

THE KURDISH QUESTION IN THE CONTEXT OF HUMAN RIGHTS IN TURKEY

UPR PRE-SESSION ON TURKEY

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Delivered by Human Rights Association (İnsan Hakları Derneği - İHD)

1. Presentation of the Organisation

This statement is delivered on behalf of the **Human Rights Association (İnsan Hakları Derneği - İHD)**, a non-governmental, independent, and voluntary organization in Turkey. Founded in 1986 by 98 human rights defenders, İHD is the oldest and largest human rights organization in Turkey, with 26 branches, 10 representative offices, and around 8,000 members. The sole and specific goal of İHD is to promote "human rights and freedoms" in Turkey.

2. National Consultations for the Drafting of the National Report

The Turkish government has not conducted inclusive or meaningful consultations with civil society organizations, including İHD, during the preparation of its national report for the Universal Periodic Review (UPR). This lack of engagement with independent human rights organizations has resulted in a report that does not adequately reflect the human rights situation in Turkey, particularly regarding the Kurdish question.

3. Plan of the Statement

This statement addresses the following issues:

1. What is the "Kurdish Question"?
2. Civil and political rights of Kurdish people
3. Implementation of the ECtHR judgments
4. Armed clashes
5. Discrimination and hate crimes against Kurdish people
6. Conclusion

1. 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 the most important component of human rights and democracy struggle in Turkey. Kurdish Question is not only political but also a human rights issue.

In terms of cultural rights; recognition of Kurdish identity as a minority group, constitutional amendments in line with international human rights standards, implementation of fundamental human rights documents without any reservation are crucial for solution of the question.

2. 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

Under Lausanne Peace Treaty, Turkey recognises certain minority groups. Turkey states "Minority rights are governed by the Lausanne Peace Treaty of 1923. Therefore, withdrawal of said reservation is not conceived."

According to iHD, the lifting of the reservation will ensure that Kurdish citizens, together with members of other linguistic, ethnic or religious minority groups, will not be deprived of the right to enjoy their own culture or to use their own language.

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

In 2016, during the State of Emergency¹, trustees were appointed to a total of 95 municipalities. Following the local elections on 31 March 2019, trustees were appointed to a total of 48 HDP municipalities. Between 3 June 2024 and 25 January 2025, trustees were also appointed to the municipalities of Hakkâri, Esenyurt, Mardin, Batman, Halfeti, Dersim, Ovacık, Bahçesaray, and Akdeniz.

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. Ignoring the will of the people in local governments has eliminated even the minimum of local democracy.

Recommendations

¹ On 15 July 2016, a coup attempt was staged by the Fethullah Gülen organisation (FETÖ/PDY) organised within the state, the coup was suppressed on 16 July 2016, and 5 days later, on 21 July 2016, a state of emergency was declared all over Turkey.

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

3. 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

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

In the Kobani trial, where former co-chairs, elected politicians, and members of the HDP² (pro-Kurdish political party) were prosecuted, the court unlawfully handed down heavy sentences during the final hearing on 16 May 2024.

Despite the ECtHR's findings of violation in the Demirtaş and Yüksekdağ judgements that the HDP cannot be held responsible for "acts of violence" and therefore the arrests of the co-chairs and politicians were politically motivated", the relevant judgements were not implemented.

Recommendations

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

4. Armed Clashes

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

² The Peoples' Democratic Party (Turkish: Halkların Demokratik Partisi, acronymized as HDP; Kurdish: Partiya Demokratîk a Gelan[26]), or Democratic Party of the Peoples, is a pro-Kurdish political party in Turkey.

According to the data collected by IHD 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.

Recommendations

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

5. 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

There are no statistics published by the Ministry of Justice on the number of people killed and injured as a result of racist and hate-motivated attacks.

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.

Recommendations

- i. 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.

- ii. 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.

6. Conclusion

The Kurdish question remains a central human rights issue in Turkey, requiring urgent attention and action. We urge the Turkish government to implement the recommendations outlined in this statement and to engage in meaningful dialogue with civil society to address these longstanding issues.

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