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International Centre for Trade Union Rights

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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CC:

Jülide Sarıeroğlu, Minister of Labour and Social Security
Office of the United Nations Special Rapporteur on the rights to freedom
of peaceful assembly and of association
Kamu Emekçileri Sendikaları Konfederasyonu (KESK)
Birleşik Metal İş
International Trade Union Confederation (ITUC)

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Dear President Erdoğan,

The International Centre for Trade Union Rights is writing to express serious concerns about the recent measures taken against trade unionists in Turkey.

ICTUR understands that on 6 February, Turkish anti-terrorism police raided the house of Ms Elif Cuhadar, in Ankara. Ms Cuhadar is an executive committee member of the trade union KESK (*Kamu Emekçileri Sendikaları Konfederasyonu*). She was arrested and taken into custody, charged with offences related to her participation in a public panel discussion in İzmir in 2014. It is understood that other participants who had been present at the event in İzmir have also been arrested. It is further understood that several members of the Turkey's Medical Association were arrested in January on the grounds that they criticised Turkish military operations in Syria.

These arrests take place amid fears that the state of emergency in Turkey (extended for another three months on 18 January 2018) is being used to silence dissent and to suppress civil and political rights.

On spurious "national security" grounds, the government again banned a strike organised by workers in the metal industry in January. According to

the metalworkers' union Birleşik Metal İş, this is the sixth strike to be banned during the state of emergency. It comes in the middle of an on-going collective negotiation between the union and the Turkey Metal Industrialists' Union (MESS), covering 130,000 workers. The government previously banned workers from striking during negotiations with MESS in 2015 and 2017.

These incidents add to the catalogue of concerns around the Turkish government's serious, widespread and on-going violations of workers' freedom of association – enshrined in the ILO's fundamental Conventions, all eight of which Turkey has ratified. The ILO Committee of Freedom of Association has noted that the "responsibility for suspending a strike on the grounds of national security or public health should not lie with the Government, but with an independent body which has the confidence of all parties concerned" (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, Fifth Edition, 2006, para. 571*). In March 2015, the Committee concluded its response to a complaint submitted by Kristal-İş union by calling for the government to reform the relevant regulation: "... the Committee requests the Government to take the necessary measures for the amendment of section 63 of Act No. 6356 so as to ensure that the final decision whether to suspend a strike rests with an independent and impartial body" (Case No. 3084, para. 873(b)).

The Committee on Freedom of Association has also declared that, unless attended by appropriate judicial safeguards, the arrest and sentencing of trade unionists constitutes a serious interference with trade union rights, and a violation of the principles enshrined in the United Nations International Covenant on Civil and Political Rights, (*ILO Digest, paras. 72, 75, 93, 97, 106, 109*). It is "incumbent upon the government" to show that the arrest, detention and sentencing of a trade union official are "in no way occasioned by the trade union activities of the individual concerned" (*ILO Digest, para. 94*).

ICTUR urges the Turkish authorities to immediately and unconditionally release all those who have been detained for activities carried out in their capacities as trade unionists, and to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests.

ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,



Daniel Blackburn, Director

