

IN TURKEY: CONVICTION TO HUNGER, CIVILIAN DEATH AND ITS EFFECTS ON FAMILY

Introduction

1. In the case of the State of Emergency and the subsequent process, the law and job security of the victims and their relatives are taken from their hands. In addition, their occupational licenses were canceled. Security investigations and interview conditions were introduced at the entrance of public professions. In the private sector, methods such as harassing and threatening employers have been applied in order not to give employment to the victims. Foreign bans were brought to victims or their relatives. With all these practices, people were condemned to civil death and hunger.
2. Civilian death and conviction to hunger were continued for many of the victims who were expelled in the State of Emergency and who were not subjected to any investigation or who were released after being detained for a certain period or who were acquitted.
3. The possibility of ensuring the livelihood of people who are directly exported by the measures in the state of emergency is severely restricted. They have faced life-time ban in the public sector and have been publicly stigmatized as contacts with organizations that are regarded as terrorist by public authorities. These are people who survive in Turkey also denied the possibility of job search abroad. Some of the dismissed people also lost their shelter and health support.
4. The State of Emergency and Decree Law processes have also caused significant losses to victims, family and close kinship relations. Besides; people have also made great losses in the relationship of neighbor and friendship. For this reason, many of the victim families had to move from the places where they lived. Unrest, division and divorce cases have also increased significantly among the families of victims.

1. CONVICTION TO HUNGER

a. Elimination of law and job security

5. For a long time, there was no way they could go against the expulsion of public employees expelled from their posts. The government set up the The Inquiry Commission on the State of Emergency Measures (OHAL Commission) in May 2017 review the decisions taken after domestic and international pressure¹.
6. Consisting of few members with hundreds of thousands of cases, the Commission reveals that it does not offer an effective solution to the thousands of public sector employees who have been expelled from their profession by statutory decrees.

¹ <https://www.coe.int/en/web/human-rights-rule-of-law/-/meeting-of-the-turkish-inquiry-commission-on-the-state-of-emergency-measures-with-representatives-of-directorate-general-i-human-rights-and-rule-of-la>

7. The Commission does not have institutional independence. The process of investigation continues for too long. The necessary safeguards against the accusations of the victims could not be provided to effectively refute these allegations. The evidence referred to in the decisions of the Commission to issue the issuances is very weak. The ineffectiveness of the Commission has resulted in hundreds of thousands of people not being able to access justice and repair effectively. Parliamenter Gergerlioglu states in his letter to European Commission that the Government use the Commission as a deflection that victims cannot apply to European Human Rights Court until the Commission gives a decision ².
8. Due to the fact that its members are mostly appointed by the government, the Commission has no institutional independence from the government. Therefore, the provisions on the appointment and dismissal of members of the Commission may easily affect the decision-making process. Because the government can easily give up the members of the Commission if they do not take the decision expected from them.
9. The Commission's long-standing procedures also affect the Commission's ability to provide an effective remedy. A large number of public employees have already waited more than a year, but have not yet received a response from the Commission. Amnesty International defines Commission cases as "ineffective remedy" because of long procedures and non-independency ³.
10. There is no time limit for the Commission to make a decision on applications. This situation leads to an uncertainty of public employees, who have been expelled and challenged against it. Given the serious effects of these direct issuances on expelled public employees and their families, the long waiting period for the first administrative decision once again reveals the ineffectiveness of the appeal and puts the issues in a much more difficult situation.
11. Moreover, the procedures of the Commission are far from offering assurances that would enable the applicants to make an effective appeal. Applicants do not have the opportunity to give oral testimony, to request the attendance of witnesses or to see any allegations or evidence against them before applying. All applications are decided upon as a result of the examination. Arrangements such as requesting a hearing and responding to the allegations are not available.
12. The applicants do not have the opportunity to refute the concrete allegations against them and therefore have to make vague and speculative applications against the general reasons cited as their justification.
13. The rather uncertain future facing the public employees is becoming even more uncertain because of the lack of an effective mechanism to appeal against their expulsion. Currently, no court is not competent to the case of expulsions in Turkey.

² <https://www.gazeteduvar.com.tr/politika/2018/11/26/omer-faruk-gergerlioglu-ohal-komisyonu-hukuku-degil-ak-partiyi-temel-aliyor/>

³ Purged Beyond Return? No remedy for Turkey's Dismissed Publication Sector Workers, Amnesty International Report, 2018

14. The prohibition of persons from all jobs or professions in the public sector also threatens their right to an adequate standard of living in the long term, in violation of their right to work.)
15. Many people prefer to work in the public sector because of the assurance provided by this sector. Some of them want to work in the public sector because of discrimination in the private sector.)
16. In addition to being dismissed from their professions, the victims are facing a series of negative consequences due to expulsion. Many of these results may not be visible. However, these people are in high risk of staying in a long-term situation. For example, there is still a question mark on whether or not the dismissed persons will be able to claim the full pension rights during the period they work in the public office.

b. The cancellation of professional licences

17. The cancellation of the professional license constitutes a serious problem for the legal community. More than 3,500 judges and prosecutors, as well as the members of the law faculties whose numbers are unknown, were exported. Bar associations define the profession of law as a public service and thus consider the public officials who are expelled from the profession to be banned from this profession. Turkey Bar Association, which was established in Turkey of all bar associations also brings even more restrictions than those found in the current law.
18. Exported academics cannot work at any public university. These academics were also forbidden to undertake new tasks in private universities, which are considered to be foundations.
19. According to the Ministry of National Education, which dismisses more than 30,000 employees, teachers who are expelled will not be able to work even in private schools.
20. Such prohibitions are observed in other professions whose functions are regulated by the state. Anıl Aslan, who had worked in the child services under the Ministry of Family and Social Policies, could not start her work in a private daycare center after her rejection of her application for employment by the Ministry. The administrative lawsuit against the Ministry is still pending.
21. On the other hand, according to officials of the Ministry of Health, such prohibitions are not valid for the doctors who are exported and there are no obstacles to their employment in private health institutions. However, the exported doctors cannot work in public hospitals and cannot receive education from the state in order to advance their careers, for example obtaining proficiency in medicine.
22. The exported doctors and other health workers, like the ones exported from other professions, have great difficulties in finding a job in the private sector and when they find a job, the wages they receive can be very low compared to their previous salaries.

23. Public employees who are dismissed are also banned from working in private security companies, which in fact effectively blocks the expelled police and soldiers from finding similar jobs in the private sector.

c. Coding to social security records

24. The impact of the issuances is far more than people losing their jobs, and they are generally barred from employment in public and private sectors. The social security records of the exported persons are prevented from finding any job by coding.

25. In this way, with the social security coding, a large number of people lost their ability to continue their jobs at the same time as their old work. These people who are labeled as “terrorists” after they are exported are not finding a job in any way.

d. Security investigations, interview and private sector employers hazardous and Threats Methods

26. Candidates who take exams to become public officials face a scandalous practice. Candidates whose relatives have been expelled receive low marks in interviews, even if their relatives are acquitted of the charges. In this way, they lose the chance of becoming a public official. The reason for giving low scores in interviews is the result of a security investigation.

27. In the public sector or in the private sector, a security investigation is carried out against everyone in the country, whether or not they are a relative of a victim.)

28. In the case of the determination of the applicants' applications to the private sector, the workplace authorities are pressured and their employment is prevented. If the employer insists on hiring and retaining the staff, the employer is exposed to harassment, pressure and threats.

e. Travel bans

29. The routine cancellation of passports violates the freedom of travel, and the absence of an effective remedy violates the right to a fair trial and an effective remedy.

30. Passport of public employees issued was canceled in accordance with the decree law. The decree law no. 673 states that the passports of the spouses of the⁴ expelled persons shall be canceled with the reasons of national security.

31. The application for the cancellation of passports was carried out for both green passports issued to senior civil servants as well as private passports. After the cancellation of the passports, the new passport applications made by the exported persons were also routinely rejected by the authorities.

⁴ No End In Sight: Purged Public Sector Workers Denied a Future in Turkey, Amnesty International Report, 2017

32. People who have succeeded in leaving the country also experience various problems. public officials who have been exported are not given consular services abroad by Turkey.
33. In addition, stigmatization as a terrorist creates effects on the freedom of travel within the country. It is understood from the records that if the police officers check the identity documents of the victim persons during the journey, they are expelled from the records within the framework of the decree laws. This may lead to additional investigations or detention, so victims are reluctant to travel long distances.

2. Civilian death

34. The State of Emergency process, which was put in place for a legitimate aim, and its subsequent practices, went beyond the limits of admissibility at the stage reached. Physical and spiritual presence of more than half a million citizens of the Republic of Turkey is suppressed. This process was transformed into a kind of anonymous civilian death program for the destruction of victims.
35. Unlike the initial proclamation objectives, the practice of State of Emergency has ordinaryized and legitimized unlawful acts. These practices have become a mechanism to permanently destroy the fundamental rights and freedoms of citizens, which have fundamentally shaken the legal order. For example, Government has excluded purged workers from social aids that should be given to any needy one.⁵
36. The practices of the state of emergency and the aftermath, with the attitude of the othering, also provide social, psychological, economic and existential damages to the victims whose targets they target civil deaths. These practices will also lead to economic, social and political losses in the short, medium and long term for those who have not experienced victimization directly.
37. All victims faced a complete civil death due to obstacles such as employment, job creation and prohibition. In the face of treatment against victims, many have weakened their survival power. Many victims and relatives who could not withstand the traumas caused by their severe victimization committed suicide, suffered from new diseases or suffered from relapsing, aggravated diseases or suffered a great number of deaths.

3. Effects on family

38. Process and continued for two years in a state of emergency in Turkey, affecting hundreds of thousands of people from all walks had led to serious human rights violations. There are almost 130,000 public employees who are arbitrarily issued and prohibited from exercising their profession. These exposures continue to have devastating effects on those who are exposed to these exposures and their families.
39. There is no doubt that exports can have devastating effects on the victims and on their families. Public employees not only lost their jobs but were also banned from public service. When the concept of public service in Turkey is considered as broadly defined

⁵ <https://www.artigercek.com/yazarlar/ömer-faruk-gergerlioğlu/khk-liyan-sosyal-yardim-yok>

in this case, people who are exporting their chosen profession means be prevented from continuing to practice.

40. Many of the victims who are branded as terrorists by the decree laws cannot find another job. Others, along with their families, lost their home and health care support depending on their jobs.
41. Social, political repressive and exclusionist OHAL processes have also caused significant losses to victims, family and close kinship relations. In addition, these processes have also caused great damage in neighborhood and friendship relations. For this reason, many of the families of victims had to move from the places where they were found. Unrest, division and divorce cases have also increased significantly among the families of victims.
42. The lists of the issued persons were published in the decree laws and on the internet. Given that this information is part of the personal records of the person and that state institutions and the general public can see it, all this has led to additional pressures on the persons and their families.
43. For public officials with residences in which they reside, the expulsion of these people also meant that their families and their families lost their homes. Public employees were forced to leave their housing in 15 days.
44. Access to health services is also one of the issues where the effects of issuances are felt. Public employees are provided with health services that include themselves, their spouses and their families. However, after the issuances, the health protection of families was continued for only three months. At the end of this period, families need to pay premiums to benefit from health protection. None of the exported persons could maintain their health care protection as they did not have any incomes or received compensation.

Recommendation

45. After July 2016 coup attempt, there has been many Human Rights violations. These include more than 130 thousand public workers' fired from their jobs. This, at the end, leads to conviction to hunger and civilian death by unlawfull decisions.
46. Amore-mentioned Human right violation effects purged public workers as well as their families.
47. In order to stop this violations, International institutions have important responsibilities. First of all, it should be understand that OHAL commissions is merely a deflection element used by the Turkish government. It is important the Comission shorten the perioda of decisions. International Community should review the effectiveness of OHAL Comission as a remedy of public workers as son as possible.
48. International community should also call Turkey to stop unfair dismissals so that anybody else won't be in danger of civil death.