leadership.

In June 2006, officials in the Tasdelen municipality of Istanbul allocated land to an Alevi organization for the construction of a cem house. Members of the Alevi community said the decision marked the first time a cem house had been officially recognized as a place of worship, rather than as a cultural center (US State Department 2006 ‘International Religious Freedom Report 2006 Turkey’ 15 September – Attachment 10).

4. Please provide information on the treatment of a returnee whose immediate family have been found to be refugees.

A search of the Tribunal’s resources did not find any relevant material to this question.

List of Sources Consulted

Internet Sources:

**Government Information & Reports**
UK Home Office [http://www.homeoffice.gov.uk/](http://www.homeoffice.gov.uk/)
US Department of State [http://www.state.gov/](http://www.state.gov/)

**Non-Government Organisations**

**International News & Politics**
BBC News [http://news.bbc.co.uk](http://news.bbc.co.uk)

**Search Engines**

**Databases:**
FACTIVA (news database)
CISNET (Department of Immigration Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

List of Attachments


