



## Recommendation 1377 (1998)<sup>1</sup>

# Humanitarian situation of the Kurdish refugees and displaced persons in South-East Turkey and North Iraq

Parliamentary Assembly

1. The Parliamentary Assembly recalls and reaffirms its [Recommendation 1150 \(1991\)](#) on the situation of the Iraqi Kurdish population and other persecuted minorities, [Recommendation 1151 \(1991\)](#) on the reception and settlement of refugees in Turkey, [Resolution 1022 \(1994\)](#) on the humanitarian situation and needs of the displaced Iraqi Kurdish population, [Recommendation 1348 \(1997\)](#) on the temporary protection of persons forced to flee their country, [Recommendation 1211 \(1993\)](#) on clandestine migration: traffickers and employers of clandestine migrants and [Recommendation 1306 \(1996\)](#) on migration from the developing countries to the European industrialised countries.
2. The Assembly notes that one of the acute problems that most of the member countries of the Council of Europe are facing today is the general question of clandestine migration due to the social, economic and demographic differences between the developing and the industrialised countries and also to humanitarian causes in the regions concerned.
3. The Assembly notes with great anxiety the precarious humanitarian situation of the people of Kurdish and other origins in northern Iraq. The lack of security and the difficult economic and social situation in the region have resulted in large-scale internal and external population displacement and movements.
4. The Assembly also notes with great concern the impact on the humanitarian situation in the south-eastern provinces of Turkey as a result of the on-going armed clashes and the rule of emergency.
5. The Assembly strongly condemns the violence and terrorism perpetrated by the Kurdistan Workers' Party (PKK), which has contributed to population displacement and movements, and urges this organisation to stop all armed activities. The Assembly also condemns the evacuation and burning of villages by the Turkish armed forces.
6. The Assembly is concerned that the number of asylum-seekers and illegal migrants of Kurdish origin has increased in certain European countries.
7. The Assembly condemns the armed confrontation between the various Kurdish political organisations which are exploiting the Kurdish population for their own ends and preventing more effective provision and distribution of humanitarian aid.
8. The Assembly considers that the scale of the humanitarian plight of the population of the region fully justifies the involvement of the Council of Europe and of other competent international organisations, and that all governments concerned should be urged to take effective steps to improve the situation, and, in the case of Turkey, to comply fully with the Council of Europe's principles.
9. The Assembly underlines once more with great concern that the problem of illegal trafficking in human beings also stirs up racism, xenophobia and intolerance.
10. The Assembly stresses once more that although this phenomenon is of great concern for receiving countries, it is also disturbing for the countries on the transit route.

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1. Assembly debate on 25 June 1998 (22nd Sitting), (see [Doc. 8131](#), report of the Committee on Migration, Refugees and Demography, rapporteur: Mrs Vermot-Mangold). Text adopted by the Assembly on 25 June 1998 (22nd Sitting).



11. The Assembly stresses the fact that any criticism addressed to a member state such as Turkey is made in a constructive spirit, emphasising the importance of Turkish participation alongside other European states and the need to reconcile absolute respect for its territorial integrity and respect for minority rights.
12. The Assembly welcomes in particular the activities of Turkish organisations and parties working in defence of human rights and promoting dialogue, since the focus must be on domestic solutions and agreement between all interested parties.
13. The Parliamentary Assembly therefore recommends that the Committee of Ministers:
  - 13.1. invite Turkey to take steps to dialogue and reconciliation in the provinces of south-eastern Turkey inhabited mainly by Kurdish people through appropriate action and a programme of confidence-building measures including full protection of the civil population and care in the deployment of armed forces;
  - 13.2. instruct its appropriate committees to intensify their efforts to remedy the concrete problems connected with migration movements of Kurds;
  - 13.3. draw up a series of measures designed to combat the conditions which foster clandestine migration in all its forms, with provision for penalties for traffickers and employers who exploit illegal immigrants, in consultation with the Budapest Group;
  - 13.4. invite Turkey:
    - a. to find a non-military solution for the existing problems in the south-eastern provinces;
    - b. to protect the civilian population of the regions concerned against any kind of armed violence;
    - c. to expedite and intensify its efforts to promote the economic and social development and reconstruction of the south-eastern provinces;
    - d. to sign and ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages and apply its provisions to the Kurds;
    - e. to bring to light the fate of the missing persons;
    - f. to adopt policies and take adequate measures to enable Turkish citizens of Kurdish origin to exercise their cultural and political rights;
    - g. to restore the rule of law in the south-east of the country, and in particular to lift emergency rule in the south-eastern provinces, to ensure effective protection of villages, to exercise civilian control over military activity in the region, including the keeping of records and observance of human rights, and to prosecute anyone who violates human rights
    - h. to abolish the village guard system;
    - i. to undertake additional effective measures aimed at the reconstruction and revival of the economy in the south-eastern provinces;
    - j. to take further steps to reconstruct schools and hospitals in the area;
    - k. to implement, in co-operation with international humanitarian organisations, a major programme with a view to encouraging those members of the Kurdish population who so desire to return to their homes;
    - l. to ensure particular protection for returning women, children and elderly people;
    - m. to present reconstruction projects to be financed by the Council of Europe's Social Development Fund, in the framework of return programmes;
    - n. to adopt measures to integrate those displaced persons of Kurdish origin who wish to settle in other parts of Turkey, and provide them, as well as returnees, with compensation for damaged property;
    - o. to grant access to the region for international humanitarian organisations, and provide them with support from local authorities;
    - p. to continue to facilitate the transfer of supplies for humanitarian purposes to Iraq;

- q.* to lift the geographical limitation to the 1951 United Nation Convention Relating to the Status of Refugees and its 1967 protocol, and in particular abstain from deportation of asylum-seekers without prior consultation with the Office of the United Nations High Commissioner for Refugees (UNHCR), and abolish the five day limit for making asylum applications;
  - r.* to refrain from military incursions into northern Iraq;
- 13.5. urge the member states:
- a.* to encourage the strengthening of aid programmes for development in the countries of origin and also in the countries of transit with a view to providing increased economic and technical assistance for migration-related development projects;
  - b.* to step up their humanitarian aid to northern Iraq through the appropriate agencies;
  - c.* to adhere scrupulously to the principle of non-refoulement in accordance with their international obligations;
  - d.* to offer temporary protection, in consultation with UNHCR, to those who do not qualify for refugee status under the 1951 convention relating to the status of refugees and its 1967 protocol but who have been forced to flee because their lives or safety were endangered;
  - e.* to ensure that all asylum-seekers are treated with dignity and sheltered in healthy conditions;
  - f.* to continue efforts to conclude repatriation and readmission agreements with the countries of origin and with the countries of transit, provided that the people concerned are not returned against their will;
  - g.* to prevent, through all lawful means, the setting up and activities of any association or group of individuals offering logistic, financial or propaganda support to organisations which indulge in acts of violence and terrorism;
- 13.6. use its influence with the European Union:
- a.* to ensure that any action taken to strengthen border controls or to combat clandestine trafficking do not infringe or undermine international law on the protection of refugees;
  - b.* to resume promised financial co-operation with a view to fostering economic development in Turkey, particularly in its south-eastern provinces, and step up its provision of humanitarian aid to northern Iraq;