



European Network Against Racism
Réseau européen contre le racisme

ENAR Shadow Report 2012-2013

ENAR SHADOW REPORT

Racism and related discriminatory practices in employment in Turkey

Dr. Ülkü Güney

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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Executive summary

The aim of this report is to reveal the discrimination and racism that members of ethnic minorities and other disadvantaged groups are exposed to in employment in Turkey between March 2012 and March 2013.

Turkey has a population of over 75 million of which 51 million are in the potential working age group (15 to 64)¹. Located between three continents, Turkey is ethnically and culturally a very diverse country. People who consider themselves as Turks make up 76.7 per cent. The largest ethnic group are Kurds with around 13.5 per cent, followed by Alevi, a religious denomination, and many other smaller ethnic and religious groups, including asylum seekers and undocumented migrants².

The official unemployment rate in Turkey is 9,2 per cent in March 2012 and this increased to 9,4 per cent in March 2013³. However, according to the investigations by trade unions, the unemployment figures are much higher, rising up to nearly 15 per cent⁴.

An important factor relating to discrimination and racism is the workings of the informal economy and /or unregistered employment⁵ that has been estimated at around 30 per cent for the time period of this report. This is due to the high unemployment rate; many people are concerned of becoming or remaining unemployed and therefore quickly accept unregistered work. In March 2013, 36.8 per cent of the overall employment was in the informal sector.

The informal sector is also supported by undocumented migrants in Turkey. There are estimated 1 million unrecorded workers in Turkey. However, from 1st of February 2012 onwards, the government presented some measures in order to control those who are without residence and work permits.

The highest unemployment rates in Turkey can be found in the Eastern provinces of Turkey (Kurdish region). This drives many people to take up temporary jobs, such as seasonal agriculture work, in western provinces of Turkey under very bad living and working conditions for both the workers themselves and their children who accompany them.

Turkey is known as one of the countries with a very high rate of deadly work accidents. According to IHD's report⁶ on violation of rights in 2012, 90 workers died and 3190 were injured due to work related accidents. Many NGOs and activists see the reason for the appalling increase in fatal work incidences as a result of the widespread use of subcontractors. In fact, there is a subcontractor's boom particularly in the construction sector since the current government party (AKP) came into power.

In terms of discrimination in employment, Roma and Kurds are the most disadvantaged groups in Turkey. The unemployment rate among the Roma is estimated 85 per cent and is the highest among the groups. In 2011, only around 1-2 per cent of the Roma were included in the social security sys-

¹ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

² KONDA, *Biz Kimiz'10, Kürt Meselesinde Algı ve Beklentiler Araştırması: Bulgular Raporu*, 2011.

³ TÜİK.

⁴ Türkiye Devrimci İşçi Sendikaları Konfederasyonu Araştırma Enstitüsü (DİSK-AR). Research Institute of the Confederation of Revolutionary Workers' Unions.

⁵ According to a information site called 'İş ve Sosyal Güvenlik' (Work and Social Security) unregistered employees are those who are not registered by the social security system nor pay taxes, and the employers are free from any bureaucratic procedure and other obligations such as their part of social security payment. <http://www.isvesosyalguvenlik.com/kayit-disi-istihdam/#.UpDdceLl8ro>

⁶ İnsan Hakları Derneği, *2012 Yılı Türkiye İnsan Hakları İhlalleri Raporu*, İnsan Hakları Derneği, 2013.

tem. This is partly due to lower education achievements but particularly due to extensive discrimination of the Roma in the employment market.

In the last few years, racist discourses towards Kurds are being expressed more frequently in the workplace, particularly in the construction or seasonal agricultural work industries. Often, workers have been attacked by the residents of the city, for example for speaking Kurdish among themselves or singing in the Kurdish language. Also, workers are repeatedly addressed as PKK⁷ terrorists and chased out of the city.

State institutions are also rife with discrimination against ethnic and religious minorities. The current government under AKP practise political and cultural (religious) nepotism which discriminates not only ethnic and religious minorities, but also visibly non- religious people, political opponents or people who are considered as such. For the government anti-discrimination is fixed by law, although ineffective they do not see a basis for setting up additional programmes aimed at reducing ethnic and religious discrimination. One of the few programmes created to tackle the massive ethnic discrimination in employment was directed toward improving Roma unemployment. In March 2012, the Employment Agency (İŞKUR) was instructed by the Ministry of Labour and Social Security to create a programme to integrate Roma into the employment market but these are rather temporary and not sufficient to tackle the problem. The people who took part in those programmes did not obtain a permanent employment.⁸

The Ombudsman institution was created on the 14th of June 2012. Although not a specific institution in charge of handling complaints in the field of employment, it is a step further in tackling unjust regulations and practices. However, the particular task of the Ombudsman institution is to deal solely with the complaints against the public administration and not those involving the private sector. The labour inspection is considered to be the duty of the state in Turkey and this duty is performed by the Ministry of Labour and Social Security. However, discrimination in employment is not a specific issue that falls within the ambit of the labour inspectorates.

To conclude, discrimination and racism in employment is not considered as one of the most important problems that need to be tackled in Turkey. High unemployment rates, deadly work accidents, the informal economy and unregistered employment are seen as major problems. However, these problems should not be considered separately or individually from the issues of discrimination and racism, as they are all essentially interlinked.

Recommendations

- The primary and most important step that needs to be undertaken is to raise awareness about discrimination and racism in all communities.
- Another urgent action that must be taken is the adoption of legal and practical measures promoting compliance with the health and safety regulations by the employers for the prevention of work accidents, especially in industries where the most severe accidents occur.

⁷ "The Kurdistan Workers' Party which has advocated for an autonomous Kurdistan and political and cultural rights for Kurds in Turkey".

⁸ Interview with Egemen Yilgür, (7.8.2013). Yilgür is an academic, founder and administrator of the well known internet site 'Cingeneviz.org' (We are Gypsies) and the author of the book 'Nişantaşı Teneke Mahallesi' which is about ethnicity and poverty in a particular district in Istanbul.

- Existing legislation on the “incitement to hatred” needs to be put into practice to prevent racially motivated verbal and physical attacks toward Kurdish workers and Gypsies.
- To overcome discrimination and racism towards ethnic minorities, particularly Gypsies, Kurds and Alevis, the government needs to adapt a pluralistic policy acknowledging and promoting cultural differences, as well as protecting the rights of the minorities regardless of religious or ethnic affiliation. This would strengthen the minorities in their efforts in combating discrimination in employment.
- A policy of equal pay for equal work needs to be adopted to avoid the regional, ethnic, gender and other inequalities.
- The Anti-discrimination and Equality Council is necessary. (It is in the agenda of the government but nothing has been put into practice yet).
- A comprehensive law on combating all forms of discrimination needs to be prepared and all disadvantaged groups should be consulted in this process.
- A law criminalising hate crimes should be enacted.
- The media ought to be charged for broadcasting discriminatory programmes or feeding discriminatory discourses. It should adopt an impartial stance and make more programmes which look at preventing, rather than encouraging, discrimination.
- Political parties need to include anti-discrimination in their political agendas, develop policies accordingly and make the issue available for public discussion.
- The Turkish state needs to stop viewing ethnic minorities as an issue of “security” and adopt a human and fundamental rights approach.
- Turkey needs to eliminate all discriminatory regulations in various pieces of legislation, for instance the law about excluding non-Muslim minorities from becoming state employees.
- Arrangements need to be made to include ethnic groups in the legislative process, especially when determining communal politics and planning public services.
- It is imperative that the planned ‘Anti-discrimination Law’ becomes effective. In that context, effective administrative appeal mechanisms need to be launched.

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1. Introduction

Racism and discrimination is a reality in the lives of ethnic and religious minorities in Turkey. Often the scope and manifestations of this fact are unknown. No solutions can be established either because of the lack of awareness, and/or because of missing knowledge of how to deal with the problem.

In order to improve the situation of those who experience racism on daily basis, it is important to analyse and document the problems. This kind of documentation requires the use of official and non-official data sources. As for non-official data in particular, NGOs offer a vital and alternative source which comes directly from the experiences of individuals and communities who have to deal with racism and discrimination on a daily basis. The ENAR Shadow Reports have become a major tool for monitoring the situation of racism and discrimination in EU Member and Candidate States. Both ENAR's national and European Shadow Reports have proved to be an invaluable documented starting point for strategic and coordinated action, particularly for anti-racism civil society advocacy towards national governments, the European institutions, bodies and the media.

The aim of this report, therefore, is to contribute to knowledge and to provide insight from activists and professionals on the ground working to combat racism and discrimination in Turkey and serve as an advocacy tool by which to influence policy. This report takes on a more narrow focus than previous reports, by exploring the situation of racism and discrimination in the field of employment in Turkey for the period of March 2012 to March 2013. The results will be used at national level to influence policy developments and will be further compiled into a European comparative report to influence European policies. With improved statistical and comparative data, the Shadow Reports will have a demonstrable impact for changing policy and bringing about necessary policy reforms.

In the following, we will provide the definitions of ethnic minorities that are specific to Turkey and provide some statistics in order to demonstrate the numerical relation of the different ethnic and religious groups to each other. At this point, issues pertaining to the informal economy and factors that contribute to the different employment positions of ethnic / religious minority groups will be paid particular attention. An analysis of the legal framework and outlook of the labour market will be provided, marking the specifics of Turkey as a candidate state for the European Union. Manifestations of racism and discrimination in employment will constitute the main part of the report. Here, particularly perceptions and incidences of discrimination, as well as discrimination in access to employment, will be explored. Regarding discrimination in the workplace, some exemplary cases will be presented. In the last part of the report, information will be provided about the ways in how discrimination should be dealt with in Turkey, legally and structurally, by different bodies and NGOs. The report will conclude and recommendations by the author will be provided.

1.1 Definitions

Turkey is a country with a population of over 75 million with more than 20 ethnicities comprising roughly 130 subgroups.⁹ As the Turkish ethnic groups constitute the majority in the country, in this report we will focus on the major ethnic groups who experience disadvantages on the grounds of their ethnicity or their religion /denomination.

⁹World Directory of Minorities and Indigenous Peoples, <http://www.minorityrights.org/4392/turkey/kurds.html>, accessed 15 7.2013.

The legal status of the different groups in Turkey is divided mainly into two categories:

- I. Citizens of the Turkish Republic with different ethnic or religious background. These are mainly Kurds, Zaza, Alevis, Roma, Greek Orthodox (Rum), Armenian Catholic, Gregorian, Roman Catholic, Protestant, Jewish, Assyrian, Ezidi, Jews, Laz, Arabs, Bulgarians, Bosnians, Pomak, Albanians and Circassians.¹⁰ The total number of various non-Muslim communities is around 1000,000¹¹. Alevis constitute the largest religious minority whereas Kurds make up the largest linguistic and ethnic minority in Turkey. The majority of the Kurds are Sunni Muslims, while a significant numbers are Alevis.¹² Also Ezidis are a Kurdish speaking religious minority. There are no official figures about the number of the Kurds. Estimations suggest a Kurdish population of 15 million.¹³
- II. People and groups with different ethnic and religious backgrounds who live in Turkey but do not have any legal status. These are refugees and asylum seekers, unrecorded migrants and Chechenians with a “guest” status.¹⁴

Migrants constitute a third category but are defined very differently to European countries. According to paragraph 3a of the Turkish Citizenship Law, **Migrant** is defined as a person who, for the purpose of settlement, moves individually or in a group to Turkey, is of Turkish descent and attached to the Turkish culture.¹⁵ Thus the notion of “ethnic minorities” does not legally exist in Turkey. All Turkish citizens are considered legally to be Turks (also those of a different ethnic origin).

Essentially, Turkey’s policy on minority rights is outlined in the Lausanne Peace Treaty of 1923. In this treaty, the definition of minorities only covers some of the “religious minorities”, but leaves out any distinct status for non-Turkish Moslems, Ezidis and some Christian groups such as Assyrians. Greek Orthodox, Armenian Christians and Jews are formally acknowledged as minorities.¹⁶ Thus, these non-Muslim **religious groups (Greek Orthodox, Armenian Catholics and Jews)** are legally accepted as religious minorities and permitted to have schools and education in their mother tongue. Christian Assyrians are not included in this category and therefore they do not have the legal permission of establishing own schools. Those religious groups who are either subsumed under Muslim (for example the Alevis) or are non-Muslims or non-Christians (for example Ezidis¹⁷) do not legally have a minority status. Therefore, the definition of “ethnic minorities” or “ethnic groups” is used in scientific papers and in public discourses, but not in official national statistics and legislation. Nevertheless, some policy documents use ethnic groups to describe the various ethnic minorities which are present in Turkey.

Rather a relatively new definition is that of the **refugees and asylum seekers**. Turkey signed up to the 1951 Geneva Conventions albeit with a geographical restriction. That means only those who come from Europe may obtain the refugees status in Turkey. People from non-European countries remain with the status of asylum seeker and receive a temporary residence visa until they are accepted as

¹⁰ European Network of Legal Experts in the Non-Discrimination Field, Country context, <http://www.non-discrimination.net/content/country-context-28>, accessed 24.11.2013.

¹¹ European Network of Legal Experts in the Non-Discrimination Field, Country context, <http://www.non-discrimination.net/content/country-context-28>, accessed 24.11.2013.

¹² European Network of Legal Experts in the Non-Discrimination Field, Country context, <http://www.non-discrimination.net/content/country-context-28>, accessed 24.11.2013.

¹³ KONDA, *Biz Kimiz’10, Kürt Meselesinde Algı ve Beklentiler Araştırması: Bulgular Raporu*, 2011.

¹⁴ Alp, S., Taştan, N., *Türkiye’de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

¹⁵ Türk vatandaşlığı yasasının uygulamasına dair yönetmelik, tanımlar, 3 (1) g., 11.2.2010.

¹⁶ *Barış Andlaşması (Traite de Paix)* Lozan, 24 Temmuz 1923.

¹⁷ The majority of Ezidis in Turkey are ethnically Kurds. They belong to a religion whose roots go back to Zarathustra.

refugees in a third country under the responsibility of the UNHCR.¹⁸ Therefore there are two legal definitions in Turkey; one is for asylum seekers and the other for refugees. Accordingly the level of protection and rights afforded to each group is different. The general public makes no differentiation between refugee and asylum seeker as many are not aware of the legal differences of the two groups.

Rather a different category constitutes so called foreign nationals. The majority of them come from former Soviet Union countries or so called Turkic States who enter Turkey with a tourist visa and overstay their visa to take up employment in the informal sector, essentially working as undocumented migrants.¹⁹ The majority of this group of people are women who find employment either in the tourism sector, gastronomy or providing domestic services and care work.²⁰ These people fell legally under the definition of “unrecorded migrants”.²¹ As the notion of “ethnic minorities” is only legally used for religious minorities, there is no differentiated use of ethnic minorities for other groups in Turkey.

1.2 Statistical overview

In 2012, the total population of Turkey was over 75 million, equally split among women and men.²² The number of those between the ages of 15 and 64 (potential working age) was 51 million²³, again equally distributed between women and men. The rate for children between 0-14 years are over 43 million²⁴ again roughly split between male and females. Those over 65 years constitute almost 4 million.²⁵ Here the number of men is 1, 7 million less than women, who are over 2 million.²⁶ One can thus say that Turkey has a relatively young population.

As mentioned above, Turkey is a very diverse country in terms of ethnicity, religion and languages. The constellation is often very complex because many ethnicities, religions and languages are interwoven in such a way, that it is often difficult to categorise groups. There are not only virtual divisions among ethnicities, but also amongst denominations and religions. For example, there are Alevis who are ethnically Turks but there are also Alevis who are ethnically Kurds or Zaza (considered to be a subgroup of Kurds). There are Kurdish Ezidis but also Kurdish Sunnis. However, because of the very strong understanding of the nation-state ideal in Turkey, population censuses do not include questions about ethnic origin (since 1935).

Nonetheless, non-governmental research institutions such as Company for Research on Public Opinion and Consultancy (KONDA) provide some information about minority population statistics. KONDA conducted research on Perceptions and Expectations regarding the Kurdish question in Turkey. The

¹⁸ In April 2013 Turkey passed a long-awaited asylum law on Friday that will enhance protection for people seeking refuge, but retained restrictions on applications from those from outside Europe. The law now grants full refugee status to those coming to Turkey from Europe, and provides for the establishment of a new civilian body to oversee refugee applications, a process currently handled by the police, who are often untrained. However, the new law stops short of lifting a geographical limitation widely criticized by rights groups. People arriving in Turkey "as a result of events from outside European countries" will only be given "conditional refugee" status (Reuters, 12.4.2013, <http://www.reuters.com/article/2013/04/12/us-turkey-refugees-idUSBRE93B0XO20130412> (accessed 31.1.2014)).

¹⁹ İstanbul Serbest Muhasebeci Mali Müşavirler Odası, *Yabancı Kaçak İşçiler ve Türkiye'ye Göç Hareketi Raporu*, 2012.

²⁰ İstanbul Serbest Muhasebeci Mali Müşavirler Odası, *Yabancı Kaçak İşçiler ve Türkiye'ye Göç Hareketi Raporu*, 2012.

²¹ İstanbul Serbest Muhasebeci Mali Müşavirler Odası, *Yabancı Kaçak İşçiler ve Türkiye'ye Göç Hareket Raporu*, 2012.

²² Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

²³ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

²⁴ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

²⁵ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

²⁶ *Results of General Population Censuses, 1935-2000 and Results of Address Based Population Registration System, 2007-2012*. www.tuik.gov.tr/PreIstatistikTablo.do?istab_id=1588, accessed 5.7.2013.

research conducted in 2010 and published in May 2011 found that the self-definition regarding ethnic identity of Turkish citizens above 18 years of age is as follows: 76.7 per cent of those interviewed considered themselves as Turks. 13.5 per cent identify themselves as Kurds. People who define themselves as Arabs or as Zaza each make up 1.2 per cent. The remaining 7.4 per cent is roughly split among people who identify themselves as Roma, Migrant, Caucasian, non-Muslim, Laz, of Balkan background and as other.²⁷

Kurds

The Kurds constitute (after Turks) the second largest ethnic and linguistic group in Turkey. They represent the majority population in Southeast and East Anatolian Region and since the 1990s, a considerable proportion of the residents in Istanbul and other metropolises in west Turkey. The Kurds in Turkey speak mainly two different dialects of Kurdish language; Kurmanji and Zazaki. Today Kurds live almost in all cities of Turkey. Since 1983 when the conflict between the Kurdish Workers Party (PKK) and the armed forces of the state began, the political discourse has been dominated by the Kurdish issue. For two decades the Kurds constitute the centre of discussions about identity and cultural rights including the right of using one's own language. The political and cultural claims of the Kurds transformed to a political movement. The armed confrontation between the Turkish military forces and the Kurdish PKK has resulted in a massive migration of the Kurds within the country. In the course of the conflict, 4.000 villages²⁸ were evacuated and rampaged by the armed forces. According to the official figures, nearly 400 thousand people have been forced to migrate.²⁹ According to local sources and human rights organisations,³⁰ the figure amounts to 3-3,5 million people. Most of those people settled in nearby big cities in the east Anatolia such as Diyarbakir, Van, Adana and Mersin or in big cities in the West such as Istanbul, Ankara, Izmir and Antalya.³¹ This background information is important insofar as it enables one to understand the current situation regarding employment.

Roma

The most common name that is used for the Roma is "Çingene" (Gypsy). Roma are considered as a sub-group among the many Gypsy groups in Turkey.³² The total number of Gypsies and related groups such as Roma, Lom, Dom or Abdals in Turkey are based on estimates as no official figures exist. Different sources estimated the range between 500 thousand³³ and 2 million³⁴ Gypsies. It is estimated that around 20 thousand³⁵ Gypsies live as wanderers. According to Ali Rafet Özkan permanent wanderers do not have a regular settlement place. The majority of the wandering Gypsies in Turkey go to the southern regions with warmer climate to spend the winter season. They prefer, in particular,

²⁷ KONDA, *Biz Kimiz'10, Kürt Meselesinde Algı ve Beklentiler Araştırması: Bulgular Raporu*, 2011.

²⁸ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

²⁹ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

³⁰ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

³¹ Kaya, A., *Türkiye'de İç Göçler Bütünleşme mi Geri Dönüş mü? İstanbul diyarbakır Mersin*, İstanbul Bilgi Üniversitesi Yayınları, 2009.

³² People who belong to this ethnic group prefer one of these terms and use it, the other term is considered as inappropriate or negative. In this report the term 'Gypsy' is used addressing all related sub-groups. The term Roma is used only when addressed specifically or appears in original text as such.

³³ Özkan, A. R., "Çingenelerin Türkiye'deki Tarihi", <http://turkiyecingeneleri.8m.com/>, accessed 25.11.2013.

³⁴ Interview with Egemen Yılıgür, (7.8.2013). Mr. Yılıgür is an academic, founder and administrator of the well known internet site 'Cingeneyiz.org' (We are Gypsies) and the author of the book 'Nişantaşı Teneke Mahallesi' which is about ethnicity and poverty in a particular district in Istanbul.

³⁵ Özkan, A. R., "Çingenelerin Türkiye'deki Tarihi", <http://turkiyecingeneleri.8m.com/>, accessed 25.11.2013.

cities with a mild climate such as Adana, Osmaniye, Hatay, Mersin and Antalya. There they spend the winter in plastic tents. Özkan observed that the wandering Gypsies are economically better off, compared to those who settled. 'They do not wander because of poverty but because of the life style and tradition'.³⁶

Also estimations suggest that 100 thousand Gypsies are not registered and therefore legally non-existent³⁷. Gypsies live in almost all cities of Turkey. Roma are more concentrated in Western Anatolia, Thrace, in the Marmara region and the Aegean Sea region, while the Dom and Lom groups mostly live in South Eastern and Eastern Turkey. Dom is a distinct linguistic group originating from India, speaking Domari or Domca and Turkish. Gypsies encounter discrimination in all areas of life; in access to the labour market, the education system and in the health system, as well as in the housing market.³⁸

Refugees and Asylum Seekers

As mentioned above, Turkey accepts only Refugees from European countries. Those who apply for asylum from outside Europe are sent to third countries for settlement, after having been accepted as a refugee by the United Nations representatives in Turkey. This practice is rather discriminatory towards people who are not citizens of a European country. According to the United Nations High Commissioner for Refugees (UNHCR), **Syrian refugees**, who have been high on the agenda since 2012, have been steadily entering to Turkey through the Syrian border. According to official data, more than 267.000 civilian Syrian refugees came to Turkey in 2012, 183,000 of whom settled down in the accommodation units near the border.³⁹ It is also known that there are Syrian asylum-seekers who live in different provinces of Turkey by themselves, aside from those who live in the camps. In addition to the Syrian refugees, there are also other refugees, asylum-seekers and migrants transgressing the border with or without the appropriate legal documentation.

In 2012, according to the statistics of the Turkey representative of the UNHCR, apart from Syrians, over 32.000 refugees and asylum seekers are recorded in Turkey.⁴⁰ The distribution according to the countries is as follows: Iraqi refugees and asylum seekers are at the largest group with almost 13.000 people. They are followed by Afghanis with over 8.300 and Iranians with 6.700 people. On 31st of December 2012, the number of recorded asylum seekers was 14.000.⁴¹ Compared to the previous year, there was a considerable increase in the number of people who applied for asylum in Turkey. Also it is possible to assume that there are a considerable number of people who are not in the asylum system, but it is extremely difficult to identify those numbers.⁴²

Individuals without any legal status (undocumented migrants)

There are no explicit statistics about people without legal status in Turkey. However the figures on such people should not be underestimated. The total number of people who are or were engaged in

³⁶ Özkan, A. R., "Çingenerin Türkiye'deki Tarihi", <http://turkiyecingenerleri.8m.com/>, accessed 25.11.2013.

³⁷ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

³⁸ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

³⁹ Prime Ministry Disaster and Emergency Management Presidency (AFAD).

⁴⁰ İnsan Hakları Araştırmaları Derneği, *2012 Türkiye İltica Hakkı İzleme Raporu*, Ankara, 2013.

⁴¹ İnsan Hakları Araştırmaları Derneği, *2012 Türkiye İltica Hakkı İzleme Raporu*, Ankara, 2013.

⁴² İnsan Hakları Araştırmaları Derneği, *2012 Türkiye İltica Hakkı İzleme Raporu*, Ankara, 2013.

informal employment are considered to amount to 1 million.⁴³ According to a report produced by the Certified Public Accountant Chamber in Istanbul (ISMMMO) the number of undocumented migrant workers who are employed in the informal economy amounts to 200 thousand.⁴⁴ The range of the sectors in which these workers are employed range from domestic care work/domestic services, to entertainment or mining sectors. These undocumented migrant workers receive, according to the sector in which they work, 55-60 per cent of the payment of a local worker.⁴⁵

Unlike refugees or asylum seekers, the motivation of these people to remain in Turkey is financial but are not considered as migrants. As mentioned above, migrants are only those who are of Turkish descent and bounded to the Turkish culture.⁴⁶ It is unfortunately not possible to disaggregate the data by sex and/or age as there are no data available.

The constitution of Turkey guarantees a secular state. This provides that there cannot be any interference by religion in state affairs and politics. The main State Statistics Institution (TÜİK) does not conduct surveys on religious affiliation or denomination but religious affiliation is listed in national identity cards. Despite this, Jews and most Christians can freely practice their religions, as these groups are legally accepted as religious and linguistic minorities by the Lausanne Peace Treaty of 1923.⁴⁷ However in terms of the interpretation and protection of the rights of other minorities, there are a number of problems that need to be resolved.⁴⁸ For example the right to establish own religious houses for the Alevis or the right of free practice of religion for the Ezidies or the property rights of Assyrian religious community who are Christians but not included in the Lausanne Treaty of 1923.

According to the World Directory of Minorities and Indigenous Peoples, religious minority groups in Turkey are mainly: Alevis, Armenians, Assyrians, Jews, Rums (Greek Orthodox) and Ezidis. There are many other smaller denominations and religious groups but as they are very small numbers and no data available on them, it is not possible to include them in this present report.

Alevis

In Turkey, Alevis make up the second largest religious denomination “within Islam”⁴⁹. However Alevis are subsumed under Muslims and not legally recognised as a separate religious minority group in Turkey. Therefore there are no official numbers on Alevis in Turkey. Estimations about the Alevi population range between 10 to 40 per cent of the overall population,⁵⁰ these estimates centre at around 20 to 25 million people. The largest Alevi groups are Turkish, Kurdish and Zaza related speak-

⁴³ Alp, S., Taştan, N., *Türkiye’de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁴⁴ İstanbul Serbest Muhasebeci Mali Müşavirler Odası, *Yabancı Kaçak İşçiler ve Türkiye’ye Göç Hareketi Raporu*, 2012.

⁴⁵ İstanbul Serbest Muhasebeci Mali Müşavirler Odası, *Yabancı Kaçak İşçiler ve Türkiye’ye Göç Hareket Raporu*, 2012.

⁴⁶ Alp, S., Taştan, N., *Türkiye’de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁴⁷ European Network of Legal Experts in the Non-Discrimination Field, Country context, <http://www.non-discrimination.net/content/country-context-28>, accessed 24.11.2013.

⁴⁸ Karimova, N. and Devereil, E., *Minorities in Turkey*, Occasional Papers No. 19, The Swedish Institute of International Affairs, Stockholm, 2001.

⁴⁹ The question whether the Alevis can be subsumed under Islam or not is very controversially discussed. Some suggest that Alevis constitute a different religion and has nothing to do with Islam.

⁵⁰ World Directory of Minorities and Indigenous Peoples, “Turkey Overview”, <http://www.minorityrights.org/4392/turkey/kurds.html>, accessed 15.7.2013.

ing groups.⁵¹ Kurdish Alevis are among the most disadvantaged groups in Turkey as they are ethnically and religiously the largest and most targeted group.

Except Alevis there are various groups which belong to different denominations of the Christian religion or among those which cannot be categorised in one of the major religions. Assyrians of the Syrian Christian Orthodox denomination belong to the Christian religion. The figure of Assyrians is given as 15000.⁵² While the majority live in Istanbul, many migrated to different countries, with only 2-3000 remaining in Southeast Anatolia.⁵³ Ezidies, who are known as followers of Zarathustra and do not belong to the three major religions, are estimated to be numbered at 5000. There are many other smaller groups of different religions and denominations, however there no reliable figures in order to ascertain how many there are.⁵⁴

Armenians

Armenians are formally categorised as a religious minority and do not fall under the category of ethnic minority. There are no up to date figures about the Armenians (Christian Orthodox) who are Turkish citizens. However according to a report prepared by Tessa Hofmann in 2002,⁵⁵ the Armenian community in Turkey estimates its own numbers at about 60,000 to 65, 000 during the late 1990s. These numbers are supported by the baptize registers according to which there are estimated 50 to 60 thousand Armenians. The vast majority of them live in Istanbul.⁵⁶ During the Ottoman Empire the number of the Armenians accounted for 2-3 million.⁵⁷

Rums (Greeks with Turkish nationality)

The number of Rum (Greek Orthodox) is estimated between 3000 and 5000, including those non ethnic Rums in Antakya who speak Arabic and Turkish.⁵⁸ They are all considered Turkish citizens. Before the Peace Treaty of Lausanne in 1922, which included the forced population exchange between Turkey and Greece,⁵⁹ they were the largest ethnic group after the Muslim Turks in Turkey. Also, later various government policies of a discriminatory nature and incidences carried out by organised mobs against religious minorities, resulted in the emigration of the Rums for instance during the Cyprus War in 1974. The majority of the remaining Rums live in Istanbul.⁶⁰

⁵¹World Directory of Minorities and Indigenous Peoples, "Turkey Overview", <http://www.minorityrights.org/4392/turkey/kurds.html>, accessed 15.7.2013.

⁵²Hristian Forum, "Türkiye'deki dini azınlıklar kaç kişi", <http://www.hristiyanforum.com/forum/showthread.php?t=320914>, accessed 14.7.2013.

⁵³Hristian Forum, "Türkiye'deki dini azınlıklar kaç kişi", <http://www.hristiyanforum.com/forum/showthread.php?t=320914>, accessed 14.7.2013.

⁵⁴Hristian Forum, "Türkiye'deki dini azınlıklar kaç kişi", <http://www.hristiyanforum.com/forum/showthread.php?t=320914>, accessed 14.7.2013.

⁵⁵Hofmann, T., *Armenians in Turkey Today*, The EU office of Armenian Associations in Europe, Brussels, 2002.

⁵⁶Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁵⁷Hofmann, T., *Armenians in Turkey Today*, The EU office of Armenian Associations in Europe, Brussels, 2002.

⁵⁸Yanıkdağ, T., "Gayrimüslim Azınlıklar sorunu ve Türkiye", (Bilgesam), Bilge Adamlar Stratejik Araştırma Merkezi, 2010.

⁵⁹Muslims moved from Greece to Turkey and Orthodox from Turkey to Greece. It is commonly known as a tragic migration process for all parts.

⁶⁰The Foundation of Lausanne Treaty Emigrants, <http://www.lozanmubadilleri.org.tr/>, accessed 29.11.2013.

Jews

One of the three groups that have been acknowledged as a “religious minority” was the Jews. According to the Research Centre *Bilgesam*, there are 27.000 Jewish people, the majority of them live in Istanbul.⁶¹

2. The context: labour market and legal framework

2.1 Outlook of the labour market

Even though Turkey is a country with a free market economy since 24 January 1980⁶² and has moreover had a stable economy over the past century, the global financial crisis has inevitably had an impact.⁶³ After March 2013, Turkey’s long-term credit rating was raised to BB+ from BB.⁶⁴ In addition to that, according to 2012 data from the World Bank, Turkey is ranked the 17th biggest economy in the world with a Gross Domestic Product (GDP) of more than 789 billion dollars and 6th largest economy in Europe (excluding Russia).⁶⁵ According to data from TÜİK⁶⁶ the GDP growth for 2012 was 9,2 per cent. The International Monetary Fund’s (IMF) 2012 report on Turkey⁶⁷ however states that the growth rate was around 4 per cent. The report prepared by the Ministry of Finance in 2012⁶⁸ mentions the contributions made to the growth rate per sector with approximate values. The figures are as follows: for the service sector 2.6 per cent, for the industrial sector 1 per cent and for the agricultural sector 0.3 per cent.

The main source for data is the National Statistics Institute (hereinafter, TÜİK). This however needs to be considered with a critical eye as the state owned institutions may often not give the real figures because of the governments’ unwillingness not to disclose negative developments in the country. There are many nongovernmental organisations or centres, which collect information and publish reports, however these lack a certain consistency. Many reports cover a certain year but have not been followed up the subsequent years. In recent times, more reports, statistics and information can be found about the Kurdish ethnic group in Turkey, although these reports or statistics concentrate more on the political questions or the (forced) migration issues. So there are for instance no statistics available about the sectors in which Kurds work when they move to big cities in western Turkey. Based on our own observations, it could be said that many Kurds work in the construction industry. It is publically well-known however that many so called “under the stairways production” sites that are in the informal sector survive on cheap labour where unqualified Kurdish workers, asylum seekers

⁶¹ Alp, S., Taştan, N., *Türkiye’de İrk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁶² Milliyet.com.tr, “IMF Destekli 24 Ocak Türkiye’yi ‘dönüştürdü’” <http://ekonomi.milliyet.com.tr/imf-destekli-24-ocak-turkiye-yi/ekonomi/detay/1707660/default.htm>, accessed 29.11.2013. This decision is known as the main milestone in the adaptation of economic liberalisation of Turkey.

⁶³ Asaf, A. S., “Gazete Yazıları – 1995 Sabah Gazetesi”, İstanbul Bilgi Üniversitesi, 2004, <http://akat.bilgi.edu.tr/pdf/00-1995-2.pdf>, accessed 3.8.2013.

⁶⁴ Ntvmsnbc, 2013, “S&P Türkiye’nin Notunu Artırdı” 27.3.2013, <http://www.ntvmsnbc.com/id/25431741/>, accessed 1.9.2013.

⁶⁵ World Trade Organization, International Trade Statistics 2012, http://www.wto.org/english/res_e/statis_e/its2012_e/its2012_e.pdf, accessed 29.11.2013.

⁶⁶ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁶⁷ International Monetary Fund, Turkey 2012, Article IV Consultation, IMF Country Report No.12/338, p.27, 2012, <http://www.imf.org/external/pubs/ft/scr/2012/cr12338.pdf>, accessed 13.7.2013.

⁶⁸ TC Maliye Bakanlığı, Yıllık Ekonomik Rapor 2012, <http://www.maliye.gov.tr>, accessed, 29.11.2013.

and often children are exploited. This is however difficult to investigate as it is not visible to the public as neither statistics nor reports are available about this problem.

According to the latest data from the TÜİK (2011),⁶⁹ the individual poverty rate in Turkey is as follows: the proportion of those who live under 2, 15 \$ a day is 0.14 per cent and those who live under 3 \$ a day is 2.79 per cent. These ratios do not show serious differences between cities and can be seen to affect the proportion of the population who migrate to cities and enter the non-agricultural labour market.

The statistical and quantitative data pertaining to the economic and labour market from the TÜİK,⁷⁰ should be examined because both the Ministry of Finance and the Ministry of Development use these data as a basis for their reports. As the data from the TÜİK is used by the government, the real number of discrimination cases may not be presented accurately. This is due to the fact that the government wants to be seen in a good light in order to secure its power.

According to TÜİK,⁷¹ the number of people between the working ages of 15-64 is over 51 million. The number of people who joined the work force in March 2012 is almost 27 million, and in March 2013 the number rose to over 28 million. Moreover, the number of people employed in March 2012 was 24.5 million and the number of unemployed people was 2.5 million. In March 2013 these numbers rose to 25.6 and 2.6 million, respectively. If we take a look at the distribution of the employed according to economic sectors, in March 2012; over 6 million people were employed in agriculture, 4.7 were employed in industry, 1.6 were employed in the construction sector and finally 12 million were employed in the service sector. In March 2013, the same distribution is as follows; in agriculture 6 million people, in industry almost 5 million, in construction 1.8 and in service sector 12.7 million people. In other words, the rate of those joining the work force was 49 per cent March 2012, with a 0, 5 per cent increase, it raised up to 51,1 per cent. The employment rate rose to 46, 3 per cent from 44, 9 per cent with a 1, 4 per cent increase. Despite the rise in the involvement of the work force and in the employment figures, there is also a 0, 2 per cent rise in the unemployment rate. This rate was 9, 2 per cent in March 2012, rising to 9, 4 per cent in March 2013. There is a 0,3 per cent increase in the non-agricultural unemployment rate which stayed roughly the same at 11, 4 per cent and 11, 7 per cent for March 2012 and March 2013, respectively. The most striking increase in unemployment is observed among the younger population. Youth unemployment increased from 16, 8 per cent in March 2012 to 18,7 per cent in March 2013, showing a 1, 9 per cent increase.

Interestingly, official figures about the employment rate between the years 2011 and 2013 show a positive development in Turkey. According to the TÜİK, the unemployment rate in 2012 compared to 2011 fell to about 97 thousand people and remained at 2million and 518 thousand. From the total employment rate of 24 million, 24,6 per cent work in the agriculture, 19 per cent in the industry, 7 per cent in the construction and 50 per cent in the services sector. This numbers however may not represent the real employment situation in Turkey as for instance the DISK⁷² suggested.

As mentioned before, it is impossible for us to present information disaggregated by ethnicity as to the participation of ethnic minority groups in the labour market who are being subjected to discrimination and racism. According to İŞKUR, the low educational level of 25 per cent among Gypsies is an

⁶⁹ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁷⁰ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁷¹ In this paragraph all statistics are taken from Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁷² DİSK (Confederation of the Revolutionary Workers Union). Disk Genel İş Sendikası, "İşsizlik korkusu yayıldıkça kayıtdışı çalışma artıyor", http://www.genel-is.org.tr/diger_incele.php?id=Mzc3, accessed 20.6.2013.

important factor that has a negative impact on employment, income and social security. Lack of employment providing continuous income pushes children to work from early ages to support the family income.⁷³

People who do not possess Turkish citizenship are obliged to obtain a work-permit in order for them to be supported both legally and by social security provisions. According to this law⁷⁴ the family members of a foreigner may obtain a work-permit when he/she lived for five consecutive years in Turkey.⁷⁵The informal economy has been one of the most discussed topics of the current government. According to DİSK⁷⁶ many people are concerned with becoming or remaining unemployed, therefore accepting to work unregistered in the informal sector. Compared to EU states, Turkey has an informal economy of over 30 per cent.⁷⁷ 30,4 per cent of 17 million 490 thousand employed males are employed in the informal sector.⁷⁸ It is stated that from almost 16 million workers or day labourers, over 3 million are unregistered.⁷⁹ A high percentage of unregistered workers carry out unpaid work within the family, in care and services, trade, business and agriculture.⁸⁰ From over 5 million people who are employed in agriculture, over 4 million are unregistered, essentially meaning that around 83 per cent of those in the informal economy do not receive any social security.⁸¹ When we consider that 26 per cent of the 25 million in employment comprise the agricultural workforce (both employed and unemployed), the importance of the issue of social security becomes clearer.

The main group here comprises of undocumented domestic care workers from the former Soviet Union There are estimated 200 thousand undocumented workers in Turkey.⁸² Many of them are women who enter Turkey to take jobs in domestic services or care work in big cities. For example, there is an estimated 40 thousand Armenian nationals engaged in informal employment of which 94 per cent are women and the majority of which are employed as care workers for very low payment without any job security.⁸³ On the other hand, being unrecorded in the system makes it easier for them to find work,⁸⁴ since there is a need for low cost labour by low income families who are in need of domestic care workers because of the insufficient or bad quality of public care institutions. The government, as of 1st February 2012, has adopted severe measures in order to make it extremely difficult for such women and men to maintain a job in Turkey unless they are legally registered to work.

⁷³ Öksüz, D., Employment Expert, İŞKUR, "Turkish Employment Organisation and the Roma", http://www.romadecade.org/cms/upload/file/9377_file17_turkish-employment-agency-and-the-roma.pdf, accessed 29.11.2013.

⁷⁴ Yabancı çalışma izni kanunu, No. 4817, http://www.alomaliye.com/4817_yabanci_calisma_izin_kanun.htm, accessed 18.7.2013.

⁷⁵ Yabancı çalışma izni kanunu, No. 4817, http://www.alomaliye.com/4817_yabanci_calisma_izin_kanun.htm, accessed 18.7.2013.

⁷⁶ DİSK (Confederation of the Revolutionary Workers Union), "İşsizlik korkusu yayıldıkça kayıtdışı çalışma artıyor", accessed 20.7.2013.

⁷⁷ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁷⁸ Milliyet, "Kayıtdışı çalışan sayısı 9 milyonu aştı", <http://ekonomi.milliyet.com.tr/kayitdisi-calisan-sayisi-milyonu/ekonomi/detay/1724912/default.htm>, accessed, 20.7.2013.

⁷⁹ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁸⁰ TÜİK, accessed 29.11.2013.

⁸¹ TÜİK, accessed 25.7.2012.

⁸² İstanbul Serbest Muhasebeci Mali Müşavirler Odası, *Yabancı Kaçak İşçiler ve Türkiye'ye Göç Hareketi Raporu*, 2012.

⁸³ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁸⁴ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

According to the interviews conducted by the Refugee Solidarity Initiative⁸⁵ there are many refugees, asylum seekers and migrants in Istanbul who are undocumented in Turkey. The group that experiences the most hardship is non-Muslims with an African background. Many find employment mainly in areas such as cleaning, construction and general unpopular work, which offer no benefits or workers insurance.

According to research conducted by Özdemir and Çağlayan,⁸⁶ in 2012 the labour force participation rate of women, despite increasing rapidly until 2008, has for the past couple of years begun to decline. Between April 2011 and April 2012, the number of “housewives” rose by 307,000 compared to the employment rate of women which increased by 316,000. The total number of women who do not participate in workforce because they are “housewives” was in March 2012 at 12 millions.⁸⁷ Thus the labour force participation of women has been suggested as rather temporary and dependent on the family’s income.⁸⁸ Although these are general figures about women in Turkey, as there are no disaggregated data by ethnicity available, we can assume that women in general and ethnic / religious minority women in particular are the first who are affected by the crisis.

Rapid changes in global and national politics, the precarious economic situation and the state politics on the Kurdish issue caused a vast destabilisation and insecurity in the country. This has had an impact on the labour market in Turkey. Nationalism and private and political nepotism are also factors that lead to discrimination of certain groups. The discrimination and racism result in, for example, insufficient education which in turn could further discrimination.

According to the statistics of TÜİK,⁸⁹ the unemployment rate in the eastern provinces of Turkey or the Kurdish areas is particularly high. Southeast Anatolia has the highest rate of unemployment with 12, 4 per cent and the West Black Sea Region has the lowest rate with 6, 1 per cent. Southeast Anatolia is the area with the highest Kurdish population and the territory on which the war against the Kurdish guerrillas is fought. Accordingly, it is one of the regions that is driven by unemployment and poverty. As a consequence, many people are forced to take on illegal jobs. Most of them have been earning their income working as smugglers, bringing in goods, such as cigarettes and fuel oil, between the country borders of Turkey and Iraq or Turkey and Syrian. This is officially prohibited but unofficially tolerated out of different reasons. This work can be extremely dangerous, as demonstrated by an incident which received media coverage when 33 out of 35 young men, aged between 13 and 23, died trying to smuggle goods as they were allegedly mistaken to be members of the PKK and were bombed by the Turkish military air forces.

There are no official figures of the literacy rates in different regions or cities in Turkey. The statistics of TÜİK⁹⁰, shows that 6 cities out of 10, which have the lowest rate of schooling, are those with the most Kurdish population. Thus the education level is not the sole but is an important factor in the employment situation of the Kurds. Based on these statistics, only 20 per cent of those who have no education what so ever (illiterate) are in employment. However, the vast majority of those employed are mainly in the agricultural sector where literacy may not be considered an essential skill. Employment in agricultural sector means temporary or seasonal work. That is often carried out by Kurds.

⁸⁵ Mültecilerle Dayanışma Derneği, <http://www.multeci.org.tr/belgeler.aspx>, accessed 29.11.2013.

⁸⁶ Özdemir, D., DüNDAR, H. Ç., *Türkiye'nin Kriz Sonrası Eve Dönen Kadınları*, tepav, 2012.

⁸⁷ Özdemir, D., DüNDAR, H. Ç., *Türkiye'nin Kriz Sonrası Eve Dönen Kadınları*, tepav, 2012.

⁸⁸ Özdemir, D., DüNDAR, H. Ç., *Türkiye'nin Kriz Sonrası Eve Dönen Kadınları*, tepav, 2012.

⁸⁹ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

⁹⁰TÜİK, accessed 25.7.2013.

The second largest group that experiences extensive discrimination in employment are the Gypsies. There is no official data about the employment of Gypsies in Turkey because ethnically disaggregated data is not collected. Available information points that there is a high participation rate of Gypsies who work in the informal labour market (e.g., scrap dealing, flower selling), in low-skilled professions (cleaning jobs) or temporary jobs (seasonal),⁹¹ while some Gypsies make their living through traditional professions including traders or musicians.

It is frequently the case that the Gypsies lack the education needed in order to break the vicious circle of underemployment and unemployment that they face. The total involvement of Gypsies in the labour market is estimated at 25 per cent.⁹²The literacy rate among the Gypsies remains at an estimated 30-40 per cent (2009) which is low in comparison to the national average which stands at 95 per cent.⁹³Also, it is estimated that the vast majority of Gypsy women are illiterate or semi-illiterate and do not have access to stable jobs with social security.

One of the reasons why many Gypsies do not acquire a formal education is because they have to work in order to contribute to the family income.⁹⁴ Even if they manage to complete their primary education, they lack the financial means to continue further with their studies. Statistics demonstrate that the higher the education one receives, the higher the employment rate. For instance, the percentage of graduates of vocational colleges who are employed is 64,6.⁹⁵ The highest rate of graduates of higher education who are employed is estimated at 85 per cent.⁹⁶

The Alevis are particularly affected from governmental employment policies under the current government. As members of a different denomination than those in power, which are mostly Sunni denomination, Alevis are subjected to latent discrimination. However, there is no data available to prove this situation as there are no statistics regarding discrimination in employment policies aggregated by religious denomination.

In Turkey, health and safety in employment draws attention as a serious problem which shouldn't be seen as detached from discrimination and racism related concerns. Among the European countries, Turkey is known to be the country with the greater number of deadly work accidents. According to data from IHD's report⁹⁷ on violation of rights in 2012, 90 workers died and 3190 were injured. However, according to the Council of Workers Health and Work Security⁹⁸ in Istanbul, in 2012 at least 878 workers were the victims of work related accidents. According to the report, most cases of accidents happen in the construction (building) sector with a number of 279 people. This is followed by seasonal agriculture workers who mainly lose their lives during transportation to or from the workplace

⁹¹ Öksüz, D. Employment Expert, İŞKUR, "Turkish Employment Organisation and the Roma", http://www.romadecade.org/cms/upload/file/9377_file17_turkish-employment-agency-and-the-roma.pdf, accessed 29.11.2013.

⁹² Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁹³ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁹⁵ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁹⁶ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

⁹⁷ İnsan Hakları Derneği, *2012 Yılı Türkiye İnsan Hakları İhlalleri Raporu*, 2013.

⁹⁸ Sol Portal, "Taşeronlaşma iş cinayetidir: 2012'de en az 878 işçi iş cinayetinin kurbanı oldu", 4 Ocak 2013, <http://haber.sol.org.tr/sonuncu-kavga/taseronlasma-is-cinayetidir-2012de-en-az-878-isci-is-cinayetinin-kurbani-oldu-haberi>, accessed 14.8.2013.

in unsuitably overfilled vehicles, often in track haulages. A third sector with the most fatal work accidents is the docks. Within couple of years the number of accidents in the docks went up to 154 from which 149 were employed by sub-contractors.⁹⁹ In light of the fact that mostly ethnic minorities and migrants work in these sectors, the fact that little, if anything, is being done to improve their health and safety at work, is great cause for concern. Many NGOs such as DISK¹⁰⁰ see the increase in the number of sub-contractors as the reason for the appalling increase in fatal work incidences.

2.2 Legal framework

Article 10 of the 1982 Constitution of Turkey refers to anti-discrimination and equal treatment:

“(1) All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

(2) Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.

(3) No privilege shall be granted to any individual, family, group or class.

(4) State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.”¹⁰¹

The 70th clause of the Constitution, which forbids discrimination in access to the public service, includes the provision, “[e]ach Turk has the right to enter public service. In commissioning no differentiation other than the qualities the job necessitates can be made.” According to Labour Law number 4857, Article 5, it is indicated that in employment relations, discrimination based on “language, race, sexuality, political views, philosophical beliefs, religion, sect and similar reasons” is prohibited.¹⁰²

However, according to the European Network of Legal Experts in the Non-Discrimination Field,¹⁰³ a recent amendment to the above mentioned clause now allows positive measures on behalf of women, the elderly and disabled. There are anti-discrimination provisions in criminal, administrative and civil laws, such as the Labour Law, Turkish Criminal Code, Law on Persons with Disabilities, Basic Law on National Education, Law on Civil Servants and Law on Political Parties. These provisions put forth non-exhaustive protected grounds, which vary significantly. However, ethnicity, age, sexual identity and sexual orientation are not enumerated in any of the laws or in the constitution. Therefore, the applicability of anti-discrimination clauses in the constitution and various laws to discrimination on these grounds is an uncertainty.

Hence, within the scope of the report, there are two legal provisions which relate to direct discrimination.

⁹⁹ Sol Portal, “Taşeronlaşma iş cinayetidir: 2012'de en az 878 işçi iş cinayetinin kurbanı oldu”, 4 Ocak 2013, <http://haber.sol.org.tr/sonuncu-kavga/taseronlasma-is-cinayetidir-2012de-en-az-878-isci-is-cinayetinin-kurbani-odu-haberi>, accessed 14.8.2013.

¹⁰⁰ Sendika.org, “Taşeron sistemi sürdüğçe iş kazaları artacak”, 1.2.2013, <http://www.sendika.org/2013/02/taseron-sistemi-surdurkce-is-kazalari-artacak/>, accessed 30.11.2013.

¹⁰¹ Translation in English by International Constitutional Law (ICL) based on the text published by the Office of the Turkish Prime Minister. The status date follows the last amendment mentioned there (Provisional Article 17, Annex 10.05.2007/Article 5659/1). Available at: <http://www.servat.unibe.ch/icl/tu00000.html>, accessed 15.7.2013.

¹⁰² Kayabaş, E., Kütküt, Ö. M., *Türkiye’de Din veya İnanç Temelinde Ayrımcılığın İzlenmesi Raporu, 1 Ocak – 30 Haziran 2010*, İstanbul Bilgi Üniversitesi, 2011.

¹⁰³ European Network of Legal Experts in the Non-Discrimination Field, Main legislation, <http://www.non-discrimination.net/content/main-legislation-28>, accessed 3.12.2013.

In general, it could be said that the legislation of Turkey creates a discriminative environment on the basis of the emphasis given to the Turkish ethnicity, lack of regulation against discrimination and the ruling out of ethnic minorities, except the non-Muslims. Turkey either does not approve international agreements which include regulations on minorities or approves by entering reservations on the related clauses. In any of the legislation of Turkey is there a reference to the prohibition of discrimination based on ethnicity.

There is no law which provides for the administrative lodging of a complaint against discrimination. In the area of employment, no legislative acts or policies have been adopted with the aim of tackling discrimination based on religion and belief.

The legislative framework in Turkey is still not in compliance with the standards of the Employment Equal Treatment Directive 2000/78/EC. Although there are plans to establish inequality body and to penalize hate crimes¹⁰⁴ Turkey has not a body yet appropriate for dealing with cases of racial and ethnic discrimination. As a result, until recently, legal redress for victims and mechanisms to assist in the reporting of incidences of discrimination have been significantly lacking. The burden of proof for the establishment of discrimination cannot be easily made and this is of the utmost importance, as asserted recently by the European Court of Human Rights.¹⁰⁵ Important evidence required for the establishment of a discrimination case is statistical data, but the fact that there has not been an equality body assisting in the discovery of such data has been extremely difficult.

3. Manifestations of racism and structural discrimination in employment

3.1 Perceptions of discrimination in employment

Discrimination in the labour market is one of the most important problems for ethnic and religious minorities, but also for those who experience discrimination in employment because of their political views. However the perception of the majority public is rather different. As it is demonstrated in informal discussions many Turks consider problems regarding employment often as self-created. Instead of criticising the conditions that caused the problems, often ethnic or religious minorities are the target. Authors of different reports¹⁰⁶ on ethnic minority issues have come to the conclusion that there is an urgent need to raise awareness about discrimination and racism.

Labour market discrimination is a frequent and systematically practiced occurrence and is seen as a structural problem but only by those who are most affected by discrimination. Also, for the majority public and for the government, problems, such as discrimination in the labour market or the deaths resulting from accidents at work, remain secondary to other problems which determine the daily agenda. For instance, the Kurdish conflict in which more than 30.000 people died in 25 years is af-

¹⁰⁴ Kurban, D. European Network of Legal Experts in the Non-Discrimination Field, News Report, 18.10. 2013, <http://www.non-discrimination.net/content/media/TR-31-Turkish%20government%27s%20secret%20policy%20of%20racial%20profiling%20disclosed.pdf>, accessed 30.11.2013.

¹⁰⁵ De Schutter, O., *European Commission – Justice, The Prohibition of Discrimination under European Human Rights Law, Relevance for the EU non-discrimination directives - an update*, European Network of Legal Experts in the non-discrimination field, European Commission, 2011.

¹⁰⁶ Akdeniz Göç-Der, *Zorla Yerinden Edilenler İçin Ekonomik, Sosyal ve Kültürel Haklar Araştırma Raporu*, 2011. Or; Alp, S., Taştan, N., *Türkiye’de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011. Or; Kayabaş, E., Kütküt, Ö. M., *Türkiye’de Din veya İnanç Temelinde Ayrımcılığın İzlenmesi Raporu, 1 Ocak – 30 Haziran 2010*, İstanbul Bilgi Üniversitesi, 2011.

forded greater attention by the government, the general public and the media. These fundamental problems such as the Kurdish conflict –it can be said- overshadow the problems of racism and discrimination in the labour market. This indeed is a factor for the deferral of serious problems such as discrimination.

Kurds are increasingly targeted by discriminatory practices since the conflict emerged between the Turkish State and the PKK in the late 1980s. Many Kurds, who moved to western Turkey, either because they were forced to or voluntarily moved due to financial hardship, encountered great racism and discrimination from the majority population.

In recent years there has been an increase in violent attacks toward Kurdish workers in the Turkish majority regions. This is partly as a result of the discriminatory reporting of the mass-media and some politicians of both rightwing and leftwing parties. Historically, Kurds have been painted as backward and uncivilised by the hegemonic discourse. As a result of the increase in political activities of the PKK (Kurdish Workers Party), the current dominant media discourse associates all Kurds directly with the PKK an armed organisation which is seen as a terrorist organisation by the mainstream Turkish media and as a guerrilla group by many Kurds. These common prejudices and stereotyping of minorities contribute to the promotion of racism.¹⁰⁷ It is important to note that these attitudes are supported and consolidated by the political tone of the current government, the main opposition Parties and by the media coverage.¹⁰⁸

In the past few years, negative attitudes toward Kurds have become prominent in workplaces where Kurds work, particularly in the construction or seasonal agricultural industries. Often there are cases where workers are attacked by the residents of the city, for example because they were speaking Kurdish among themselves or singing in Kurdish.¹⁰⁹ Furthermore, workers are repeatedly labelled as ‘PKK terrorists’ and chased out of the city.¹¹⁰

Compared to other ethnic groups suffering from discrimination and correspondingly from poverty, Gypsies experience the highest level of discrimination within Turkish society. The field in which they face the most discrimination is employment. According to a survey cited in the report about the “Situation of the Roma in Turkey (2010)”,¹¹¹ many Roma stated that they experience discrimination because of their ethnic identity and because of the district they live in. There is a social stigma that is associated with “Roma neighbourhoods” which triggers prejudice and discrimination.

3.2 Incidence of discrimination in employment

Although legally all Turkish citizens have the same rights in the labour market, some ethnic groups are treated as second class citizens. In fact, the current government can be said to practice political and cultural (religious) nepotism to the extent by which it doesn’t only discriminates against ethnic and religious minorities, but also non-religious people and political opponents or people who are

¹⁰⁷ Birgün, “Kürt ırkçılığı mı dediniz?”, İnal, K., 10. 5. 2013.

¹⁰⁸ Milliyet.com.tr, “Erdoğan BDP'ye yüklendi”, 4.12.2012, <http://siyaset.milliyet.com.tr/erdogan-bdp-ye-yuklendi/siyaset/siyasetdetay/04.12.2012/1636951/default.htm>, accessed 1.12.2013. Or; Sabah.com.tr, “BDP'nin PKK'ya eleman kazandırdığı ortaya çıktı”, 23.8.2012, <http://www.sabah.com.tr/Gundem/2012/08/23/bdpnin-pkkya-eleman-kazandirdigi-ortaya-cikti>, accessed 1.12.2013.

¹⁰⁹ Haberlink, “Hassas vatandaş’ bu kez Çanakkale’de”, 4.9.2012. <http://www.haberlink.com/haber.php?query=76633#Upstq-LI8rr>, accessed 1.12.2013.

¹¹⁰ BirGün Gazete, “Kürt işçilere faşist abluka”, 09. 07.2013.

¹¹¹ N.N., *Türkiye’de Romanların Durumu, Türkiye’de Çalışma ve İnsana Yakışır İş Koşulları Sorunları Aralık 2010*. Fundación Secretariado Gitano (FSG), Avrupa Roman Hakları Merkezi (ERRC) and Edirne Roman Derneği, 2010.

considered as such. Reportedly, the Department of the Air Force planned to discharge 800 army personnel. 700 from those who underwent a process of being discharged were Alevi. Methods employed were, for example, the inspecting of their private lives and gathering of personal data on political views etc. These people were forced to resign.¹¹² It needs to be said that the majority of the Alevi vote for leftwing political parties.

A woman called Hatice Işık, an Alevi of Kurdish ethnicity, was dismissed without warning from her job where she worked for 16 years, because of her activities in Alevi associations. Her identity was well known to her employer; one of the biggest NGOs in Turkey promoting literacy for women. According to Işık's own statements, her identity and activities in Alevi societies and her media comments about the rights of Alevi and her political views were found inappropriate. "I got flagged on the civil field as well. Nobody should say Alevi, Kurds and Turks are brothers, because we aren't! The bigger and righteous brothers are always Turk-Sunnis. What kind of brotherhood is this we are always disadvantaged".¹¹³

A teacher named Aydın Gürbüz, a member of the Education Union "Eğitim Sen" in Urfa, was sued and exiled to Bayburt by the governor and the National Education Directorate of the city Urfa, on the grounds that in a song he taught to the children the words "Newroz" and "freedom" were used.¹¹⁴ Newroz is the name of the Kurdish New Year's Day which is celebrated on 21st of March.

In general it can be said that for ethnic and religious groups, it is mainly the Kurds, Roma, Alevi, foreign nationals and asylum seekers who are most affected by discrimination in employment. It is difficult to make a grading between those groups and determine which of them is affected the most from labour market discrimination as they all have to compete with other ethnic groups for employment in a country with almost 5 million unemployed.

In a survey about the perceptions and expectations in the Kurdish question the respondents were asked about if they would accept a business partner from a different ethnic group. Over 53 per cent of the Turks answered this question with 'No' compared to 25 per cent of the Kurds.¹¹⁵ This highlights the discriminatory attitudes towards Kurds on the Turkish side.

In an interview, Fırat Aydın, a lawyer, recounted a case of discrimination that he had experienced: Mr. Aydın applied for a six month apprenticeship in a law office. His application was accepted with the usual condition of one month probation period. Although he disclosed his Kurdish ethnic identity, his seniors addressed him as Arab; "if you are from Siirt you are not a Kurd but you must be of Arab origin" was the comment made to him about his ethnic identity. They also expected him to fulfil all religious requirements of Islam although Mr. Aydın was not religious. In consequence, as Mr. Aydın did not follow the religious expectations, other employees excluded him and at the end of the one month probation, Mr. Aydın was dismissed. For Mr. Aydın, the motives behind his dismissing were "firstly because I am a Kurd and secondly I am not religious".¹¹⁶

Most of the forced internal migrants have Kurdish as their native language. Although many of them speak Turkish, this does not protect them from discrimination. As the use of Kurdish was prohibited by law since 1925¹¹⁷ in the public the perception of it is still negative. Speaking (or singing) Kurdish is

¹¹² Radikal Gazetesi, "Atilla Kart: Aleviler Hava Kuvvetleri'nden tasfiye ediliyor", 13.5.2013.

¹¹³ Milliyet, "Türkiye'de Alevilik - Hayatın her alanında ayrımcılık var", Mutluer, N., 13.1.2013.

¹¹⁴ Özgür Gündem, "Seçmeli" dilden konuştu Bayburt'a sürgün edildi", 12.07.2012.

¹¹⁵ KONDA, *Biz Kimiz'10, Kürt Meselesinde Algı ve Beklentiler Araştırması: Bulgular Raporu*, 2011.

¹¹⁶ Interview with Fırat Aydın, a lawyer of Kurdish origin based in Istanbul (7.8.2013).

¹¹⁷ Radikal Gazetesi 'Lozan, Şark Islahat Planı ve Kürtçe', Hür, A., 21.10.2012.

associated by nationalist Turks with separatism. This is another important factor for the discrimination that the Kurds face in the job market. A survey¹¹⁸ found that over 35 per cent of the job applications were rejected on the grounds of ethnic identity and language as the main indication of the ethnic identity. Almost 50 per cent of those employed said that they experienced discrimination on account of their ethnic identities and their native language. Around 35 per cent said that they can use beside Turkish their native language without any sanctions or discrimination. It can be assumed that this is predominantly the case in the eastern cities that is in the Kurdish region where many Kurdish migrants remained since they first migrated from their villages in the eastern provinces. Further, 27 per cent of those interviewed stated that they experienced disadvantages in payment on the grounds of their ethnic origin and language.¹¹⁹

A further disadvantage can be seen in social security membership. According to the same report, 24 per cent of the household members do not have any social security. This is based on the fact that they do not have a regular employment and a regular income. Almost 60 per cent¹²⁰ possess the "Green Card"¹²¹. It is also important to mention because some employers refuse to register by the social security system and pay their share for the social security. For the jobseeker this is at times the condition for employment.

In general women who work in the agricultural sector are one of the most disadvantaged groups. Many of those who work in the agricultural sector, particularly in seasonal employment, are Kurdish women.¹²² According to Neslihan Karatepe, who reported in a conference on the working conditions of women in the agricultural sector; 6.4 per cent experience sexual harassment, 20 per cent experience physical violence and 24.5 per cent emotional violence¹²³. In 2012 the majority of women who lost their lives in employment related accidents were in the overfilled transport busses on the way to or from their seasonal employment.¹²⁴

Similar to Kurdish women, Gypsy women are in particularly vulnerable position, facing multiple discrimination as members of the Gypsy community and as women.

People who emigrate to Turkey particularly from the countries of the former Soviet Union such as Moldavia, Russia, Armenia, Turkmenistan, Azerbaijan, some Balkan countries (Romania and Bulgaria) and the Far East countries (Philippines) do so out of financial reasons.

A worker with Kurdish background who had been working in a construction site for long time without any payment stated that the working conditions for the workers from Georgia and Turkmenistan in the same construction site would be worse: "the situation of the foreign workers is worse. They are being employed for one or two months and then dismissed without any payment. They cannot even afford dry bread (...)"¹²⁵.

¹¹⁸ Akdeniz Göç-Der, *Zorla Yerinden Edilenler İçin Ekonomik, Sosyal ve Kültürel Haklar Araştırma Raporu*, 2011.

¹¹⁹ Akdeniz Göç-Der, *Zorla Yerinden Edilenler İçin Ekonomik, Sosyal ve Kültürel Haklar Araştırma Raporu*, 2011.

¹²⁰ Taraf Gazetesi, "Toptancılar Kürt İşadamlarına ayrımcılık yapıyor", 23. 11. 2009.

¹²¹ The Green Card enables a person to make use of the health services and is given by the government to people without any income and any property.

¹²² The share of Kurdish women in agriculture sector is not present as the statistics are not aggregated by ethnicity.

¹²³ Bianet, "Çalışma Koşullarını Bir de Kadınlardan Dinleyin", Vardar, N., 16.2.2013, <http://bianet.org/bianet/toplumsal-cinsiyet/144436-calisma-kosullarini-bir-de-kadinlardan-dinleyin>, accessed 1.12.2013.

¹²⁴ Bianet, "Çalışma Koşullarını Bir de Kadınlardan Dinleyin", Vardar, N., 16.2.2013, <http://bianet.org/bianet/toplumsal-cinsiyet/144436-calisma-kosullarini-bir-de-kadinlardan-dinleyin>, accessed 1.12.2013.

¹²⁵ KONDA, *Biz Kimiz'10, Kürt Meselesinde Algı ve Beklentiler Araştırması: Bulgular Raporu*, 2011.

3.3 Discrimination in access to employment

Although according to Labour Law number 4857, Article 5, discrimination based on “language, race, sexuality, political views, philosophical beliefs, religion, sect and similar reasons” in employment relations is prohibited,¹²⁶ there are no measures in place to prevent discriminatory practices. Often people who are discriminated against are not even aware of their rights and even if they do, many do not have the financial means to go to court.

Discrimination in access to employment is often not overt but indirect. That is, the act of discrimination is rather subtle. As demonstrated in 3.1 (the case of Kurdish construction workers) in the low-paid labour market, discriminatory practices are more evident. However, as the example below shows, in employment with a higher level of income discrimination seem to be rather covert. For example, each person who applies for a position in the public services has to undergo a “Public Personnel Selection Examination” (KPSS). Those who are successful in this test are invited for an interview. At the interview stage, nepotism and favouritism are very common. People who share political views or individuals who have the right social networks and /or contacts with those in a position to influence the decision makers have a much easier access to employment.¹²⁷ This is a problem for those who do not have the same political views as the government or other means to access employment are mostly ethnic / religious minorities and Turks who are opponents or considered as opponents of the current government.¹²⁸

Since the current government came to the power, Alevis have become one of the most discriminated groups when attempting to access public services. One of the problems they face is the above mentioned social and cultural nepotism practised by the decision makers in all areas of the public services. For instance many Alevi young people complain about that they were regularly being eliminated at the interview stage even though they were successful in the selection exam.¹²⁹ The reason for their ‘failure’ is a commonly well known secret; they are Alevis! It is almost impossible to prove discrimination in a verbal job interview. The fact about the discrimination of the Alevis, particularly when trying to access employment in official positions (state institutions), is also supported by a comprehensive report.¹³⁰ The report was commissioned and presented to the media by Sebahat Akkiraz, a member of parliament of the opposition People's Republican Party (CHP). Although nepotism, of course, is not an official policy of the government, the majority of the positions in official institutions are filled by the supporters of the current government. This makes it possible to practise nepotism by enabling access to employment. An MP of the Peace and Democracy Party (BDP) reported about incidents taking place in higher education institutions. One of the examples he has given was as follows: When applicants for a research assistant position at the Muş Alpaslan University were called for an interview, although research in religion was not a part of the job, they were asked if they believed in God, if they were atheists and how they stand to the Congregation.¹³¹ As such, the

¹²⁶ Kayabaş, E., Kütküt, Ö. M., *Türkiye’de Din veya İnanç Temelinde Ayrımcılığın İzlenmesi Raporu*, 1 Ocak – 30 Haziran 2010, İstanbul Bilgi Üniversitesi, 2011.

¹²⁷ Denizlihaber.com, “Mülakatta kayırma iddiaları”, 5.9.2013, <http://www.denizlihaber.com/egitim/egitim-genel/denizli-egitim-isten-mulakatta-kayirma-iddialari/>, accessed 2.12.2013.

¹²⁸ Memurlar.net, “Listenin sonundakiler mülakatı kazandı”, 11.10.2012, <http://www.memurlar.net/haber/294086/4.sayfa>, accessed 2.12.2013.

¹²⁹ Kızılbaşrak, “Avevillere ellerini uzatanlar ayrımcılığı körüklemeye devam ediyor!”, 30 Kasım 2012 http://www.kizilbayrak.org/2012/sykb.per.cent2012.47per.cent2814per.cent29/sayfa_262.html, accessed 28.8.2013.

¹³⁰ Gazeteport, “Kamuya Alevi alınmıyor”, 24.11.2012, <http://www.gazeteport.com.tr/haber/118632/>.

¹³¹ Meant is the “Gülen Congregation”, named after Fethullah Gülen the leader, a very strong Muslim congregation with worldwide activities in all areas from education to health.

candidate's religious beliefs were taken into serious consideration when determining their eligibility for a position.¹³²

Firat Aydın¹³³ who has an accent typical to east Anatolia (Kurdish regions), stated that during job interviews he was always asked where he was from. After providing his hometown, he was then asked about his ethnic background. In most of the cases he did not receive any response about the outcome of his job interview.¹³⁴ The second reason for the difficulty he faced in being employed was due to his religion. For those who do not wish to expose his/her religious affiliation explicitly it becomes increasingly difficult to find employment. Discrimination based on religion is more and more a problem for those who are not religious, atheists or who in one way or another do not fit into the criteria of "being a good Muslim" in Turkey.

Another interviewee explained how he intended to apply for a position as a research assistant at a University in a city. After contacting the responsible person at the department on the phone, he was asked to send a copy of his identity card prior to the application. This is a very unusual procedure for an application. The identity card shows, among others, the birthplace of a person. The birthplace may often disclose a person's ethnic origin and/or religious denomination relating to the city of the birthplace. Having been registered in Tunceli, a city with the majority of Alevi and Kurdish population, the applicant became aware that this position was not meant for Alevis and/or Kurds. The interviewee did not apply as he did not expect to be employed.

For Gypsies, in most of the cases, discrimination in accessing employment is based on their physical appearance that is their complexion and the neighbourhoods in which they reside. In western regions Roma neighbourhoods (the Roma among Gypsy groups reside mainly in western regions of Turkey) are commonly the most deprived areas and are stigmatised by the majority public. As a result of this "post-code" racism, it is almost impossible to find employment even in the informal sector for a person who lives in one of those neighbourhoods. Accordingly, the unemployment rate among Roma stands at 80-85 per cent; one of the highest compared to the average unemployment rate in Turkey which is between 11-14 per cent¹³⁵ (official figure is 9,2 per cent).

In an interview, Egemen Yılıgür¹³⁶ stated that "for a long time now Gypsies have given up searching for employment". They work in temporary jobs in the informal sector, such as in print shops, leather workshops and shoe factories. These are jobs which others do not want because of the high health risks as the workers are exposed to hazardous chemicals. These are jobs which also have a high risk of death caused by the materials used for the production. Other jobs which Gypsies perform in order to make a living are street vendor, music making for payment and similar temporary and precarious jobs.¹³⁷

Official religious minorities are affected by discrimination in two ways: firstly because of their membership to a non-Muslim community and secondly, closely connected to the first reason, because they are commonly not considered as Turks on the grounds of their religion. Non-Muslim minority (mainly Armenian and Jews) teachers, who teach in religious minority schools, are prevented from

¹³² TBMM Tutanak Dergisi, 80. Birleşim, 31.03.2010, <http://www.tbmm.gov.tr/tutanak/donem23/yil4/bas/b080m.htm>, accessed 02.04.2010. There has been no further information regarding this case.

¹³³ Interview with Fırat Aydın, a lawyer of Kurdish origin based in Istanbul (7.8.2013).

¹³⁴ Interview with Fırat Aydın (7.8.2013).

¹³⁵ Alp, S., Taştan, N., *Türkiye'de Irk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

¹³⁶ Interview with Egemen Yılıgür, (7.8.2013).

¹³⁷ Interview with Egemen Yılıgür, (7.8.2013).

teaching certain subjects such as Turkish, social studies, geography and history. Although having gone through the same faculty education as other teachers, they are discriminated against on the grounds of their membership to a non-Muslim religion.¹³⁸

3.4 Discrimination in the workplace

There is no reliable data available on ethnic/religious discrimination at the workplace. However there are verbally circulated stories about the considerable discrimination faced by Kurds at work. More visible and considered worthy of media attention are violent attacks of racist motivation that are caused not directly by employers but by the public itself. There is indeed an increasing tendency of violent attacks from the public towards Kurdish workers. For instance, in February 2013 four Kurds working on a construction site in a district of Eskişehir were attacked by a group of 60-70 people. The workers were rescued by other Kurds who rushed to the scene. The four Kurdish workers were hospitalised, two of them suffering from life-threatening injuries. The Police arrested not the attackers but the other Kurdish workers at the scene.¹³⁹ Often these racist attacks have the result that the workers leave their jobs taking unemployment into account.

In Giresun, a city on the shores of the Black Sea, 13 Kurdish workers who were working for a subcontractor on a construction site of the local municipality were attacked verbally and threatened by a racist group with the words “we do not let you speak Kurdish here. There is no place for Kurds here. Leave this place immediately. We do not accept Kurds here”. Police was called but did not come. As a result, the workers could not leave the construction site freely during the 4 months they worked there.¹⁴⁰

As for discrimination of Kurds in white collar jobs: Fırat Aydın¹⁴¹ stated, based on his observations of other Kurdish young lawyers, that they are often given tasks which are difficult and dangerous and which others do not want to accept. For example, he explained, enforcement law is often the task of Kurdish lawyers because this task is linked with unforeseen violence or other **complications** which can be dangerous for a lawyer.¹⁴²

Similarly, no official data is available about incidences of discrimination in employment of the Roma. In an interview, Emine Onaran recounted a very illustrative case of discrimination that a Gypsy man has experienced. The young man completed his studies at the theology faculty and was assigned as an imam¹⁴³ to a mosque in an Anatolian village. The people of the village rejected the imam because of his ethnic identity and issued a complaint to the authorities that they would “not pray behind a gypsy imam”. The imam who could not accept such a discriminatory attitude also issued a complaint to the authorities. It was suggested that he be removed to a different village and was warned not to expose his Gypsy identity. This however was not acceptable for the man and he resigned, working instead as a labourer.¹⁴⁴

¹³⁸ Alp, S., Taştan, N., *Türkiye’de İrk veya Etnik Köken Temelinde Ayrımcılığın İzlenmesi Raporu 1 Ocak – 31 Temmuz 2010*, İstanbul Bilgi Üniversitesi, 2011.

¹³⁹ Yurt Gazetesi, “Eskişehir’de Kürt İşçilere Saldırı İddiası”, 28 Şubat 2013,

<http://www.yurtgazetesi.com.tr/yasam/eskisehirde-kurt-iscilere-saldiri-iddiasi-h30148.html>, accessed, 17.8.2013.

¹⁴⁰ Birgün, “Kürt işçilere faşist abluka”, 9.7.2013.

¹⁴¹ Interview with Fırat Aydın (7.8.2013).

¹⁴² Interview with Fırat Aydın (7.8.2013).

¹⁴³ Imam is a Muslim religious priest in a mosque, who has the task of leading the prayers in front of the praying audience.

¹⁴⁴ Interview with Prof. Dr. Emine Onaran, an Anthropologist, who worked and published on Gypsies in Turkey (17.7.2013).

Other examples were given by Egemen Yılıgür¹⁴⁵: A female relative found employment in a cleaning company. The woman was relatively light skinned and was not visible at first glance to fit the stereotypical appearance of a Gypsy . As time passed, her employer and co-workers recognised her Gypsy accent and she was dismissed from her work. Another case is of a young man who had found employment in a textile workshop. When the employer found out his Gypsy identity through his residence address, he was discharged from the job.

The discrimination of Gypsies have different facets in relation to employment and it is based mainly on three markers; physical features that makes them identifiable as Gypsies , their accent and their place of residency in a Gypsy neighbourhood. As also stated by Egemen Yılıgür, only those who are not recognisable as Roma and who hide their identity have more chances to find employment and keep their job.

The former president of the Alevi-Bektaşî¹⁴⁶ Union, Ali Balkız, stated that Alevis experience discrimination in many fields of life. He exemplified this with an incident that took place in Bursa (a city in West Turkey). A person who does not want to be named in a private teaching institution was called by the director and dismissed from her/his job, because “other teachers do not want [to] get their salary from the same pay desk. Therefore we are not going to renew your contract”. This was a way of saying that they didn’t want to work with an Alevi.

Another example that the former director mentioned was from Erzincan, a city in Eastern Turkey with a considerable high Alevi population. A general practitioner working for a state run unit was forced to leave his job after experiencing massive mobbing. He was picked on by his superior with questions such as: “Why are you going to Alevi villages? Why are your trousers not ironed? Why don’t you take care of the Sunni patients?”¹⁴⁷

For the purpose of collecting material for a documentary film about “Free Zones”, Güliz Sağlam and Feryal Saygılıgil went to a Free Zone near Antalya and interviewed some workers.¹⁴⁸ They found that apart from appalling working conditions, the workers also face ethnic and gender discrimination and inhuman treatment. For example, they reported that workers who belong to the Alevi denomination stand out when they do not fast and are not given any lunch or tea during the fasting month of Ramadan. Also they have to adapt to the hours of those who keep fasting and that women and Alevis have to take over the work of the men who go to the mosque for Friday prayers. Thus the workers are faced with discriminatory practices because of their beliefs. However, because of the fear of losing their jobs, they prefer to keep quiet, experiencing discriminatory practices on account of their religious beliefs.¹⁴⁹ Generally, as nobody openly expresses his/her discomfort about Alevi identities, Alevis are prevented from being promoted or are discharged from work, given different excuses. Therefore many Alevis feel obliged to hide their identity or are completely disregarded and ignored.

3.5 Economic sectors

¹⁴⁵ Interview with Egemen Yılıgür (7.8.2013)

¹⁴⁶ Bektaşî is a religious denomination close to Alevi.

¹⁴⁷ Milliyet, “Türkiye’de Alevilik - Hayatın her alanında ayrımcılık var”, Mutluer, N., 13.1.2013.

¹⁴⁸ Birgün, “Serbest Bölgede Uçurtma Olmak”, Kuray, Z., 10.04.2010.

¹⁴⁹ Birgün, “Serbest Bölgede Uçurtma Olmak”, Kuray, Z., 10.04.2010.

The current Government's economic policy caused an explosion in the construction sector. There was a boom in the construction industry which can be attributed to the expansive regeneration projects in big cities, the reckless expansion of dams on rivers and the building of other energy extraction complexes. Indispensable for the construction sector are sub-contractors which hire cheap labour to increase their profits. This in turn raises the need for unskilled and/or low skilled labour. The construction sector is characterised traditionally by precarious work conditions and seasonal employment. Kurdish workers are the preferred labour force for this industry. As a consequence, many Kurdish cities experience a kind of exploitation as the majority of the Kurdish men move to the big cities nearby or in the west to work in the construction sites. This situation is partly a result of the long lasting conflict and partly the result of very limited investment in the eastern cities. The lack of employment opportunities in the home town or village and the seasonal or permanent employment in the west increases the economical exploitation and reproduces the poverty of the region and the people. Therefore more and more Kurds are seen as a source for cheap and precarious work.

Additionally, many Kurds who are forced out of their villages and migrated to west Turkey, are employed mainly in the construction but also in the manufacturing sector, in docks and in the textile industry as unskilled labour. Mostly they are picked by their ethnic and social relations, with links to informal subcontractor networks.¹⁵⁰ These workers constitute the very bottom of the urban labourers and hence the very bottom of the employment hierarchy.¹⁵¹

Another economic sector that is most affected by the labour market is seasonal agricultural work. Most of the seasonal workers are Kurds from the eastern Anatolian cities. Each year, thousands of Kurdish families move to the western Anatolian regions in search for seasonal employment. The journey in overfilled busses takes several days and costs at least two days wage. The salary of the workers is dependent on the yearly selling price of the harvested product. For example the daily wage for 2013 is set at 35 Turkish Lira, roughly 14 Euros a 12 hours' work day.¹⁵² Most of the seasonal workers take their families with them to work. According to Turkey Statistics Institution (TÜİK)¹⁵³ from 958 thousand children between the ages 6-17, 320 thousand work in agriculture.

According to research conducted by Mardin Derik Belediyesi Peljin Kadın Evi, (Mardin Derik Municipality Peljin Women's House)¹⁵⁴ about the seasonal agriculture workers in Derik, most of the people spent 4 to 6 months travelling in the country from one place to the other to work in agriculture. The rest of the year they remain unemployed. In Derik, 75 per cent of those interviewed have no other income apart from seasonal work. As mentioned earlier, most of the seasonal workers are Kurds. Often they are exposed to discrimination on the grounds of their ethnicity and language. According to the above mentioned research, 85 per cent of the workers said that they experience discrimination and 81 per cent that they cannot speak their language freely. A young man of 22 years, who was interviewed, expressed: "As long as I can remember we go for seasonal work. When the time approaches I get depressed. The conditions are anyway very difficult, on top of it they treat us very badly, discriminate us. They behave like this, because we are Kurdish. Most of time, our daily wage is

¹⁵⁰ www.gelawej.net, "İşçi Sınıfı Kürtleşirken", Özbudun, S., <http://gelawej.net/index.php/konuk-yazarlar/8071-c-sinifi-kuertlerken-sbel-oezbudun.html>, accessed 28.7.2013.

¹⁵¹ Sendika. Org., "Kürt ve Türk işçiyi ancak DNA testi ayırabilir", Yılmaz, S., Çakır, M., 19.7.2012.

¹⁵² Republic of Turkey, Governorship of Ordu, "Fındık İşçilerine Ödenecek Asgari Ücretler Belirlendi", http://www.ordu.gov.tr/tr/index.php?option=com_content&task=view&id=3868&Itemid=31, accessed 16.7.2013, http://www.ordu.gov.tr/tr/index.php?option=com_content&task=view&id=3868&Itemid=31, accessed 29.7.2013.

¹⁵³ Türkiye İstatistik Kurumu (TÜİK) (Statistic Institution of Turkey), <http://www.tuik.gov.tr/>, accessed 25.7.2013.

¹⁵⁴ BİA Haber Merkezi, "Bostanda Doğduk, Bostanda Ölecez", Tahaoglu, Ç., 8.12. 2011., <http://bianet.org/bianet/toplum/134611-bostanda-dogduk-bostanda-olecez>, accessed 29.8.2013.

less than theirs. When we complain they say ‘you can go if you don’t like it’. We don’t have anything else so we keep quiet”.¹⁵⁵

4 Tackling the challenges

4.1 Public policies

In recent years there have been some public policies introduced by the government for the purposes of eliminating discrimination in employment but these are aimed at discrimination of women and homosexuals rather than based on ethnicity and religion.

However, in recent years there are attempts to tackle the massive ethnic discrimination in employment toward Gypsies. In March 2012, the Employment Agency (İŞKUR) was instructed by the Ministry of Labour and Social Security to create a programme to integrate Roma in the labour market. The programme developed by the İŞKUR provided temporary employment (deforestation, environment clean-up, lay out parks and gardens) to 1500 Roma from 47 provinces for 8 months with monthly wages of 750-900 TL. In December 2012, the Minister of Labour and Social Security stated that 1365 Roma have been employed and 537 persons acquired vocational training certificates. He also announced that a special quota for Roma had been introduced within the employment programmes of İŞKUR.¹⁵⁶

However as Egemen Yilgür stated during the interview, at times Roma are employed by the local municipality for cleaning jobs, for example, but these are usually linked to temporary programmes or projects and are therefore provisional lasting no more than 6 or 9 months.¹⁵⁷

On the regional level, İŞKUR provided vocational training, labour education courses, programmes for entrepreneurship, on-the-job trainings and other trainings within the frame of the GAP Project (Southeast Anatolian Project). This project aimed at reducing the unemployment rate in the south-eastern region in Turkey, which is the most affected by the war between the PKK and the Turkish state. The total budget allocated to the Project for the years from 2008 to 2012 was 139.329.000 TL. The total number of the people who benefitted from the project was 45.783.158. This is a considerable number for such a project. However the existing structures are not sufficient to follow up these kinds of projects or be effective in procuring lasting results. Aside from this, there appear to be no other activities or policies that are aimed at reducing discrimination based on religion and / or ethnicity.

4.2 Access to effective remedies

4.2.1 Judicial remedies

There are very few cases in court where discrimination in employment is used as the basis of a complaint. In the last three years, as far as we are informed, only one complaint about discrimination in

¹⁵⁵ BİA Haber Merkezi, “Bostanda Doğduk, Bostanda Ölecez”, Tahaoğlu, Ç., 8.12. 2011., <http://bianet.org/bianet/toplum/134611-bostanda-dogduk-bostanda-olecez>, accessed 29.8.2013.

¹⁵⁶ European Roma Rights Centre, “ERRC Turkey: Country Profile 2011-2012”, 12.6.2013.

¹⁵⁷ Interview with Egemen Yilgür (7.8.2013).

¹⁵⁸ İŞKUR - Türkiye İş Kurumu, <http://www.iskur.gov.tr/tr-tr/kurumsalbilgi/projeler.aspx#dltop>, accessed 30.8.2013.

employment was filed. A woman employed as a laboratory assistant at the Medical Faculty of the Karadeniz University in Trabzon brought a case to court claiming discrimination on the grounds of her ethnic and religious affiliation. Şehriban Öncü is ethnically a Kurd belonging to the Alevi denomination. She filed a complaint against her seniors for having experienced defamation and “ethnic mobbing” at work. Interestingly, the prosecution categorised the case merely as a “defamation case”, ignoring the ethnic component. The outcome of the judicial process is not clear yet as it still continues.¹⁵⁹

In fact there are very few complaints filed during the last three years. There are several reasons for this; one of them is a lack of awareness about one’s rights or about the lack of knowledge in filing a complaint. Another reason is despair: people who experience racism and discrimination on daily basis often do not have the confidence to begin the legal or formal procedures, which is of course understandable as they would have to relive all the details again. A third reason is fear of not being taken seriously and /or getting into trouble. Lastly, many people who experience discrimination are poor and do not have the means to fill a complaint, as Egemen Yılıgür stated in relation to the Gypsies.¹⁶⁰

In the last three years there have been no judgments issued by the courts.

4.2.2 Non-judicial remedies

4.2.2.1 Ombudsman or equality body

In 2010 by virtue of an amendment¹⁶¹ in the Turkish Constitution, the Ombudsman regulation became a constitutional institution. The Law establishing the Ombudsman Institution (no. 6328) was enacted on the 14th of June 2012. Although not a specific institution in charge of handling complaints in the field of employment, it is a step further in tackling unjust regulations and practices and functions as a control mechanism for the public services.

The law provides that the Ombudsman Institution is accountable solely to the parliament and cannot receive instructions from anybody. The Institution is tasked with reviewing the acts and operations of the administration and making suggestions to ensure the administration’s compliance with the principles of human rights, justice and the rule of law. Though, the Institution can only act on complaints made and lacks the mandate to make inquiries on its own initiative.¹⁶² However, the point that needs to be emphasized here is that the particular task of the Ombudsman institution is to deal merely with the complaints against the administration and not those against the private sector. The institution has accepted complaints as of 29 of March 2013.

Although there are several mechanisms regulating the exercise of power of the public services, the effectiveness of these mechanisms has been questioned. It will be imperative for people to mobilize the Ombudsman as the complainants will not be financially burdened when instigating a complaint. However, the specific administrative structuring of the country itself needs to be considered when

¹⁵⁹ Haber61.net. “KTÜ'deki Etnik ayrımcılık davası sürüyor”, 1.2.2013, <http://www.haber61.net/ktudeki-etnik-ayrimcilik-davasi-suruyor-137929h.htm>, accessed 22. 8.2013.

¹⁶⁰ Interview with Egemen Yılıgür (7.8.2013).

¹⁶¹ HaberTürk, “Ombudsmanlık Anayasa'ya giriyor”, 22.4.2010, <http://www.haberturk.com/gundem/haber/509988-ombudsmanlik-anayasaya-giriyor>, accessed 2.12.2013.

¹⁶² Kurban, D., “Law on the Ombudsman Institution”, European network of legal experts in the non-discrimination field, 2012, <http://www.non-discrimination.net/content/media/TR-19-Ombudsman%27s%20Office%20released%20first%20activity%20report.pdf>, accessed 27.7.2013.

evaluating the efficacy of the Ombudsman institution.¹⁶³ Also, it is questionable to what extent the Ombudsman can solve problems effectively, especially when they emerge from executive, legal and structural circumstances. For instance, the discrimination of many Kurds based on their ethnic origin is based on legal issues which do not accept them as a minority with a right to their own language. In this context it is also questionable the extent to which the Ombudsman can be impartial and objective.¹⁶⁴

4.2.2.3 Labour inspectorate

The labour inspectorate is considered to be the duty of the state in Turkey and this duty is performed by the Ministry of Labour and Social Security. The Ministry performs labour inspection through two fundamental institutions. The Labour Inspectorate, is vested with the power to examine and supervise the implementation of the Labour Act No. 4857, regulating the working conditions of the workers, the Code of Obligations No. 818 applicable to the apprenticeship and labour relations falling under the scope of this act, and the implementation of the Press Labour Act and Maritime Labour Act, regulating other individual labour relations and the collective labour legislation.¹⁶⁵

The duties of the labour inspectorates are defined as follows: to regulate the working conditions, secure peace at work, take precautions for health and safety at work, improve the conditions which enable a better social security, enhance employability for all parts of society and to protect the rights of Turkish workers abroad regarding social security and other rights.¹⁶⁶ As it becomes clear from the above task description, discrimination in employment is not a specific issue that was given any attention to. However Labour Inspectorates may issue sanctions, for instance, in cases of workers being employed without any social security membership. This is often the case for jobs which are typically performed by people from ethnic minority groups, such as Kurds or Gypsies. Thus Labour inspectorates may have an indirect influence on reducing discrimination and racism if they are proactively involved in investigating discrimination in social security.

4.3 Civil society initiatives

4.3.1 Trade Unions

There are no known good practices by trade unions to tackle discrimination in employment.

4.3.2 NGOs activities

There are various Non Governmental Organisations (NGOs) in Turkey who deal with discrimination in general terms such as hate speech in media, or discrimination of homosexuals. Also some NGOs which are concerned with Human Rights issues have included anti-discrimination in their mandate. There is indeed only one initiative which specifically deals with racism related issues – “İrkçılığa ve Milliyetçiliğe DurDe” (*Say Stop to Racism and Nationalism*) in Turkey. The main role of this initiative is

¹⁶³ Şengül, R., “Ombudsman Kurumu Kötü YönetimeÇare Olabilir mi?”, Kahramanmaraş Sütçü İmam Üniversitesi, 2010. <http://www.etikturkiye.com/etik/kyonetim/Sengul.pdf>, accessed 3.9.2013.

¹⁶⁴ Şengül, R., “Ombudsman Kurumu Kötü YönetimeÇare Olabilir mi?”, Kahramanmaraş Sütçü İmam Üniversitesi, 2010. <http://www.etikturkiye.com/etik/kyonetim/Sengul.pdf>, accessed 3.9.2013.

¹⁶⁵ Başterzi, S. and Baycık, G., “The Effectiveness of the Labour Law and the Role of the Labour Inspection”, 2011, <http://www.congresomundialtrabajo2012.com/wp-content/uploads/2011/01/Dr.-Sper centC3per centBCleyman-Basterzi-Dr.-Gaye-Baycik.pdf>, accessed 29.7.2013.

¹⁶⁶ İş ve sosyal Güvenlik, “Yeni İş Teftiş Kurulu’nun Yönetmeliği Yaymlandı” 31.10.2012, <http://www.isvesosyalguvenlik.com/yeni-is-teftis-kurulunun-yonetmeligi-yayimlandi/#.UfZEn6zgw1E>, accessed 29.7.2013.

to provide information and raise awareness for various topics relating to racism and nationalism in Turkey, such as defamation of racist acts of public figures or organising campaigns for the anniversary of the Armenian genocide. However the number of NGOs who are concerned particularly with racism and discrimination in employment are limited. In recent years, discrimination in employment is often used in relation to women and LGBT groups and individuals' equality in employment. Rarely is the word discrimination used in connection with ethnic or religious groups, not to mention in employment issues related to these groups. Accordingly, the first and most important problem in tackling the challenges of discrimination and racism in Turkey is the lack of awareness. As the chairman of the Human Rights Association Öztük Türkdoğan stated, there is a structural problem about the issue and "first of all awareness must be raised".¹⁶⁷

Nevertheless, as mentioned earlier, there are efforts by some NGOs to reduce incidents of discrimination in employment. The role of those NGOs can be seen primarily in reporting and pointing to the problems. Some NGOs formulate suggestions and steps to overcome discrimination in employment. But their main role is to strengthen the position of their members, raise awareness and push possible changes in both the public and private sectors. If it exists at all, most of the information about discrimination in employment is incorporated in reports about general Human Rights issues such as the "Report about Ethnic Discrimination in Turkey" (2008) of Mazlumder (*Solidarity for Oppressed People*).¹⁶⁸

In November 2012, Roma set up the "Forum of Romani Rights in Turkey" (ROMFO). The purpose of this forum was to organize for a better representation in claiming for civil rights, as well as to search solutions for social, economic and cultural problems. The main target of the forum is to struggle for equal citizenship rights for Romani in accessing services and social resources. In the long term, ROMFO aims at contributing to the ideal of a democratic society for all groups which experience discrimination through raising awareness about the violation of rights. This organisation is important as it may strengthen the Roma representation and contribute to a better organisation of the Roma among themselves and ally with other ethnic minorities. But again, this is not a development aimed explicitly on improving their situation in employment.¹⁶⁹

Other NGOs which deal with general Human Rights and anti-discrimination issues are İnsan Hakları Derneği (The Human Rights Association), Helsinki Yurttaşlar Derneği (Helsinki Citizens Assembly), Akdeniz GöçDer (Mediterranean Migration Association), Hrant Dink Vakfı (Hrant Dink Foundation) which was established after the racist motivated murder of Hrant Dink, a Turkish journalist of Armenian ethnic background. Sosyal Değişim Derneği (Social Change Association) are some of the NGOs whose activities are directly related to racism, ethnic discrimination, hate crimes and cultural diversity. The main activities of these NGOs can be seen in observation and reporting, as well as in information provision and social action. However, there are no concrete examples of NGOs which deal explicitly with discrimination and racism in employment during the reporting period.

4.3.3 Employers' organisations

There are no known examples of good practices by employers.

4.3.4 Other civil society initiatives

¹⁶⁷ BİA Haber Merkezi, "Ayrımcılığın Farkında Bile Değiliz", Söylemez, A., 21 Mart 2012, <http://bianet.org/bianet/azinliklar/137102-ayrimciligin-farkinda-bile-degiliz>, accessed 30.8.2013.

¹⁶⁸ Mazlumder, *Türkiye'de Etnik Ayrımcılık Raporu*, Ankara, 2008.

¹⁶⁹ Agos Gazetesi, "Türkiye Roman Hakları Forumu Kuruldu", 22.11. 2012.

The sectors that are most prone to discrimination are the construction sector and seasonal employment in the agricultural sector. These are among the sectors with the most deadly work accidents. Recently, workers of the construction sector came together to set up an association called 'İnşaat İşçileri Derneği' (Association of Construction workers).¹⁷⁰ The aim of this unification is to claim their rights; for more safety at work, better working conditions and better accommodation during employment.¹⁷¹ Also, seasonal agriculture workers gathered in Urfa to establish an association with the name 'Mevsimlik Tarım İşçileri Derneği' (Association of Seasonal Agriculture Workers).¹⁷² This association set up agencies in cities with a high rate of immigration, which will serve as centres of information and provide legal and social advice.¹⁷³

A rather unusual initiative against discrimination was undertaken by the Izmir Economy University, which is a foundation (semi public) university. Under the slogan "Organizing is Good" the "Equality Platform Club", organized "anti-discrimination days" with students and staff in which panels, discussions, workshops, video shows, soccer match, etc were performed. The expected most important outcome was the necessity of dialogue and solidarity between the groups which are affected by discrimination.¹⁷⁴

4.4 Individual employers' initiatives

Since the Kurdish question, in terms of the acceptance of their language and other cultural rights, became more prevalent in Turkish politics, the number of discriminatory acts in the public has risen. According to a news report,¹⁷⁵ some employers refuse to employ or fire Kurdish workers. According to the report, the situation in production sites of well-known international brands such as Adidas, Esprit, Reebok and Levi's is apparently better. These brands control the production process themselves and take measures against any kind of discrimination at work place. An example provided by a textile factory in Istanbul that produces for the above mentioned brands has stated that they "do not ask questions about sex, gender and hometown. We take advice from our employment commissar in order to develop democracy at work".¹⁷⁶

¹⁷⁰ Emek Dünyası.net, "İnşaat İşçileri Derneği kuruldu", 7.12.2012, <http://emekdunyasi.net/ed/isci-sendika/20207-insaat-iscileri-dernegi-kuruldu>, accessed 30.8.2013.

¹⁷¹ Emek Dünyası.net, "İnşaat İşçileri Derneği kuruldu", 7.12.2012, <http://emekdunyasi.net/ed/isci-sendika/20207-insaat-iscileri-dernegi-kuruldu>, accessed 30.8.2013.

¹⁷² BİA Haber Merkezi, "Mevsimlik Tarım İşçileri Derneklesiyor", İstanbul, 9.4.2013, <http://www.bianet.org/bianet/emek/145709-mevsimlik-tarim-iscileri-derneklesiyor>, accessed 30.8.2013.

¹⁷³ BİA Haber Merkezi, "Mevsimlik Tarım İşçileri Derneklesiyor", İstanbul, 9.4.2013, <http://www.bianet.org/bianet/emek/145709-mevsimlik-tarim-iscileri-derneklesiyor>, accessed 30.8.2013.

¹⁷⁴ BİA Haber Merkezi, "Ayrımcılık Karşıtı Günler", Çağlar,B., İzmir, 3.12.2012, <http://www.bianet.org/bianet/genclik/142265-izmir-de-ayrimcilik-karsiti-gunler>, accessed 30.8.2013.

¹⁷⁵ Milliyet.com.tr, "Karadenizli TÜRSAB Başkanı'nın isyanı: Kürt çalışanları işten atıyorlar", Yılmaz, S., 7.1.2010, accessed 30.8.2013.

¹⁷⁶ Milliyet.com.tr, "Karadenizli TÜRSAB Başkanı'nın isyanı: Kürt çalışanları işten atıyorlar", Yılmaz, S., 7.1.2010, accessed 30.8.2013.

5. Conclusions and recommendations

5.1 Political and societal developments related to racism and discrimination

In 2010 the government launched the so called “democratic initiatives”.¹⁷⁷ These were aimed at improving ‘respect for human rights in Turkey’, ‘democracy’, ‘developing freedoms and its standards’. The other title of the project was ‘National Unity and Brotherhood Project’.¹⁷⁸ These much debated initiatives were expected to solve the problems of ethnic minority groups and improve the quality of the dialogues with Kurds, Gypsies and Alevis. However, the initiatives have not brought the much expected results. Although there have been some changes in the politics towards the Kurdish question¹⁷⁹, in other areas such as discrimination and racism towards ethnic minority members did not meet the expectations.¹⁸⁰

The Constitution Reconciliation Commission of the Grand National Assembly of Turkey (TBMM) achieved a consensus about the inclusion of “hate crimes” under the new constitution under the title “discrimination”. The platform of the “Champaign for the Law about Hate Crimes”, the Fener Greek Patriarch, the representative of the Armenian Patriarch Aram Ateşyan and Alevi organisations expressed their wishes about the inclusion of the minorities who are particular targets of hate crimes in the constitution.¹⁸¹

Despite the existence of legislative provisions in the Turkish Penal Code, which regulates cases of discrimination in employment, the number of complaints is very low because there is a lack of awareness of how to assert one’s rights. Therefore the change in legislation cannot alone bring a solution to this problem; educational institutions must also be prevented from discriminating. For instance, the obligatory daily national oath¹⁸² in schools is¹⁸³ in itself an example of discrimination, particularly for the children of other ethnic groups, because of its nationalistic content.¹⁸⁴ Thus anti-discriminatory measures against discrimination and awareness-raising must go hand in hand, and education is one of the areas in which the problem needs to be further discussed.

The draft law¹⁸⁵ that is being prepared by the Ministry of the Interior, outlining the rights of refugees, is the first of its kind. However, the different legal treatment between “refugees coming from Europe and other regions” continues. The draft law aims to improve refugees’ access to education, health care and social services. This development will improve their living conditions. However, it has been said that there is a danger that it also will make them more dependent on the public benefits on the one hand and on the other, more controllable by the authorities.¹⁸⁶ More importantly however, is

¹⁷⁷ Radikal Gazetesi, “AK Parti 'Demokratik açılım'ı anlatmak için kitapçık çıkardı”, 22.1.2010.

¹⁷⁸ Radikal Gazetesi, “AK Parti 'Demokratik açılım'ı anlatmak için kitapçık çıkardı” 22.1.2010.

¹⁷⁹ SETA, “Demokratik açılımı yerli yerine oturtmak” 4.7.2010, <http://arsiv.setav.org/public/HaberDetay.aspx?Dil=tr&hid=39832&q=demokratik-acilimi-yerli-yerine-oturtmak>, accessed 3.12.2013.

¹⁸⁰ Bilgesam, “Türkiye’de Azınlık Hakları ve Demokrasinin Derinleşmesi”, Turan, A. P., 8.4.2010.

¹⁸¹ Agos Gazetesi, “Nefret suçları yeni anayasa taslağına giriyor”, 14.5.2012.

¹⁸² It is an oath that all schoolchildren regardless of ethnic affiliation are obliged to repeat in chore in school on daily basis. The content is highly nationalistic and praises Turkishness.

¹⁸³ During the preparation of this report the obligatory daily national oath in schools has been officially abolished (8.10.2013).

¹⁸⁴ BİA Haber Merkezi, “Ayrımcılığın Farkında Bile Değiliz”, Söylemez, A., Ankara, 21.3. 201, <http://bianet.org/bianet/azinliklar/137102-ayrimciligin-farkinda-bile-degiliz>, accessed 30.8.2013.

¹⁸⁵ Taraf Gazetesi, “Mülteci yasası çıkıyor ama ayrımcılık sürüyor”, Özkaya, H., 4.4.2012.

¹⁸⁶ Taraf Gazetesi, “Mülteci yasası çıkıyor ama ayrımcılık sürüyor”, Özkaya, H., 4.4.2012.

that there are no changes being made to the law that could enable refugees, asylum seekers and foreign nationals to access employment.

5.2 Conclusions and recommendations

There are efforts being made to overcome discrimination in Turkey in general mainly by NGOs, as well as in part by the government. Discrimination in employment is a matter of human rights in Turkey. Discrimination in employment warrants more attention from the government and civil society organisations. This may become an issue after having taken measures for much more urgent problems such as work accidents which cost several hundred lives yearly.

The violation of the rights of ethnic minorities should not be seen independently from rights and fundamental freedoms. In order to solve the problem of discrimination, it is imperative to be proactive in finding solutions.

- The primary and most important step that needs to be undertaken is to raise awareness about discrimination and racism in all communities.
- Another urgent action that must be taken is the adoption of legal and practical measures promoting compliance with the health and safety regulations by the employers for the prevention of work accidents, especially in industries where the most severe accidents occur.
- Existing legislation on the “incitement to hatred” needs to be put into practice to prevent racially motivated verbal and physical attacks toward Kurdish workers and Gypsies.
- To overcome discrimination and racism towards ethnic minorities particularly Gypsies, Kurds and Alevis the government needs to adapt a pluralistic policy acknowledging and promoting cultural differences as well as protecting the rights of the minorities regardless of religious or ethnic affiliation. This would strengthen the minorities in their effort combating discrimination in employment.
- A policy of equal pay for equal work needs to be adopted to avoid the regional, ethnic, gender and other inequalities.
- The Anti-discrimination and Equality Council is necessary. (It is in the agenda of the government but nothing has been put into practice yet).
- A comprehensive law on combating all forms of discrimination needs to be prepared all disadvantaged groups should be consulted in this process.
- A law criminalising hate-crimes should be enacted.
- The media ought to be charged for broadcasting discriminatory programmes or feeding discriminatory discourses. It should adopt an impartial stance and make more programmes which look at preventing, rather than encouraging, discrimination.
- Political parties need to include anti-discrimination in their political agendas, develop policies accordingly and make the issue available for public discussion.
- The Turkish state needs to stop viewing ethnic minorities as an issue of “security” and adopt a human and fundamental rights approach.
- Turkey needs to eliminate all discriminatory regulations in various pieces of legislation, for instance the law about excluding non-Muslim minorities from becoming state employees.
- Arrangements need to be made to include ethnic groups in the legislative process, especially when determining communal politics and planning public services.
- It is imperative that the planned ‘Anti-discriminationLaw’ becomes effective. In that context effective administrative appeal mechanisms need to be launched.

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List of experts interviewed

Firat Aydın, a lawyer of Kurdish origin based in İstanbul. Interview conducted via telephone on the 7th of August 2013.

Egemen Yılıgür, an academic, founder and administrator of the well known internet site ‘Cingeneyiz.org’ (*We are Gypsies*). He is the author of the book *Nişantaşı Teneke Mahallesi*, which is about ethnicity and poverty in a particular district in İstanbul. Interview conducted via telephone on the 7th of August 2013.

Emine Onaran, an Anthropologist, who worked and published on Gypsies in Turkey. Interview conducted at her workplace on the 17th of July 2013.



European Network Against Racism
Réseau européen contre le racisme

ENAR Shadow Report 2012-2013