

# HUMAN RIGHTS AGENDA ASSOCIATION

2003-2009 Activity Report



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# HUMAN RIGHTS AGENDA ASSOCIATION

2003-2009 Activity Report



# Introduction



Six years have passed, which is short for an organization, but so many things have happened that I found myself in trouble when my friends asked me to write an introduction. How can a parent describe his child of six years? There are so many things to tell, on the one hand, and it is very difficult to explain everything, on the other.

We held our first meetings in our homes and the offices of our members. At the founding stage, we were immediately confronted with the swirl of bureaucracy in Turkey and forced to struggle against a closure case. It took us more than a year to avoid closure. We had brilliant ideas and projects, but no money. The Embassy of the Kingdom of the Netherlands shared our excitement and we initiated an intense education project in İzmir directed at jurists. We also opened a nice office during this period. The seminars for lawyers in İzmir on how to implement international human rights law in national law created great excitement that increased our enthusiasm for the project. Later, we spread the seminars to the whole of the Aegean region. While we expanded in the country, we also developed close relations to human rights defenders in countries with close historical and cultural ties to Turkey. We wanted to develop new models and strategies in the area of human rights. We wanted to show, and have people accept, human rights values above all kinds of ideologies and philosophies. We wanted to leave the narrow tracks in Turkey that confine human rights defenders to the group identities to which they belong. We wanted to defend the right of Muslim women to wear headscarves, the rights of Christians, the rights of gay people, and we wanted to defend all these rights at the same time, something that is a quite new and unknown phenomenon for Turkey.

Seminars, reports and books followed each other. As time passed, we conducted activities in almost every region of Turkey. After opening the office in İzmir, we opened another one in Ankara and also had representation in Diyarbakır. We physically spread over the entire country. During this time, we created projects and were supported by **the Embassy of the Kingdom of the Netherlands, KIOS Foundation, European Union, Institute for an Open Society, Global Dialogue Program, and National Endowment**

**for Democracy.** We ran common projects with Mental Disability Rights International, Helsinki Citizens' Assembly, and Initiative for Human Rights in Mental Health. We had the opportunity to work with Kaos GL, Pink Life and Lambda İstanbul. We were one of the founding members of the Turkey Coalition for the International Criminal Court and working for Turkey Refugee Coalition. We prepared thematic human rights reports on Turkey and the surrounding region. We are still on our way to creating new projects, actions and coalitions, and we are still learning!

During the short time since the foundation of HRAA, it has become a trademark. With publications and activities, HRAA has made noteworthy contributions to the field of human rights. Along the way, our awareness of the relationship between democracy and human rights has also developed, and as a result we decided in our last general assembly to include "democracy" in our mandate.

HRAA has shown diligence and solidarity with all organizations in Turkey and the region, and it will continue work on human rights and democracy to an even greater extent. Believing in the importance of a strategic and holistic approach in the fields of human rights and democracy, HRAA will continue to submit its experiences to other organizations and benefit from their wealth of experiences as well.

We owe every institution, organization and individual that showed solidarity, and that did not withhold support, our deep-hearted gratitude. The fact that HRAA has achieved so much activity and productivity in such a small amount of time is owed to the extreme devotion and excitement of our members. I want to thank all my partners in this work whole-heartedly.

More than ever we are in need of defenders and supporters of human rights and democracy, all struggling for a free world. We also need Turkey to be governed by human rights and democracy. I bow in respect to all individuals striving for this goal and hope that the future will bring about a better world in which to live.

Respectfully,  
Orhan Kemal Cengiz  
President of the Human Rights Agenda Association

## The Human Rights Agenda Association (HRAA) A Human Rights Organization That Appeared Long After Its Concept

The Human Rights Agenda Association (HRAA) was founded in İzmir in 2003 by human rights activists from different parts of Turkey. According to Law 2908 of 1983 (Law on Associations), the Human Rights Agenda Association applied to the desk for associations at İzmir Police Headquarters on 01.12.2003, only to be confronted with a court case demanding closure approximately one month after its establishment.

Closure case before the Human Rights Agenda Association started activities

*Zaman, 27 April 2004*

The Human Rights Agenda Association (HRAA) in İzmir faced a case of closure at the stage of its foundation. In December 2003 the association had handed in their declaration of foundation, but first was asked to complete its statute and later was confronted with a closure case. (...) The association gave the statute and appendices to the desk for associations at İzmir Police HQ and on 6 January 2004 was informed about changes to be made to the statute. On 11 March 2004 the public prosecutor in İzmir opened a case demanding closure of the association for not having made the necessary changes to the statute on time. (...)

<http://www.zaman.com.tr/haber.do?haberno=41420>

Against the case for closure HRAA fought a legal battle for over 1.5 years.

## Case against the HRA Association postponed

*B A News Desk - Izmir*

*27 May 2004, Wednesday*

*Lawyer Cengiz one of the founders of the Human Rights Agenda Association said that besides bureaucratic obstacles the association faced since its foundation it was confronted with a case in which the governor in Izmir demanded closure but did not deem it necessary to evidence his opinion. (...)*

<http://bianet.org/archives/go?id=1>

HRAA won the legal battle with a sample verdict. At some faculties of law the decision taken by the İzmir Judicial Court No. 7 on 11.03.2004 (basic number:2004/150; Verdict No: 2004/488) is now discussed in university law school lessons. The decision states:



It was understood that the plaintiff, the Human Rights Agenda Association completed the missing parts as demanded in a letter of zmir Governor's Office and required by the Law on Association; the changes were not made as a calibre provided by the Directorate for Legal Affairs, some Articles had been written as one and others had become sub-articles and the association had done what was required. According to the Constitution the European Convention for the Protection of Human Rights and Fundamental Freedoms that was signed on 04.12.1950 is above national law and the Constitution. Article 11 of the European Convention for Human Rights provides for the right to found associations and the freedom of assembly; according to paragraph 1 of Article 11 everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests; according to paragraph 2 of the same Article only restrictions necessary in a democratic society in the interest of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others can be installed; no provision exists for closure, even though national law does have a provision for closure of an association; if there is a contradiction between national law and Article 11 of the European Convention on Human Rights the problem has to be solved under Article 11 of the European Convention on Human Rights since it is above internal law; activities of a peaceful association can only be restricted for the protection of health or morals or for the protection of the rights and freedoms of others as part of measures if necessary in a democratic society. Because of the reasons presented above under Article 11 of the European Convention on Human Rights and the principles of justice it was not possible to decide on closure of the Human Rights Agenda Association for not having corrected defects on time and therefore the court decided to reject the demand for closure.

**VERDICT:** As explained about

The case that did not carry the conditions of Article 11 of the European Convention on Human Rights was **DISMISSED...**

This verdict was one of the first decisions to make reference to an international convention of human rights.

Provisions of the European  
Convention of Human Rights  
(ECHR) were applied

No closure of the Human Rights  
Agenda Association

ZMR (Cumhuriyet Aegean  
Office)

29 December 2004, Wednesday

For the association that  
appealed to court on the decision of  
Zmir Governor's Office on closure the  
Judicial Court No. 7 decided that the  
provisions of the ECHR do not provide  
for closure of associations that do  
not disturb public order. (...)

In the case of the Human Rights Agenda  
Association Zmir Judicial Court No 7  
reached the conviction that the  
provisions of the ECHR have priority  
to national law. (...)



In December 2008 HRAA, active in its offices in Ankara and İzmir for the protection and spreading of human rights, celebrated its 5th birthday.



HRAA General Assembly

Accepting that human rights are a value above all kinds of political ideologies and philosophies of life, HRAA believes that the improvement of rights can only be achieved by developing an understanding that gets to the roots of problems and enacts concrete solutions with appropriate tactics and strategies.



Certificate Ceremony

Believing that human rights and democracy are linked and depend on each other, HRAA is convinced that human rights and democracy must be protected, extended and developed together.

Opposing categorically all kinds of violence, HRAA is aware that States are the basic violators of human rights, but stands against human rights violations by armed oppositional groups to the same extent. Without making any distinction among perpetrators or victims, HRAA supports all human rights, and with its independent and impartial attitude seeks to create a model that both makes public awareness sensitive to human rights violations and that society can take as an example.



Osman Can: Conference on Constitution and Human Rights

Şanar Yurdatapan: Conference on the Freedom of Expression





## The Association's Areas of Work and Methods

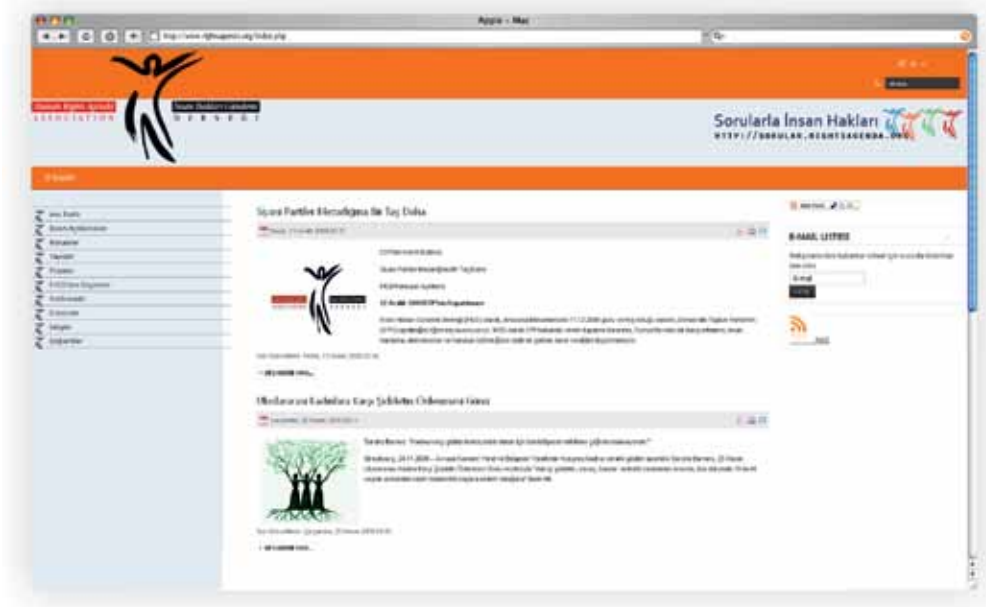
While agreeing that all human rights categories fall into its area of work, HRAA concentrates periodically on specific rights and violations.

HRAA considers torture, freedom of expression and other freedoms, the seriously neglected human rights of women in Turkey, as well as relatively new issues in Turkey, such as discrimination, minority rights, economic, social and cultural rights, and the International Criminal Court to be within its area of work.

HRAA prepares thematic reports addressing problems under the values of universal human rights and presenting its own suggestions for a solution. HRAA forwards these reports to international bodies to which Turkey is a State party and conducts lobbying activities before the Turkish Government.

HRAA is in close solidarity, and exchanges experiences and views, with other human rights organizations existing in Turkey and participates in coalitions that it founded itself or that were founded by others in order to strengthen human rights activism.

HRAA makes an effort to share its tactics and strategies with other organizations active in Turkey or elsewhere in order to benefit from common experiences.



The educational programs of HRAA aim at presenting new developments in human rights to human rights defenders in Turkey and other countries for their information and evaluation.



Human Rights Agenda Association

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**2004 & 2005**

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## Initial Visit to Azerbaijan on Implementing the ECHR in National Law and Sharing Experience on the Code of Criminal Procedures<sup>1</sup>

In May 2004, the Human Rights Agenda Association made its first visit to Azerbaijan, which has close ties to Turkey historically and culturally. Following the dismantling of the Soviet Union, Azerbaijan, which formerly was a Soviet Republic, declared independence in 1991. The fact that we speak the same language and that our countries have similar problems relating to human rights gave the cooperation and exchange of experiences with the human rights activists in Azerbaijan a firm basis. Parallel to this, the Human Rights Agenda Association contacted the following human rights organizations, human rights activists and representatives of the government: Helsinki Citizens' Assembly, Fuad Hasanov (Human Rights Centre against Torture), Isaxan Aşurov (member of the Bar, lawyer), Vuquar Xasayev (National Bar Association - colloquium of representatives, Open Society Institute), Aslan İsmailov (lawyer, human rights activist), Faig Gurbanov (Deputy Chair of the PR Department in the Ministry of Justice, Chair of the Department on Human Rights), American Bar (ABA CEELI), İntiqam Aliyev (Association of Legal Achievements), Rashad Houseynli (pensioners program and Germany's development), Association of Young Jurists, Saida Gojamanly (Bureau of Human Rights and Law Respect-BHRLR), Alizada Arif Hıbaroğlu (Committee of Jurists on Human Rights Law).



Visit to Azerbaijan

<sup>1</sup> The Human Rights Agenda Association wants to thank the **Helsinki Citizens' Assembly** in Azerbaijan for organizing many meetings and offering us their premises and opportunities.



As a result of these meetings, the Human Rights Agenda Association intensified its activities with the human rights defenders and jurists in Azerbaijan in the following areas:

Seminar on ECHR (p. 21)



- Exchange of experience regarding the decision of the European Court of Human Rights (ECtHR) concerning children's rights, women's rights and the fight against torture
- Projects to enrich the Turkish legal language and to achieve a common language
- Exchange program of lawyers
- Share experience of education of police officers in Turkey
- Visit the Bakû-Ceyhan pipeline
- Program of working visits

## **Seminars on Sharing Information and Experience on How to Implement Supra- National and International Human Rights Law in National Law<sup>2</sup>**

Article 90 of the Constitution of the Turkish Republic provides that international conventions are above the laws. After Turkey's acceptance of the right to individual petition in 1987 and the competence of the court, the decisions of the ECtHR have had a positive effect in the country, particularly during recent years. The changes to the Constitution and the laws allowing for retrial that were passed as part of the harmonization to the European Union (EU) have made the ECHR an indisputable part of national law. Parallel to this, the Human Rights Agenda Association organized seminars in which verdicts of the European Court of Human Rights were studied with a view as to how to share information and experiences on how to implement supra-national and international human rights law in national law. During the seminars organized for



Noyan Özkan: Seminar on EU Institutions

<sup>2</sup> This project was realized with financial contribution from the Embassy of the Kingdom of the Netherlands in Ankara.

lawyers in İzmir, the human rights mechanisms of the United Nations were studied in depth and an effort was made for the implementation of all human rights conventions in national law without making any distinction.

With the financial contribution of the Embassy of the Kingdom of the Netherlands in Ankara, conferences were conducted during the seminars for 100 lawyers practising in İzmir that were attended by experts. The subjects addressed during the seminars were:

- Development of the term human rights
- Dominance of law
- International mechanisms and human rights
  - European Court of Human Rights
  - United Nations mechanisms
  - International Criminal Court
  - Institutions of the European Union
- Ban of Torture
- Freedom of expression, conscience and religion
- Freedom of thought
- Right to Life
- Right to a fair trial
- Right to property
- Environmental rights
- Rights of refugees
- Minority rights
- Economic, social and cultural rights

ECHR Simulation during the Seminars







Yılmaz Ensaroğlu: Conference on Human Rights Movement in Turkey

Levent Korkut: Conference on Anti-Discrimination Law



## Reform of the Penal Code in Respect to Human Rights<sup>3</sup>

As everyone knows and observes, Turkey's legal system has entered a serious process of renewal in recent years. In the process, fundamental changes have been made in a spectrum of norms starting from the 1982 Constitution up to decrees issued by the Ministry of Justice.

The process was fairly rapid. During this speedy process theorists and practitioners were unable to inspect sufficiently an aspect of seeming unimportance, but with great importance for human rights practice, just as much as administrative measures on various details, and that is the fact that the Constitution, in the hierarchy of laws, stands at the top.



Izmir Workshop on the Freedom of Expression

As the Human Rights Agenda Association, we wanted to contribute to closing the gap by looking at several provisions of the penal code, identifying their contravention of international human rights standards and presenting the results to the attention of the public. During the first stage, we identified 40 provisions and listed them in the form of opinions and suggestions as shown below.

<sup>3</sup> This project was realized with financial contribution from the National Endowment for Democracy (NED).





The project, which was supported by the National Endowment for Democracy (NED), held workshops with lawyers in İzmir, Ankara, Diyarbakır and İstanbul and gathered the results in a report. The report was prepared in book form and presented to the public. The work aimed at creating public awareness of issues connected with the penal code and sought democratic change based on human rights. The aims of the project may be listed as:

- Influence the legislative
- Influence the judiciary
- Create public opinion



Izmir Workshop on the Freedom of Expression

You can access the report on our website:

[http://www.rightsagenda.org/index.php?option=com\\_content&view=category&id=95:aliasreform-the-penal-code-for-human-rights&Itemid=134&layout=default](http://www.rightsagenda.org/index.php?option=com_content&view=category&id=95:aliasreform-the-penal-code-for-human-rights&Itemid=134&layout=default)



Günel Kurşun: İzmir Workshop on the Freedom of Expression

## Human Rights Education<sup>4</sup>

In its decision of 23 December 1994 numbered 49/184, the United Nations adopted the “10 years education in human rights” program that was to start on 1 January 1995 and should last for 10 years. Following the ten years’ program, the Human Rights Commission recommended that the program be continued to develop the human rights education program in all sectors. Accordingly, the United Nations adopted this program in its 59th session to continue between 2005 and 2007, in particular in primary and early secondary education. Another activity in human rights is the “Education for Democratic Citizenship” that the Council of Europe is conducting since 1997. The program, currently on its third level and continuing until 2009, aims at providing education to the young and adults on democracy so that educated individuals can use this information in everyday life.



Diyarbakır Workshop on Human Rights Education

Human rights education in our country is a fairly new area of expertise and at the same time is of vital importance for the protection and development of basic human values. In order to meet the need felt in our country for human rights education, the Human Rights Agenda Association started a project to be run with teachers. To this end, the work of Prof. Richard Pierre Claude “Popular Education for Human Rights: 24 Participatory Exercises for Facilitators and Teachers” was translated into Turkish.

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<sup>4</sup>This project was realized with the material contribution of KIOS (*The Finnish NGO Foundation for Human Rights*).



Diyarbakır Workshop on Human Rights Education

In 2005, we began workshops with our teachers aiming at implementing the 24 participatory exercises in different regions of Turkey in eight provincial capitals. The activity was conducted with the two big teachers' trade unions in Turkey, Eğitim-Sen and Eğitim-Bir-Sen, in the provinces of Diyarbakır, Mersin, Samsun, Trabzon, Bursa, Balıkesir, Aydın and Denizli. The initiative, in which 203 teachers participated, was realized with the material support of KIOS. During the workshops, the stress was laid on subjects such as:



- Democratic rights: the term human rights and justice
- Equality of gender
- Prevention of discrimination: mutual respect and tolerance
- Economic, social and cultural rights: the right to education

The Turkish Version of Popular Education for Human Rights: 24 Participatory Exercises for Facilitators and Teachers is available at

[http://www.rightsagenda.org/attachments/204\\_yaygininsanhaklarielkitabi.doc](http://www.rightsagenda.org/attachments/204_yaygininsanhaklarielkitabi.doc)





Diyarbakır Workshop on Human Rights Education



## Towards a Local Initiative: Mentally Disabled Persons Defending Human Rights<sup>5</sup>

In February 2005, the Human Rights Agenda Association (HRAA) and Mental Disability Rights International (MDRI) carried out a joint project aiming at establishing an initiative for the protecting of human rights of mentally disabled persons. The activity that brought together organizations of civil society, activists, academics and experts was conducted at İstanbul Bilgi University.



HRAA and MDRI Workshop on Mentally Disabled Persons at İstanbul Bilgi University

The project was conducted to reach groups using the mental health system in Turkey; to create a local initiative for the protection of the rights of mentally disabled people; to create a consultation board; and to prepare a declaration for the government and the press organs that had the following goals:

- Spreading cooperation among defenders in the area of mentally disabled persons and building a network
- Bringing human rights activists, mentally disabled people and professionals together and establishing their cooperation

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<sup>5</sup> This project was realized with material support from the *Turkey representation of the Open Society Institute*.

- Establishing a local initiative for observation and reporting on rights of mentally disabled persons
- Supporting local defenders and increasing the capacity of activists in this area
- Searching for reform models and creating a sample model for Turkey



HRAA and MDRI Workshop on Mentally Disabled Persons at İstanbul Bilgi University

After the meeting of the Human Rights Agenda Association (HRAA) and Mental Disability Rights International (MDRI), a network was founded among the participants. Efforts were made to prepare a report gathering testimonies.

HRAA and MDRI Workshop on Mentally Disabled Persons at İstanbul Bilgi University



## National Coalition for the International Penal Court

The grounds for the National Coalition for the International Criminal Court were laid in 2003 when the Human Rights Association, the Human Rights Foundation of Turkey and the Federation Internationale de Droits de l'Homme (FIDH) met in Ankara between 18 and 21 September 2003 in a seminar on "Initiative to suspend human rights and humanitarian law because of September 11 and its aftermath", in which organizations of civil society in countries on the South and East Mediterranean Sea participated.



After this seminar, the Human Rights Association (HRA), the Human Rights Foundation of Turkey (HRFT), the Turkey section of Amnesty International and MAZLUMDER took the first steps to establish the Turkey coordination of the International Criminal Court (ICC) and on 16 and 17 June 2005 the HRA, HRFT, FIDH and the International Coalition of the ICC met with many others in Ankara to strengthen the Turkey coalition for the ICC. At this meeting, the Turkey Coalition for the ICC was founded. The Human Rights Agenda Association participated in the round table discussion on "Turkey's ratification and implementation of the International Criminal Court", conducted on 16 and 17 June 2005, and became a founding member of the National Coalition for the International Penal Court.

Press Conference on National ICC





After the meeting and following the successive press statement on 17 June 2005, the organizations forming the ICC coalition held a strategic gathering putting the establishment of a campaign program ahead of them and the ICC coalition reached this object on 23-24 September 2006 with contributions from the Joined Human Rights Platform. The national coalition of the ICC started to grow with more participants and conducts activities on the subject of the ICC.

For more information on the Coalition for the ICC see

<http://www.iccnw.org>

Press Conference on National ICC



## The Balkans: Initial Visit to Kosovo and Macedonia to Observe The Human Rights Situation

In September 2005, the Human Rights Agenda Association made an initial visit to two countries in the Balkans with problems relating to human rights, Kosovo and Macedonia, which have close ties to Turkey historically and culturally. The region was visited for the first time by a human rights organization from Turkey.

**Kosovo:** The Kosovo that for years was administered as a region under political autonomy changed after the dissolving of former Yugoslavia and became one of the regions in the Balkans with serious ethnic problems. In 1989 former State President of Yugoslavia Slobodan Milošević ended the autonomy of Kosovo and tried to put it under the political and military pressure of Serbia. In 1998-1999 the military intervention of Serbia created great damage in Kosovo; tens of thousands of civilians lost their lives and approximately one million Kosovans had to flee the country and became refugees..

After the NATO offensive that ended on 12 June 1999, the Serbs left the region and although there is an elected parliament, a Prime Minister and a State President, Kosovo is ruled by the United Nations Interim Administration Mission in Kosovo (UNMIK). Security in the region is provided by the Kosovo Peace Force (KFOR). In addition, according to UN



The Photos of Disappeared Persons Outside Kosovo Parliament Building

declaration 1244, Kosovo is still counted as part of Serbia. During the visit, negotiations for independence continued.

After the civil war, human rights violation continued at a serious level in Kosovo. In September 2005, the Human Rights Agenda Association conducted a first visit to Kosovo in order to inspect the situation on the ground, to follow developments over time and to report on the situation. The Human Rights Agenda Association talked to organizations of civil society, the Kosovo parliament, the Ombudsman Institute of the European Union, human rights specialists of the United Nation and concentrated on the following human rights problems:

- Disappearances
- Minorities
- Return of refugees
- Crimes against humanity

**Macedonia:** Another country that has not become politically stable after the collapse of former Yugoslavia is Macedonia. The regional problems of the Macedonian State of today stem from different views in history on the territory and claims of rights; problems arose because some countries in the neighborhood did not want to recognize it as a State or take the borders as legitimate. Therefore the international community still speaks of the Former Yugoslavian Macedonian Republic, although it is an independent State.



Selvet Çetin: Visiting the Macedonian State TV/Radio

The Human Rights Agenda Association held talks in Skopje, Gostivar, Tetovo, Radoviš, Pristina and Prizren with many representatives of human rights organizations, official representatives of the Macedonian State TV/radio, and concentrated on the problems of ethnic and religious minorities in the country as well as the integration of international human rights mechanisms.

## Report on Discrimination, Racism and Hate Crimes in Turkey

Taking the general comment of the UN Human Rights Committee, the case law of the European Court of Human Rights and instructions of the European Union together, the term “discrimination” is used in the sense of separating, segregation, restriction or for a treatment that hinders the use or acceptance of all rights and freedoms because of race, colour, sex, sexual orientation, language, religion, ethnic, national or social offspring, property, birth, political or other views. In international law, discrimination is recognized as both direct and indirect discrimination. However, different forms of discrimination are expressed in the social sciences.



The Human Rights Agenda Association prepared a report on verbal attacks and violent incidents based on racism, discrimination and intolerance that increased in 2005 and presented it with suggestions for a solution to the national and international public and to the European Commission against Racism and Intolerance in the Council of Europe.

You can access the report in English on our website:

[http://www.rightsagenda.org/index.php?option=com\\_content&view=article&id=314:aliascrimes-of-discrimination-racism-and-hatred-in-turkey&catid=91:aliasreports&Itemid=130](http://www.rightsagenda.org/index.php?option=com_content&view=article&id=314:aliascrimes-of-discrimination-racism-and-hatred-in-turkey&catid=91:aliasreports&Itemid=130)

Discrimination is a serious problem appearing in a number of varieties. As the HRAA we concentrated in the report prepared in 2005 on Discrimination, Racism and Hate Crimes in Turkey, in particular on the nationalist and racist wave that grew in recent years in Turkey. This report, which was presented with recommendations to the legislative, executive and judiciary, was a first on this subject. Following the report, HRAA intensified its work on the fight against discrimination and signed new initiatives on this subject. HRAA is still continuing these activities in cooperation with NGOs working in various fields.



Human Rights Agenda Association

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**2006**

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## Seminars on Sharing Information and Experience on How to Implement Supra- National and International Human Rights Law in National Law II<sup>6</sup>

The changes to the Constitution and the laws allowing for retrial that were passed as part of the harmonization to the European Union (EU) have made the ECHR an indisputable part of national law. These reforms on the legal level have to be implemented as soon as possible. However, because the provisions of the Convention and the case law of the ECtHR are not well known by jurists, and because of resistance from judges and prosecutors, the implementation of the norms of the ECHR has been hindered. Even though the implementation of international human rights conventions is the duty of judges and prosecutors, the practice in Turkey is full of examples that this is not possible. Therefore, lawyers have a large role in implementing these norms, but first they have to get rid of the following distinction in their minds. The distinction between jurisprudence/courts in Turkey and the jurisprudence/court in Strasbourg has to be lifted in their minds. They have to internalize the fact that the judgements of the ECtHR and Strasbourg are national documents that do not belong to a foreign or different world.



Ville Forsman: Conference on International Human Rights Law

<sup>6</sup>This project was realized with financial contribution from *the Embassy of the Kingdom of the Netherlands* in Ankara.

Because of its success in 2005, HRAA continued seminars on sharing information and experience on how to implement supra national and international human rights law in national law in 2006. The seminars in which 100 lawyers practising in İzmir participated were supported by the Embassy of the Kingdom of the Netherlands in Ankara.



Bekir Berat Özipek: Conference on Human Rights System



Özkan Yücel: Seminar on ECHR

Mustafa Erdoğan: Conference on Constitution Court and Human Rights

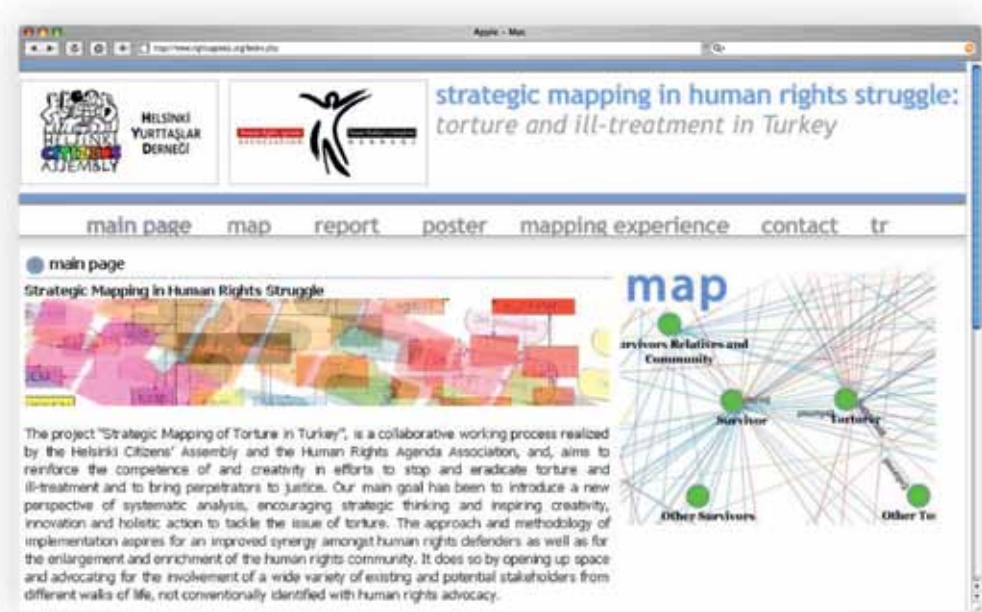




Taner Kılıç; Seminar on Refugee Law

## Prevention of Torture<sup>7</sup>

As a joint project with Helsinki Citizens' Assembly, the Human Rights Agenda Association worked for the prevention of torture on the strategic mapping of torture (STRAMAP) and the preparation of an in-depth report. STRAMAP brought together the long lasting knowledge and experience of Helsinki Citizens' Assembly in the area of civil society and the expertise of the Human Rights Agenda Association concerning the solution of the problem of torture. It aimed at increasing the capacity of human rights communities working on torture and impunity of torturers in Turkey.



STRAMAP is an effort encouraging strategic thought, and by mapping the general appearance of torture in a substantial form it can open the way for developing a national action plan, accept the optional protocol to the UN Anti-Torture Convention (OPCAT), use the information strategically and increase cooperation in the prevention of torture.

In order to fight against torture and impunity in Turkey, to develop an analytic and participatory model of work and the spread of this model, STRAMAP aimed at:

- Developing and implementing effective strategies

<sup>7</sup> This project was realized with material contributions from the European Union.



- Observing torture, ill-treatment and the problem of impunity and preparing an in-depth report
- Developing strategic coordination among different sectors (communities of civil society, academic circles, etc.) and ensuring cooperation and alliances
- Finding a relationship between the results that were started, produced and established on the subject
- Increasing awareness and lobbying for developing a national action plan to accept the optional protocol to the UN Anti-Torture Convention (OPCAT)
- Ensuring that torture victims benefit more from legal compensation and other forms of redress



STRA-MAP Istanbul Workshop

To see the results of the project that lasted for some two years and to read the report of the Human Rights Agenda Association, follow this link:

<http://www.stramap.org/en/home.aspx>





Human Rights Agenda Association

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**2007**

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HUMAN RIGHTS AGENDA ASSOCIATION  
2003-2009 Activity Report



## Human Rights Problems in Critical Areas in the Balkans: Bosnia-Herzegovina, Kosovo, Macedonia<sup>8</sup>

The problems in Bosnia-Herzegovina, Kosovo and Macedonia placed the region in crisis and present two anachronistic problems experienced in the Balkans historically and today. These problems can be categorized as ethnic and religious. The Human Rights Agenda Association believes that Turkey, as a part of the same geographical structure, has been influenced by these problems to a large extent. Because of the political crisis in the past in Bosnia-Herzegovina, Macedonia and Bulgaria, tens of thousands who were members of the Turkish minority left their homeland and were forced to settle in Turkey.



The Human Rights Agenda Association contends that because of the cultural, social and historical similarities, it is able to evaluate the human rights problems in the Balkans from an objective view point, to make realistic and lasting suggestions for a solution and to have the potential of establishing sympathetic ties to societies in the Balkans. In this way, it is believed that it is of pressing importance to pay a visit to the region in order to observe and determine the human rights problems on the ground.

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<sup>8</sup> This project was realized with material contribution from the Turkey representation of *the Open Society Institute*.



A Bulletin Board in Balkans

A Multilingual Table in Prizren Municipality, Kosovo



After the initial visit in September 2005, HRAA had talks with the political leaders and representatives of civil society in the region, made an analysis of the existing problems and made an evaluation of the steps to be taken for a solution of the problems. Special attention was given to the rule that the meetings were conducted in a way that political circles and representatives of civil society would both participate. The aim was that the problems were expressed openly and could jointly be shared. An extensive report was written on problems, findings, observations and suggestions that had been expressed. The report can be accessed on our website under:



[http://www.rightsagenda.org/attachments/316\\_humanrightsproblemsinregionsofcrisis.doc](http://www.rightsagenda.org/attachments/316_humanrightsproblemsinregionsofcrisis.doc)

In addition, the opportunity for cooperation with organizations of civil society emerged. Preparations are under way to put those opportunities into practice.

Daily Newspapers in Bosnia-Herzegovina after the Decision of the International Court of Justice on Genocide







Poster against Ahtisaari's Plan in Kosovo



UN Peacekeeping Force in Kosovo





A Banner on "Dissappearances" outside Kosovo Parliament Building

HRAA in Macedonia



## **Educational Project for Lawyers in the Aegean Region on Implementing the Norms of the European Convention of Human Rights (ECHR) in National Law and Human Rights law<sup>9</sup>**

The lawyers who participated in seminars on sharing information and experience on how to implement supra-national and international human rights law in national law, organized by the Human Rights Agenda Association in 2005 and 2006, had expressed in the forms they were given at the end of the seminars that their horizon had widened, they knew more about the conventions, the implementation of the conventions would spread, they had gained a vision in practicing their job, they had more courage to implement international conventions, the courts would internalize the implementation of international conventions through insisting and well founded applications of lawyers and that they had started to refer to international conventions in their correspondence and petitions. At the same time, the lawyers maintained that courts would not take demands seriously, if only they had put them forward. If more than one lawyer would make such a demand, then the courts would react differently. The participants expressed that their courage would increase if they acted as a group in common conscience and they would not feel isolated.



Serkan Cengiz: Seminar on ECHR

<sup>9</sup> This project was realized with financial contribution from the *National Endowment for Democracy (NED)*.



Therefore, the seminars on sharing information and experience on how to implement supra- national and international human rights law in national law, in which decisions



of the European Court of Human Rights on the European Convention of Human Right and the additional protocols were studied intensely, were conducted in the Aegean region after İzmir. During the seminars, the human rights mechanisms of the United Nations were studied in depth and an effort was made for the implementation of all human rights conventions in national law without making any distinction.

In the seminars conducted for lawyers working in Aydın, Balıkesir, Denizli, Çanakkale, Afyon, Uşak and Manisa, the lawyers were educated in two groups of 25 participants each, totaling 50 lawyers.

## **International Human Rights Instruments Against Discrimination<sup>10</sup>**

The ban of discrimination and the principle of equality are two basic pillars of international human rights law. International human rights law accepts the principle that all humans are equal and bans discrimination. The principle of equality and the ban of discrimination are openly expressed in the Constitution of the Turkish Republic. Yet, both national legislation and practice reveal that acts of discrimination are one of the most striking problems in Turkey. One of the main reasons is the lack of awareness. Yet for the prevention of discrimination and the enacting of the principle of equality, the lack of politics and a strategy are in even more demanding need. Turkey has not signed many international conventions for the prevention of discrimination. In addition, these conventions, particularly recent ones, have not been translated into Turkish. Therefore, the Human Rights Agenda Association considered a program of evaluating the international law texts on the ban of discrimination a useful initiative.



“International human rights law on the ban of discrimination” was prepared by Hakan Ataman. Hasan S. Vural was the editor. The book deals with the subject of international human rights law developed for the prevention of discrimination. The book includes texts that were translated earlier, but also translations of texts from recent conventions. The book gives guidance on how to interpret the provisions and includes explanations and comments.

The translations in the book were made by İdil Işıl Gül, researcher at İstanbul Bilgi University, Şehnaz Layıkel, Utku Kılınç, Orçun Ulusoy and Ayça Uluseller. Cengiz Karataş and Levent Korkut, teaching at Hacettepe University, contributed to the book with their constructive ideas in reading the book in its frame of terminology.

<sup>10</sup> This program was realized with material support from the Sigrid Rausing Trust/ Global Dialogue Program.

You can access the booklet in Turkish at:

[http://www.rightsagenda.org/attachments/205\\_kapakkunyeozsozveicindekiler.doc](http://www.rightsagenda.org/attachments/205_kapakkunyeozsozveicindekiler.doc)

[http://www.rightsagenda.org/attachments/205\\_ayrimciligakarsiluslararasiinsanhaklarimevzuati.rar](http://www.rightsagenda.org/attachments/205_ayrimciligakarsiluslararasiinsanhaklarimevzuati.rar)

## Refugee Observation Report / Seferihisar

On 8 December 2007, on Wednesday, a boat that started its trip from Seferihisar district in İzmir province and that allegedly had 85 refugees on board that should have been taken to Samos Island capsized because of bad weather conditions. On 9 December rescue operations began because the first corpses were seen on the shore; a total of 46 corpses were found and six people could be rescued either with their own efforts or the help of the coastguard or fishermen.



A delegation of the Human Rights Agenda Association went to Seferihisar on 11 December 2007 and made inquiries. The delegation met the chief prosecutor in Seferihisar and talked to staff of the coastguard; it gathered information from fishermen that participated in the rescue operation and local reporters following the development.

You can access the Seferihisar refugee report (in Turkey) at

[http://www.rightsagenda.org/attachments/200\\_multecigozlemraporuseferihisar.pdf](http://www.rightsagenda.org/attachments/200_multecigozlemraporuseferihisar.pdf)



**Human Rights Agenda Association**

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**2008 & 2009**

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HUMAN RIGHTS AGENDA ASSOCIATION  
2003-2009 Activity Report



## Educational Project for Lawyers in the East Mediterranean Region on Implementing the Norms of the European Convention of Human Rights (ECHR) in National Law and Human Rights Law<sup>11</sup>

Because of the positive response of lawyers participating in seminars in 2005, 2006 and 2007, the Human Rights Agenda Association continued seminars on sharing information and experience on how to implement supra-national and international human rights law in national law in 2008.

In 2008, the seminars on sharing information and experience on how to implement supra-national and international human rights law in national law were held for lawyers working in the cities of Adana, Mersin, Antakya, Gaziantep, Osmaniye and Kilis in the East Mediterranean region of Turkey.



Tahir Elçi: Seminar on ECHR

<sup>11</sup> This project was realized with financial contribution from the *National Endowment for Democracy (NED)*.



Gülçin Aktunç: Seminar on ECHR



Özlem Yılmaz: Seminar on ECHR

## Turkish Handbooks on Human Rights<sup>12</sup>

With contributions of the Embassy of the Kingdom of the Netherlands in Ankara, the Human Rights Agenda Association prepared six handbooks on important subjects. The books were prepared to:

- Increase human rights awareness in Turkey,
- Contribute to diminishing prejudice against human rights defenders in Turkey,
- Create sources for the human rights struggle in Turkey,
- Contribute to Turkey's unification with the EU.

The handbooks prepared in this project were:

**Human Rights Movement in Turkey:** The history of the human rights movement in Turkey is widely unknown. The known history starts with the military intervention on 12 September 1980 and the foundation of the Human Rights Association in 1986. Unfortunately, the history from the foundation of the republic until 1986 is not known. All associations that were founded during this time were closed or suspended



<sup>12</sup> This project was realized with financial contribution from the Embassy of the Kingdom of the Netherlands in Ankara.

by political or military rulers. The political atmosphere of the 1960's and 1970's has played a decisive role in this regard. The human rights idea was sacrificed for ideological clashes. We believe that the short history of the human rights movement in Turkey and the analysis of it will enlighten the human rights struggle for the future. The book on the Human Rights Movement in Turkey was written by Selvet Çetin.

Available at:

[http://www.rightsagenda.org/attachments/211\\_turkiyeinsanhaklarihareketi.pdf](http://www.rightsagenda.org/attachments/211_turkiyeinsanhaklarihareketi.pdf)

**The Right to Education and Education in Human Rights:** One of the biggest problems in Turkey is the right to education and education in human rights. According to the Constitution and law, basic education in Turkey is compulsory, lasts eight years and is free of charge. In practice, it is much different. Many children and in particular girls are not sent to school at all. Looking at the circle diagram 4A (**adaptability, accessibility, availability and acceptability**) prepared by previous UN special rapporteurs on the right to education, it appears that the right to education exists in Turkey. However, as the UN special rapporteur stated in her report on Turkey, accessibility, acceptability and applicability of the right to education is certainly problematic. More importantly, in all international human rights treatments the only provision that Turkey has marked with reservation is the right to education! In that sense we hope that this project will put the right to education and human rights education on the agenda and might be helpful for Turkey to lift the reservations. The book *The Right to Education and Human Rights Education* was prepared by Hakan Ataman.

Available at:

[http://www.rightsagenda.org/attachments/203\\_egitimhakkiveinsanhaklariegitimi.pdf](http://www.rightsagenda.org/attachments/203_egitimhakkiveinsanhaklariegitimi.pdf)



**International Criminal Court:** For various reasons, Turkey has not ratified the Statute of Rome that accepts the ruling of the ICC and there is serious resistance in Turkey to ratifying the Rome Statute. The ICC is largely misunderstood and wrongly interpreted. One of the most important reasons for this is the fact that the ICC is not sufficiently known in Turkey. The book addresses activists in general and contributes to the ICC getting on the agenda in Turkey. Unfortunately, at the end of World War I and during military interventions, Turkey was the host of many war crimes



and crimes against humanity. Therefore, the ratification of the Rome Statute on the ICC will not only give this court the right to pass judgement, but also will lead to national legislation in Turkey that will have a preventive effect. For this reason, we hope that the project will contribute to Turkey's ratifying the Statute of Rome. The book on the International Criminal Court was prepared by Orçun Ulusoy.

Available at:

[http://www.rightsagenda.org/attachments/207\\_uluslararasıcezamahkemesi.pdf](http://www.rightsagenda.org/attachments/207_uluslararasıcezamahkemesi.pdf)

**Legislation Against Discrimination:** In Turkey, the notion of discrimination is not known sufficiently. If you say discrimination in Turkey racism is understood. When you say racism, one thinks of what the Americans did to black slaves or, if you look at Turkey from the outside, the Kurdish question is understood. Whereas discrimination in Turkey actually appears in many forms related to age, gender, sexual orientation, disability, freedom of religion and conscience and of course in forms related to racial and ethnic offspring. In the Turkish Penal Code that was adopted lately, discrimination was accepted as a crime. However, discrimination according to age and sexual orientation were not considered crimes. We believe that the book addressing the different dimensions of discrimination and explaining the human rights documents in this area will be a cutting-edge in the fight against discrimination on different levels in Turkey. The book, *Legislation Against Discrimination*, was prepared by Assistant Professor Dr. Levent Korkut.

Available at:

[http://www.rightsagenda.org/attachments/209\\_ayrimcilikkarsitihukuk.pdf](http://www.rightsagenda.org/attachments/209_ayrimcilikkarsitihukuk.pdf)

**Europe and Human Rights Mechanisms:** Turkey is one of the members of the Council of Europe. Yet, the jurisdiction of the ECtHR, which has a very positive influence on democratization and human rights in Turkey, was only accepted in 1987. In a similar way the EU reform process that gained momentum in 1999 led to fairly positive developments relating to democratization and human rights in Turkey. However, after two years the reform process first slowed down and later came to a standstill. This situation has negatively affected Turkey's integration into the EU and also has had a negative effect on democracy and human rights in Turkey. One of the most important reasons is the prejudices that developed in Turkey





against the EU in recent years. We hope that the book will be helpful for lifting these prejudices. In this connection, the book looks at the defense and protection of human rights and the mechanisms established in the European region. The book on Europe and its Human Rights Mechanisms, was prepared by Ayça Uluseller and Orçun Ulusoy.

Available at:

[http://www.rightsagenda.org/attachments/206\\_avrupaveinsanhaklarimekanizmalari.pdf](http://www.rightsagenda.org/attachments/206_avrupaveinsanhaklarimekanizmalari.pdf)

***Human Rights Defenders:*** The fact that the notion of human rights emerged in Turkey at a very late stage and in a political atmosphere has negatively affected human rights defenders. In this phase many human rights defenders were killed, arrested and subjected to torture and ill-treatment. Investigations and court cases against human rights defenders are still continuing. As the UN special rapporteur on human rights stated in his Turkey report, human rights defenders in Turkey have been highly brand-marked. Human rights defenders have to fight against cliché opinions such as terrorism, communism and separatism. This book relates to the activities of human rights defenders. It also presents the rights of human rights defenders. The UN declaration on human rights defenders and the EU Human Rights Defenders Guide are also part of the book. Thereby it was planned to contribute to diminish prejudice against human rights defenders in Turkey. The book on Human Rights Defenders was prepared by Hakan Ataman.



Available at:

[http://www.rightsagenda.org/attachments/208\\_insanhaklarisavunuculari.pdf](http://www.rightsagenda.org/attachments/208_insanhaklarisavunuculari.pdf)



## Camp Dikili 2008 No to Borders

The Dikili Camp 2008 No to Borders, supported by the Human Rights Agenda Association, was conducted with activists from 14 different countries. It started in Dikili on 3 September and was the first No to Borders camp in Turkey; it ended with plans for the future and the solidarity network that was created. During the camp, which lasted for 5 days, activists from many countries shared their experiences and made plans for the future ahead.

The camp was attended by activists from Russia, Austria, Germany, Greece, France, Israel, Canada, Romania, Belarus, Belgium, Switzerland, Great Britain and Poland. In the camp, conversation workshops were held on the border policies of governments and the problem of refugees, and some presentations were made. The first workshop concentrated on the refugee problem in Turkey, the understanding of borders and why and how the camp was organized in Turkey.

In workshops organized by activists from Turkey, Poland and Israel the refugee and border problems in these countries were discussed. In general, the activists shared information and experience and in the evenings documentaries, films and music were played.



The Poster of No Border Camp 2008



No Border Camp 2008: 504 Loss

In commemoration of refugees drowned in the Aegean Sea, a performance was held at the People's Beach in Dikili. The number of people that died or disappeared in the



No Border Camp 2008: 492 Deaths

Aegean Sea was written in the sand with red stones. The interest shown by people from Dikili was pleasing. An exhibition of pictures entitled “Borders are Everywhere” was displayed in the centre of Dikili during the time of the camp.

You can get more information on the 2008 Dikili Camp No to Borders by visiting the website:

<http://dikilinobordercamp.blogspot.com/>.

## Hate Crimes in Turkey<sup>13</sup>

The first initiative against hate crimes was taken in the USA in the 1960s. In 1985, the USA introduced hate laws in order to prevent physical attacks, particularly against Jews. These laws counted the subjective emotions and thoughts of the defendant as an element to aggravate the crime and provided for additional punishment. Towards the end of the 1990's the scope of hate crimes was broadened and differences of ethnic origin, colour, nationality, religion, sexual orientation, age, physical or mental disabilities were added. The law tried to protect defenseless groups open to pressure against all kinds of attacks from other groups and classes triggered by prejudice.



Starting in 2005, Turkey entered a new phase of hate crimes committed against members of different religions, LGBT individuals, people with different opinions, foreigners and disabled people. The increase of hate crimes became more visible since 2007.

Therefore, HRAA carried out a study on hate crimes that showed a specific increase in recent years in Turkey. Within the study we conducted talks with academics, jurists, staff of the media and activists. Talks were held with Ahmet İnsel, Ali Bayramoğlu, Ali Koç, Ayhan Kaya, Ayşegül Altınay, Baskın Oran, activists if Say Stop! Erdal Doğan, Etyen Mahçupyan, Fatmagül Berktaş, Gün Kut, Ömer Laçiner, Tanıl Bora, Tolga Korkut on the reasons for hate crimes in Turkey and suggestions for solution and put together in a report.

You can access the English version of handbook at:

[http://www.rightsagenda.org/attachments/521\\_HATECRIMESINTURKEY.pdf](http://www.rightsagenda.org/attachments/521_HATECRIMESINTURKEY.pdf)

<sup>13</sup> This program was realized with material support from the Sigrid Rausing Trust Global Dialogue Program.

## Turkey: Defend Human Rights Defenders

Particularly with the reforms since 2001 as part of the harmonization procedure with the European Union (EU), Turkey has taken positive steps to develop and institutionalize human rights and basic freedoms. The reforms led to positive developments in law and in practice. Besides the reforms to adapt law to European standards, the reforms that were introduced in line with the judgments of the European Court of Human Right (ECtHR) brought about some positive results. At the same time, serious problems have arisen since 2006 that have led to tension in relations with the EU. This development is frequently described with the metaphor of a “train accident”.



The most concrete sign of this tension is the fact that during the previous election all political parties used potential membership in the EU as their slogan while during the last election all political parties put their opposition to the EU up front. The reforms stopped, and parallel to this development laws were passed that restrict basic rights and freedoms. Increases were seen in many problematic areas: police brutality, torture, ill-treatment and degrading and inhuman punishment; extreme nationalist violence, violations of the freedom of expression, and abuses of the right to life; and pressure, violence, demoralization and intimidation of human rights activists.

This report of the Human Rights Agenda Association (HRAA) concentrates on violence against and intimidation of human rights activists and, while comparing the situation to the past, aims at forming a reaction and finding concrete solutions concerning pressure, violence, demoralization and intimidation of human rights activists.

The English Version of Report is available at:

[http://www.rightsagenda.org/attachments/317\\_turkeydefendhumanrightsdefenders.doc](http://www.rightsagenda.org/attachments/317_turkeydefendhumanrightsdefenders.doc)

## LGBT Rights are Human Rights<sup>14</sup>

Because of widespread prejudice in societies and discrimination, the human rights of LGBT individuals have always been disregarded. Violations of rights because of sexual orientation and gender are very widespread in our day. The important first step for the international acceptance of rights based on sexual orientation and gender was the fact that, on 17 May 1990, the World Health Organization removed homosexuality

<sup>14</sup> This project was realized with material contribution from KIOS (*The Finnish NGO Foundation for Human Rights*).

from the list of mental illnesses. The second important development was the meeting of human rights experts in Yogyakarta, Indonesia between 6 and 9 November 2006, during which discrimination and human rights abuses based on sexual orientation and identity based on gender were discussed. Finally, on 18 December 2008 Jorge Aguello, Ambassador of Argentina, read the “UN Declaration on Sexual Orientation and Gender Identity”, which was signed by 66 countries.



Hakan Ataman: Workshop on  
“LGBT Rights Are Human Rights”  
Kaos GL Istanbul





Hakan Ataman: Workshop on  
"LGBTT Rights Are Human Rights"  
Lambda Istanbul

Despite all of this, rights violations against LGBTT individuals are still widespread. In Turkey, LGBTT individuals who are detained are subjected to torture and ill-treatment.



Workshop on "LGBTT Rights Are Human Rights"  
Lambda Istanbul



There is a serious increase of murders in big cities committed on homophobic or transsexual-phobic grounds. Besides, the security forces are conducting raids on flats and associations of LGBTT individuals.

The Human Rights Agenda Association showed solidarity with the LGBT organizations in Turkey and started the project “LGBT Rights are human Rights” in order to put the subject LGBT on the agenda of human rights organizations and to contribute to develop awareness in public. Within the project and the aim to prepare a book, activists of KAOS GL, Lambda İstanbul and Pembe Hayat came together on the premises of HRAA in Ankara, followed by meetings in the offices of KAOS GL in Ankara and Lambda İstanbul in Istanbul.

You can access the Turkish Handbook at:

[http://www.rightsagenda.org/attachments/518\\_KIOS%20di%C4%9Fer%20sayfalar.pdf](http://www.rightsagenda.org/attachments/518_KIOS%20di%C4%9Fer%20sayfalar.pdf)

## Participation of Individuals Diagnosed Psychiatric Problems and Mental Disability in Social Life<sup>15</sup>

RUSİHAK-Association for Human Rights in Mental Health and the Social Political Forum at Bosphorus University ran a project with the Human Rights Agenda Association aimed at increasing the capacity of visibility and defense of individuals with psychiatric problems and mental disability, creating an atmosphere that enables a discussion of needs and problems of individuals with psychiatric problems and mental disability from the perspective of human rights, strengthening the ties between the involved State institutions and NGOs, developing the most sensitive solution for the needs and problems of individuals with psychiatric problems and mental disability, developing a complex approach including the people living on the spot and the views of experts, improving the conditions in health institutions and rehabilitation centers and ensuring that alternatives centered on society are developed so that the segregation of individuals with psychiatric problems and mental disability in society does not increase.



The first organization of civil society in Turkey defending human rights in the field of brain and mental health RUSİHAK set up a team of 8 persons consisting of human

<sup>15</sup> This project was realized with the material support of the Embassy of the Kingdom of the Netherlands in Ankara and the Turkey representation of the Open Society Institute.



rights advocates, experts for mental health, educators in arts and activists and visited six large mental homes and 6 rehabilitation centres in Manisa, Elazığ, Adıyaman, Adana, Samsun, Ankara and İstanbul. In these institutions, subjects such as the conditions of accommodation, physical conditions, freedom of movement, possibilities for care and treatment, information and rights of patients were inspected from the aspect of international human rights and the conditions were documented. The findings of problems and suggestions for solution of 230 people under treatment in these institutions and 88 staff member were evalu-

ated and activities were developed as alternatives for these people showing positive examples. This was the first time that people under treatment, staff members, administrators of the institutions, physicians, nurses, representatives of public institutions in the provinces that were visited came together on an equal platform and shared their views and suggestions for a solution. Round-table discussions with 200 participants were also held.

On 23-24 October 2008, the findings of the observation and evaluation in the large mental homes of Turkey and rehabilitation centers for mentally ill individuals undertaken to improve conditions and to ensure a change in apprehension based on rights, were made public. At the symposium in Ankara İçkale Hotel, representatives of involved ministries, public institutions, organizations of civil society, patients under treatment in the corresponding provinces, their relatives and staff members delivered speeches. Some 150 people participated in the symposium.



You can access the report on Human Rights in the Field of Brain and Mental Health 2008 on Turkey at:

<http://www.rusihak.org/dosyalar/haberler/rusihakulusalrapor.pdf>



From Right to Left: Mesut Demirdoğan, Fatma Zengin Dağıdır and Şehnaz Layıkel - RUSİHAK

Gökhan Deniz and Şehnaz Layıkel - RUSİHAK



# The Turkish Version of the Yogyakarta Principles

Many States and societies impose gender and sexual orientation norms on individuals through custom, law and violence and seek to control how they experience personal relationships and how they identify themselves. The policing of sexuality remains a major force behind continuing gender-based violence and gender inequality.



The international system has seen great strides toward gender equality and protections against violence in society, community and in the family. In addition, key human rights mechanisms of the United Nations have affirmed States' obligation to ensure effective protection of all persons from discrimination based on sexual orientation or gender identity. However, the international response to human rights violations based on sexual orientation and gender identity has been fragmented and inconsistent.

To address these deficiencies a consistent understanding of the comprehensive regime of international human rights law and its application to issues of sexual orientation and gender identity is necessary. It is critical to collate and clarify State obligations under existing international human rights law, in order to promote and protect all human rights for all persons on the basis of equality and without discrimination.

The International Commission of Jurists and the International Service for Human Rights, on behalf of a coalition of human rights organizations, have undertaken a project to develop a set of international legal principles on the application of international law to human rights violations based on sexual orientation and gender identity to bring greater clarity and coherence to States' human rights obligations.

A distinguished group of human rights experts has drafted, developed, discussed and refined these Principles. Following an experts' meeting held at Gadjah Mada University in Yogyakarta, Indonesia from 6 to 9 November 2006, 29 distinguished experts from 25 countries with diverse backgrounds and expertise relevant to issues of human rights law unanimously adopted the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. The Turkish version of the Yogyakarta Principles was translated by Zafer Salan.

It is available at:

[http://www.rightsagenda.org/attachments/479\\_Yogyakarta%20%C4%B0lkeleri.pdf](http://www.rightsagenda.org/attachments/479_Yogyakarta%20%C4%B0lkeleri.pdf)

## Human Rights in Questions<sup>16</sup>

It is not enough that human rights are perceived as a collection of values that offers equal opportunities to everyone. For these values to take root and grow there is a need for a powerful political and judicial basis. In order to see that the process of Turkey's accession to the EU has been an opening for changes to the Constitution and penal law, one has to look at the verdicts in court. It is seen that many judgments were passed in important cases that shed a bad light on the independence of the judiciary. For the decrease of human rights violations impunity must be stopped. But verdicts such as the lapse of time decision for the gendarmerie soldiers being held responsible for the deaths of many prisoners during the so called "Return to Life" operation some years ago are not helpful to prevent impunity.

Bearing in mind that 9,000 judges and prosecutors underwent an education of the Justice Ministry in recent years, it is difficult to understand why a great extent of the case law on issues such as ban of torture, freedoms of expression, association, religion and conscience, is still behind international standards. This difficulty is apparent in the judicial attempt to close a political party that came to power by 47% of the vote.



The Website of Human Rights in Questions

<sup>16</sup> This project was realized with financial contribution from the National Endowment for Democracy (NED).

From the aspect of human rights defenders, the process in Turkey is full of obscurities, anguish and threats. Despite all of this, human rights defenders continue their work with sacrifice. As part of its human rights education program, the Human Rights Agenda Association believes that the web project on “Human Rights in Questions” will strengthen the capacity of defenders, help break the resisting points of official circles and fill a gap. Within the project, the following themes were put into 50 questions and answers and placed on the website.

**ECHR and ECtHR:** This part was prepared by the lawyer Mehmet Nur Terzi and Utku Kılınç.

**Refugee Legislation:** This part was prepared by lawyer Orçun Ulusoy.

**Children’s Rights:** This part was prepared by Ezgi Koman.

**Women’s Rights:** This part was prepared by lawyer Fatma Benli.

**Economic and social rights:** This part was prepared by the lawyers Gülçin Aktunç Hasipek and Özlem Yılmaz.

**Rights of Romans:** This part was prepared by lawyer Orhan Kemal Cengiz.

**International Criminal Court:** This part was prepared by lawyer Günel Kurşun.

**LGBTT:** This part was prepared by Hakan Ataman and lawyer Utku Kılınç.

**Minorities:** This part was prepared by lawyer Orhan Kemal Cengiz.

You can access this part at;

<http://sorular.rightsagenda.org>.



Human Rights Agenda Association

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