

THE KURDISH QUESTION IN THE CONTEXT OF HUMAN RIGHTS IN TURKEY



Human Rights Association (*İnsan Hakları Derneği* - İHD) is a non-governmental, independent, and voluntary body in Turkey. The association, which was founded in 1986 by 98 human rights defenders, today has 26 branches, 10 representative offices, and around 8,000 members. İHD is the oldest and largest human rights organization in Turkey and its sole and specific goal is to promote “human rights and freedoms.”

About “Kurdish Question”



- The Kurdish Question in Turkey refers to the long-standing political, social, and cultural struggle of the Kurdish people for recognition, equal rights, and self-determination, amid state policies of assimilation, political exclusion, and periods of armed conflict. Kurdish Question is not only political but also a human rights issue.

1. Civil and Political Rights of Kurdish People



- Implementation of the “45.15 Withdraw the reservation to article 27 of the International Covenant on Civil and Political Rights” (Solomon Islands) recommendation

Turkey states “Minority rights are governed by the Lausanne Peace Treaty of 1923. Therefore, withdrawal of said reservation is not conceived.”

According to IHD, Under Lausanne Peace Treaty, Turkey recognises certain minority groups. The lifting of the reservation will ensure that Kurdish citizens will not be deprived of the right to enjoy their own culture or to use their own language.

1. Civil and Political Rights of Kurdish People



- **Implementation of the “45.152 Allow democratically elected representatives to exercise their mandates and stop their replacement by arbitrarily appointed trustees” (Czechia) recommendation**

According to İHD, since 2015, the government of Turkey has systematically overturned democratic election results in Kurdish regions by installing trustees in place of elected ones in order to prevent pro-Kurdish parties from governing at the local level.

In 2016, during the State of Emergency, trustees were appointed to a total of 95 municipalities. Following the local elections on 2019, trustees were appointed to a total of 48 HDP (pro-Kurdish party) municipalities. Starting from 2024, trustees were also appointed to the municipalities of Hakkâri, Esenyurt, Mardin, Batman, Halfeti, Dersim, Ovacık, Bahçesaray, Akdeniz and Van.

1. Recommendations



- Reservation to article 27 of the International Covenant on Civil and Political Rights should be withdrawn.
- The appointments of trustees, which eliminate the Kurds' right to vote, to be elected and to representation, must be ended.

2. Implementation of ECtHR Judgements and the Kobane Case



- Implementation of the “45.121 Ensure respect for the rule of law and an independent judiciary and implement the decisions of the European Court of Human Rights (Czechia)” recommendation

In the Kobani trial, where former co-chairs, elected politicians, and members of the HDP (pro-Kurdish political party) were prosecuted, the court unlawfully handed down heavy sentences during the final hearing on 16 May 2024.

Despite recommendation in the previous cycle, the ECtHR's Demirtaş and Yüksekdağ judgements continue not to be implemented.

2. Recommendations



- In order to resolve the Kurdish question through democratic means, the obstacles preventing Kurdish politicians from engaging in politics must be removed and the way for civilian politics must be paved.
- ECtHR's Demirtaş and Yüksekdağ judgements must be implemented.

3. Armed Clashes

- **Implementation of the 45.19 Ensure full compliance with international humanitarian law and human rights law by its forces (New Zealand) recommendation**

According to the data collected by İHD and TIHV, violations of the right to life in the first 11 months of 2024 are as follows:

Due to armed conflicts in Turkey, and Syria and Northern Iraq Kurdistan Regional Government (KRG) at least 194 persons, including 54 security officers (42 soldiers, 5 police officers and 7 village guards), 130 militants and 10 civilians were killed.

At least 76 people, including 56 security officers (36 soldiers, 15 police officers and 5 village guards) and 20 civilians were wounded during the same period.

3. Recommendations



- The insistence on the use of military methods and security approaches in the Kurdish question must end.
- Ensure that armed forces fully comply with international humanitarian law and human rights law.
- Turkey should end its military presence in Northern Iraq and Northern Syria and withdraw from the occupied territories in Syria.

4. Discrimination and Hate Crimes

- **Implementation of the “45.270 Take concrete measures to protect the rights of ethnic minorities” (China) and “45.64 Adopt an anti-discrimination law to prevent any type of discrimination based on ethnicity, religion, sexual orientation or gender identity (Honduras)” recommendations**

According to the data of the TIHV Documentation Centre, 13 people were killed and 71 people were wounded in racist and hate-motivated attacks against Kurds between 2020 and 2023.

As Article 122 of the Turkish Penal Code does not define the offence of discrimination based on ethnic group membership, perpetrators cannot be prosecuted for these offences and the courts acquit them.

4. Recommendations



- Turkey's anti-discrimination legislation should be harmonised with international standards to cover hate crimes based on sexual orientation, ethnic origin, age or gender identity and be duly implemented in practice.
- Turkey signed Protocol No. 12 to the European Convention on Human Rights (ECHR) on non-discrimination on 18 April 2001, but it has not yet been ratified by the parliament and therefore has not been implemented. This protocol should be ratified by the parliament and put into practice as soon as possible.