



## Resolution 985 (1992)<sup>1</sup>

# Situation of human rights in Turkey

### Parliamentary Assembly

1. In its [Resolution 860 \(1986\)](#), the Assembly instructed its Political Affairs Committee and its Committee on Legal Affairs and Human Rights to continue following closely the developments in Turkey. They had been doing so since the military intervention of 12 September 1980.
2. As the political situation had stabilised after 1983 when Turkey returned to parliamentary democracy, the Assembly's committees concentrated their work on the human rights situation. Thus :
  - 2.1. the Committee on Legal Affairs and Human Rights held hearings on trade union rights (Istanbul, 1986 and Paris, 1987) and on human rights in general (Paris, 1990) ;
  - 2.2. the committee also studied the reservations made by Turkey when accepting the right to individual petition under Article 25 of the European Convention on Human rights (January 1987) ;
  - 2.3. both committees held frequent internal discussions and their Rapporteurs visited Ankara, Diyarbakir and Istanbul in July 1991 and in April-May 1992.
3. On 24 April 1991, the Assembly adopted [Recommendation 1151](#) on the reception and settlement of refugees in Turkey, as well as [Recommendation 1150](#) and Order No. 460 on the situation of the Iraqi Kurdish population and other persecuted minorities. It instructed the Committee on Migration, Refugees and Demography, if necessary in co-operation with other committees concerned, to follow closely developments in the refugees' situation. However, these serious matters fall outside the scope of the present resolution.
4. There is no doubt that Turkey has made progress in improving the protection of fundamental rights and freedoms since the Assembly adopted [Resolution 860 \(1986\)](#). Thus, at an international level, Turkey :
  - 4.1. has recognised the right to individual petition under Article 25 of the European Convention on Human Rights (declaration of January 1987, renewed in January 1990) ;
  - 4.2. was the first Council of Europe member state to ratify the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (February 1988) ;
  - 4.3. became a party to the United Nations Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (September 1989) ;
  - 4.4. ratified the European Social Charter (June 1989) ;
  - 4.5. recognised the compulsory jurisdiction of the European Court of Human Rights (January 1990) ;
  - 4.6. signed the CSCE Paris Charter (November 1990).
5. At national level the Assembly welcomes the following legislative measures and decisions :
  - 5.1. the abolition of the death penalty for thirteen crimes out of twenty-nine for which this penalty previously existed (November 1990) ;

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1. Assembly debate on 30 June 1992 (10th Sitting) (see [Doc. 6553](#), report of the Committee on Legal Affairs and Human Rights, Rapporteurs : Mrs Lentz-Cornette and Mrs Baarveld-Schlaman). Text adopted by the Assembly on 30 June 1992 (10th Sitting).



- 5.2. the commutation of all 258 death penalties pending into prison sentences of ten to twenty years (April 1991) ;
  - 5.3. the practice, followed since 1984, of not carrying out death penalties ;
  - 5.4. the abrogation of martial law (1987) ;
  - 5.5. the creation of a committee within the Grand National Assembly to examine allegations of human rights violations and to make proposals for amending existing legislation (December 1990) ;
  - 5.6. the repeal of Articles 141, 142 and 163 of the Penal Code (April 1991) ;
  - 5.7. the release of approximately 46 000 prisoners, hundreds of whom may be considered "political" (spring 1991) ;
  - 5.8. the abolition of the law restricting the use of languages other than Turkish (April 1991).
6. These international and national measures and decisions constitute substantial progress and the Assembly notes with great satisfaction that a large number of the recommendations it made in its [Resolution 860 \(1986\)](#) were put into effect. Thus the trials against the trade union confederation DISK and against the Turkish Peace Association ended with the acquittal of their leaders and clear court decisions, showing that these organisations were not unconstitutional or had been engaging in illegal activities.
7. Furthermore, the Assembly welcomes the important reforms made to the code of criminal procedure, and the draft legislation submitted by the Turkish Government to Parliament on 26 April 1992, approved by the Grand National Assembly on 21 May 1992, but not yet signed by the President of the Republic, containing important draft amendments to the law on the establishment and criminal procedure of the state security courts, to the law on police duties and powers, as well as to the anti-terrorism legislation.
8. It further welcomes the assurances given by the Turkish Minister for Justice that the reports of the visits to Turkey of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in September 1990 and in September-October 1991, will be made public although it is not compulsory.
9. However, despite the government's good intentions, very serious human rights violations, including torture and disappearances, continue to occur in Turkey.
10. Although the investments made in the region by the Turkish state have, for some years, been far greater than those made in other regions, the economic situation in south-east Turkey remains precarious. In addition the Assembly is deeply concerned about the escalation of violence in this region. It strongly condemns terrorist attacks, perpetrated mainly by the PKK (Kurdish Workers Party), as well as certain actions by the security forces and recalls that in a democratic state, any reply to terrorist provocation must remain within the rule of law.
11. The Assembly welcomes the very positive approach towards fundamental rights and freedoms in the declaration of the Government of Turkey, and encourages the fulfilment of its pledges.
12. Accordingly, the Assembly calls upon the Parliament and Government of Turkey :
- 12.1. to do whatever possible to prevent completely the use of torture and force, as the legislation adopted on 21 May 1992 by the Grand National Assembly leads the Assembly to hope ;
  - 12.2. to amend the anti-terrorism legislation of 12 April 1991 ;
  - 12.3. to give due consideration to reports of human rights violations submitted by organisations such as bar associations, human rights associations and other national or international non-governmental organisations with recognised competence ;
  - 12.4. to initiate, as in other democracies, public inquiries when particularly serious facts are alleged, and to accelerate ongoing inquiries and render their conclusions public ;
  - 12.5. to follow the examples of Austria, Denmark and the United Kingdom, in accordance with the statement made by the Ministry of Justice, and to make public, although it is not compulsory, the reports of the visits to Turkey of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ;
  - 12.6. to proceed, as a matter of urgency, with the adoption of amendments to the Constitution, in particular those aimed at introducing democratic improvements in accordance with the standards of the Council of Europe ;

- 12.7. to accelerate the introduction of new legislation, based on an amended constitution, aimed at lifting existing restrictions on trade unions ;
  - 12.8. to lift the reservations relating to the right of individual petition under Article 25 of the European Convention of Human Rights ;
  - 12.9. to continue to improve the training of the police, and to improve the overall control of its activities, in particular at police stations ;
  - 12.10. to improve its control of its security forces.
13. The Assembly also calls upon the Parliament and Government of Turkey, with regard to the situation in the south-eastern provinces :
- 13.1. to lift the state of emergency ;
  - 13.2. to withdraw the derogation under Article 15 of the European Convention on Human Rights ;
  - 13.3. to respect fully the identity, freedoms and rights of the Kurdish population, including the use of Kurdish on radio and television ;
  - 13.4. to initiate genuine political dialogue with those people who, considering themselves Kurds, wish to develop peacefully their ethnic, cultural and linguistic identity and obtain more political rights.
14. Finally, the Assembly appeals to Turkey (and to all those Council of Europe member states which have not yet done so) to ratify the following protocols to the European Convention on Human Rights :
- 14.1. Protocol No. 4 on securing certain rights and freedoms other than those included in the Convention and in the first Protocol thereto (1963 ; European Treaty Series No. 46) ;
  - 14.2. Protocol No. 6 concerning the abolition of the death penalty (1983 ; European Treaty Series No.114) ;
  - 14.3. Protocol No. 7, adding certain additional rights to the Convention (1984 ; European Treaty Series No. 117) ;
  - 14.4. Protocol No. 9, introducing the possibility for individual applicants to bring their case before the Court of Human Rights (1990 ; European Treaty Series No. 140).