THE ROLE OF NGOs IN DISSEMINATION and ADVOCACY

OF HUMAN RIGHTS IN TURKEY

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ABSTRACT

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The purpose of this thesis is to assess the role played by NGOs related to human rights in Turkey. The reason to choose Turkey as a case study is because Turkey is a developing country and one of the strongest democracies in its region. Despite the fact that there are many arguments about its membership, it is the only Muslim and geographically Oriental country that has been an official candidate for the European Union. Nevertheless, human rights is a conflictual subject in its history and present.

The interviews conducted with some national and international NGOs active in the field which put leverage on the state to change restrictive regulations showed that, they are playing important role in the human rights area with their advocacy, service delivery or monitoring missions. However, their relationship with the state and with each other still remains problematic due to an institutional culture which lacks trust and collaborative tendencies.

The future of the role that NGOs will play in the area related to human rights will depend on trust building and mutual understanding among civil society, the state and its citizens. A reconciliation process through conflict transformation is needed to reconstruct a healthy relationship. The ongoing negotiation process with the European Union also provides motivation for Turkey to harmonise its value system, legislation and implementation related to human rights.

ÖZET

Anahtar Kelimeler: Sivil Toplum, İnsan Hakları, Sivil Toplum Kuruluşları (STK)

Bu tezin amacı, Türkiye'deki Sivil Toplum Kuruluşlarının (STK) insan haklarına bağlı rollerini tayin etmektir. Türkiye'nin çalışma alanı olarak seçilmesinin sebebi gelişmekte olan bir ülke ve kendi bölgesindeki güçlü demokrasilerden biri olmasıdır. Ayrıca, üyeliği ile ilgili pek çok tartışmaya rağmen, Avrupa Birliği'ne resmi olarak aday gösterilen tek Müslüman ve coğrafi olarak Doğu'da bulunan ülkedir. Yine de, insan hakları tarihinde ve bugününde sorunlu bir konu olmuştur.

Devlete kısıtlayıcı uygulamalarını değiştirmesi için baskı uygulayan bazı ulusal ve uluslararası STKlar ile yapılan röportajlar gösterdi ki, bu kuruluşlar, insan hakları alanında savunma, hizmet sunma ya da kontrol etme gibi önemli roller oynamaktadırlar. Yine de, devletle ve birbirleriyle olan ilişkileri, güven ve işbirliği eğilimlerinden yoksun olan kurumsal kültür nedeniyle sorunlu olmaya devam etmektedir.

STKların insan hakları konusunda gelecekte de oynayacakları rol, sivil toplum, devlet ve vatandaşları arasında gelişecek güven ve karşılıklı anlayış/hoşgörü ilişkisine göre şekillenecektir. Bu ilişkiyi sağlıklı olarak yapılandırmak, uyuşmazlıkların dönüştürülerek uzlaşma sağlanması yoluyla gerçekleştirilmelidir. Avrupa Birliği ile devam etmekte olan müzakere süreci de, insan hakları ile ilgili değerler sistemi, yasama ve uygulamalar açısından da, Türkiye için bir motivasyon sağlamaktadır.

ABREVIATIONS

AKUT: Search and Rescue Association

CAT: The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

CEDAW: The Convention on the Elimination of all forms of Discrimination against Women

CERD: The Convention on the Elimination of all forms of Racial Discrimination

CHP: Republican People's Party

CIVICUS: World Alliance of Citizen Participation

CMW: The Convention on the Protection of All Migrant Workers and Members of their Families

CRC: The Convention on the Rights of the Child

CRPD: The Convention on the Rights of Persons with Disabilities

ECHR: The European Convention on Human Rights and Fundamental Freedoms

ECtHR: The European Court of Human Rights

EIDHR: European Instrument for Democracy and Human Rights

EU: European Union

GAP: South-East Anatolian Project

GONGO: Governmental Organization

HABITAT: Global Conference on Human Settlements

HRAB: Human Rights Advisory Board

HRC: Human Rights Council

HRP: Human Rights Presidency

ICCPR: The International Covenant on Civil and Political Rights

ICESCR: The International Covenant on Economic, Social and Cultural Rights

IDP: Internally Displaced People

IHIK: Human Rights Council for Istanbul Province

IHOP: Human Rights Joint Platform

ILO: International Labour Organization

INGO: International Non-Governmental Organization

KAMER: Women Rights Centre

KHRP: Kurdish Human Rights Project

MAZLUMDER: Organization of Human Rights and Solidarity for Oppressed People

NATO: North Atlantic Treaty Organization

NGO: Non-Governmental Organization

OAS: Organization of American States

OHAL: State of Emergency Legislation

OPCAT: The Optional Protocol to the UN Convention against Torture

PKK: Kurdish Workers Party

TBMM: The Grand National Assembly of Turkey

TEGV: Turkey Volunteers for Education Foundation

TESEV: Turkish Economic and Social Studies Foundation

UN: United Nations

UNDHR: Universal Declaration of Human Rights

UNDP: United Nations Development Program

USA: United States of America

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1.1   The Aim of the Study

Turkey has been improving economically, politically and socially over the last decade. Some people correlate this progress with the Helsinki Summit where Turkey became an official candidate and negotiations were opened with the EU. For some, the EU is not the main factor in the progress but it is just a motivation. Whatever the reason is, it is important that Turkey makes progress and becomes a member of developed countries in many different areas.

The human rights carnet of a country has became as important as political and economic growth and together they probably indicate more about the level of development. On the other hand, civil society actors are also crucial in the new disposition of the world. They work hard, unify easily, without any hierarchical or bureaucratic structure they reach more people than any other actors can. They have a huge impact on the reputation of states thanks to their reports. In short, the role and effectiveness of both internal and international human rights NGOs in a country can say a lot about the future of its society.

The aim of this study is to evaluate human rights developments in Turkey and the contribution of NGOs as civil society actors in this process. In the thesis, interviews with some leading internal and international NGOs are used as primary instruments of research; as well as the EU as one of the important factors influencing the recent changes in attitudes in Turkey. In doing so, Turkey's perspective on the subject is also tried to be

taken into consideration. Interviews and reports prepared by internal and international actors are also added as research materials. Then, all the data are collectively analyzed and discussed in the light of the history of human rights and civil society in Turkey; current achievements and failures on human rights; and finally future concerns that may open new windows for a more developed Turkey.

1.2   Outline of the Study

This thesis is composed of six chapters; in chapter two, how the literature looks at the keywords is examined in detail. All three basic concepts, civil society, NGOs and human rights, are the most frequently used words in this thesis. Then, the methodology is explained, in order to give the reader an overview of the structure of the research starting with the research questions themselves. Finally, the theories used for analyzing the data are discussed in their conceptual framework.

The third chapter looks over the historical background and the development of the key concepts both globally and in Turkey as a whole. In order to evaluate the role of human rights NGOs, the emergence of both human rights and human rights NGOs in the world and in Turkey are given as supportive information.

The fourth chapter focuses on data collected from the interviews with NGOs as the main source of the research. A grouping of the subjects is made according to mostly domestic NGOs that constitute a coalition as the first group, some international donor organizations as the second group and a state official, in order to approach the subject from a different perspective, forms the third group. Finally, since the EU has been undeniable in influencing decision making in Turkey over the last decade; various contributions and motivating factors related to the EU are also added as part of the data.

The fifth chapter aims to bring together all the information gathered from the literature, history, interviews and secondary sources. The missions of NGOs, their relations with each other, the differences between the international and internal NGOs; as well as the similarities that motivated them to form coalitions, and Turkey's achievements on human rights are all analyzed in this chapter.

Final chapter sums up and discusses the whole research based on the data analyzed and attempts to interpret the research question. It includes both objective and subjective determinations on the theme.

1.3   Methodology

In this part of the study, the modelling of the research design and the data collected from the primary and secondary sources will be analyzed in detail. Under the research design titles, all the technical and methodological details are going to be narrated. Secondly, the primary data of this work are collected from interviews with three groups of actors, mostly NGOs, except for the EU Delegation and the state institution. The secondary sources concern documents published by some international actors on Turkey's human rights developments. Finally, there is a section that explains methodological limitations.

1.3.1   Research design

Research design includes information from research tools, research questions and the unit of analysis.

1.3.1.1   Research tools

The tools used in the research design, determine the sources of data collection. Qualitative methods consist of three kinds of data collection: (1) in-depth, open-ended interviews; (2) direct observation; and (3) written items on documents, including such sources as open-ended written items on questionnaires, personal diaries, and program records (Patton, 1987, p: 7). This research is designed to use the tools of the first and the third kind of data collection. Both in depth interviews with some NGOs and documents such as the annual human rights reports on Turkey by some organizations are the main sources of the data collection.

The first group of data is collected from in-depth interviews, an important source of qualitative data for evaluation (Patton, 1987, p: 108) The interviews were conducted with some of the leading NGOs in Turkey, some of the international NGOs which work as donor organizations and finally a member of administration on human rights, head of Human Rights Council for Istanbul Province. So, the interviewees can also be grouped in

three categories. These categories are designed to take the opinion of both national and international NGOs, which work on human rights and which have enough power to pressure the state for legal changes. The international NGOs are usually donor organizations that try to create leverage on the state and also support national NGOs financially or technically to have a double effect on the state. Finally, a state official is included among the interviewees because state institutions are claimed to be responsible for many of human rights violations in Turkey. In the beginning, state was not one of the actors targeted of the research. However, it would have been unfair not to include at least one of its organs related to the subject.

The secondary sources of the data collection are the annual reports prepared by some international organs. The annual human rights reports are prepared for many countries and from many different sources. On an international level, human rights has been increasingly important and needs to be taken into consideration by every actor. States, international NGOs, multinational firms and even individuals are interested in human rights conditions and can be effective in providing help. There are statistics, numerical expressions and comparisons about the developments. In brief, the data collected from the secondary sources provides more objective answers to the research question.

1.3.1.2 Research question

The research question of the study is the following: "What are the roles of NGOs in the dissemination and advocacy of human rights in Turkey?" The question can be interpreted differently by every actor and in a subjective way. The main object was to find the common denominator between all the answers and to analyse it.

During the interviews, the questions put to the interviewees were open-ended because, according to the research question, open-ended questions seem to be the most appropriate ones for this topic. Open-ended questions are used in semi-structured interviews in order to create an advantage of flexibility to the reporter and according to Druckman (2005, p: 132) "they can be very helpful in gauging how respondents perceive an issue or problem". The open-ended responses permit one to understand the world as seen by the respondents. "The purpose of gathering responses to open-ended questions is to enable the researcher to understand and capture the points of view of other people

without predetermining those points of view through prior selection of questionnaire categories" (Patton, 2002, p: 20). Like the research question itself, open-ended questions also leave room for subjectivity. The data from open-ended interviews consist of direct quotations from people about their experiences, opinions, feelings and knowledge. There were different sub-questions for every interview. For example, in the questionnaire of the first category the sub-questions were mainly asking about the interviewees' personal experiences in the field, the problems that are faced with the state and its executions. Most importantly, the reasons for the instinct that brought those NGOs together to compose a platform were an essential point.

For the second category, which concerns the donor organizations, the questions were mainly about the perception of Turkey from the outside. What was pushing them to invest money, time and energy in Turkey in order to develop human rights conditions of the country?

In the final interview that was conducted with the state official; the questions were different from the first two categories. In the previous interviews, the state was blamed for maintaining an insensitive approach towards human rights. Some of the interviewees claimed that although the laws were changing, the mentality of the authorities who execute laws remained the same. In light of all the information collected, the questionnaire of the last interview was the last to be prepared, hence including more specific questions, aiming to shed more light on the charges made by NGOs.

"Document analysis contains excerpts, quotations, or entire passages from records, correspondence, official reports, and open-ended surveys" (Patton, 1987, p: 7). The human rights reports were also examined in terms of their relation to the research question. However, the annual human rights reports contain plenty of different subjects that do not directly cover our research question. Then, the method used was to look for the keywords in the reports. The keywords were the same as the "basic concepts" that are being analysed in the literature review section except for the EU effect, namely, "Civil society, NGOs and human rights". The reason for examining annual reports was to compare them to each other and to the previous year's reports by the same source to get a better view of "what was wrong, what was expected to change in Turkey and what did change over time?"

1.3.1.3   Unit of analysis

The unit of analysis is NGOs working on human rights in Turkey. The organizations were not selected at random. The first group consists of some of the most dedicated and experienced organization in the field. Furthermore, Human Rights Joint Platform, composed of four members, is unique in hosting powerful and different organizations under one structure. The second group of donor organizations were selected according to the different actors they represent. The EU, Soros Foundation and the official international organization for cultural and educational relations of the United Kingdom are all important actors in the international arena. The EU Delegation, Open Society Institute and the British Council are the local branches of those actors in Turkey. The interviewees were also chosen according to their missions in the organizations. Some interviews took place in Ankara; yet, most were held in Istanbul.

1.3.2   Interviews

The interviews were planned and conducted in three groups.

The first group of interviews were conducted with Human Rights Joint Platform[1] (IHOP) (İnsan Hakları Ortak Platformu) composed of the following four members:

1) Helsinki Citizens Assembly (Helsinki Yurttaşlar Derneği)

2) Organization of Human Rights and Solidarity for Oppressed People (MAZLUM-DER)

3) The Human Rights Association (İnsan Hakları Derneği)

4) Amnesty International Turkey branch

This structure is unusual and important because it is composed of the three leading domestic NGOs of Turkey with very different ideologies, as well as a well-known international NGO. The structure is going to be examined according to the concept "coalition building of NGOs" of Çakmak in the following section.

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[1] Human Rights Joint Platform is composed of the first four NGOs on the categorization: Helsinki Citizens Assembly, MAZLUM-DER, The Human Rights Association and Amnesty International.

The second group constitutes of the donor organizations below that provide service to the local NGOs in projects, monitor the developments in human rights and empower authorities on capacity building:

1) Open Society Institution

2) British Council

3) EU Delegation.

Finally, an interview with a state official helps to reflect the perspectives of the administrative side because human rights violations in Turkey are commonly blamed on the state. The head of Department of Human Rights Council for Istanbul Province (İnsan Hakları İl Kurulu-IHIK) gave information about state's work on the human rights issue and its relation with NGOs.

Before conducting an interview, a detailed research was made about each organization, especially about its historical background and its areas of work. Their recent projects, press reviews or public statements, if any, on the issue of human rights in Turkey were examined. Deciding on the person to interview was also very important because an interviewee's title or positions in an organization are not the only requirements for a fruitful interview. Interviewees should have full knowledge of the field and about the main problems and developments in the area as well. It is also vital that the interviewee is sufficiently experienced, having closely follow the changes over the last decade (the time scope of this thesis).

In the questionnaire, a few of the questions were directed at every single organization. In every case some questions were added, changed or worded differently. The research question ("the evaluation of the NGOs working in the field of human rights") was the first to be asked; than the following sub-questions were put forth:

- What were the legal or constitutional changes in the area of human rights in the last decade?

- What changes have been made in the accession process to the EU and what are the contributions of human rights NGOs to creating compatibility with the Copenhagen Criteria?

- What are the main internal barriers for NGOs and what are the ways to overcome those barriers?

- What are your concerns, if any, about the recent changes made in the human rights regulations?

The main question for the first group of interviewees was "*what encouraged you to come together to create a joint platform*?" This question is important because IHOP is a unique platform that brings together such different and well-known members.

The questions for the international donor organizations, which are Open Society Institute, the British Council, and the EU Delegation, were:

- What brought you in Turkey? Do you think you achieved your goal? Do you have any future plans in Turkey?

- What were your feedbacks after projects? How did you evaluate your projects as a donor organization?

- Has the legitimacy of the sources that you provide ever been questioned in Turkey? If so, who questioned it? What are the solutions to overcome such questioning?

The last interview was conducted with a state official, the head of the IHIK, and the questions were carefully chosen according to the previous information. The major emphasis was on the following subjects:

- How is state dealing with the human rights NGOs and what kinds of projects are designed in cooperation with the NGOs? Does the state categorize human rights NGOs in any way?

- NGOs are usually blaming the state for not taking strong steps on human rights developments; but, what are the state's evaluations about NGOs? Is the argument about remaining insufficient in taking strong steps valid both ways?

- What are the state's achievement targets about human rights restrictions/regulations which are not compatible with current Western regulations?

1.3.3 Secondary sources

Secondary sources are mainly composed of "existing statistics that can answer the research question. Existing statistics research are sources of previously collected information, often in the form of government reports or previously conducted surveys" (Neuman, 2006, p: 45). In this research, secondary sources represent yearly reports about Turkey's human rights developments. There are many international actors who collect data from all over the world and evaluate human rights developments or abuses in countries on a regular basis. Moreover, there are numerical categorizations or rankings between countries according to yearly evaluation. Even though Turkey is getting close to be one of the *developed* countries through the economic developments of the recent years; it still remains far from being in the same category with Western countries in the area of human rights.

In the thesis, two of the secondary sources were -Amnesty International and the EU- which were also interviewed as primary sources in the first part of data collection. On the whole, the reports represent the values of Western human rights regimes. As will be thoroughly analyzed in the forth chapter, Europe and the USA are the two human rights regimes chosen as examples in this work. In this research, the European Union's (EU) Progress Reports on Turkey, which is being published since the announcement of Turkey's candidacy in the Helsinki Summit in 1999, constitute the main source of information. Turkey is trying to be a member of both the European Union (EU) and well-developed countries. This is why, every step that Turkey takes, is also a concern for international actors. They prepare reports, observe, follow and evaluate Turkey. EU reports are composed of many different titles. However, it is the second title "Human Rights and the Protection of Minorities" of the second chapter "Political Criteria" which is the object of our concern. Every year, under the title of the second chapter, the same subjects are being evaluated. As stated previously, by comparing all the previous reports, the picture of Turkey's developments on this area becomes clearer. Secondly, the US Department of State's report called "Country Reports on Human Rights Practices" is also used as these are generally accepted as one of the standard sources, representing one of the Western human rights regimes.

Amnesty International, another subject, is one of the most reliable and strong NGOs in the world. Moreover, it is believed that the organization is one of the most reliable international actors that work on human rights. Mitchell and McCormick (1988, p: 483) explains this type of organizations as the following: "In the case of sources that monitor human rights conditions on a regular basis, questions about comprehensiveness and political fairness inevitably arise. Of the three standard sources of such human rights monitoring -Amnesty International, Freedom House and the US State Department- only Amnesty International Report can make a reasonable claim to being politically uncommitted."

On the other hand, CIVICUS (World Alliance of Citizen Participation) is an international alliance dedicated to strengthening citizen action and civil society throughout the world which has worked for over a decade specifically in areas where participatory democracy and citizens' freedom of association are threatened. CIVICUS provides a focal point for knowledge-sharing, common interest representation, global institution-building and engagement among these disparate sectors. It acts as a worldwide advocate for citizen participation as an essential component of governance and democracy.[2] Finally, the CIVICUS reports are the only sources chosen in this research design to evaluate the civil society and NGOs in particular. Those reports do not carry political considerations because the participation of ordinary citizens in civil life is their only area of concern.

Moreover, there are other reports used in specific subjects in order to evaluate some specific issues in the following chapters; such as BIA media report, Civil Society Dialogue between the EU and Candidate Countries, Kurdish Human Rights Reports, Europa Glossary, International Helsinki Federation Human Rights Report, UNDP Human Rights Reports, International Displacement Monitoring Report, and Council of Europe Recommendations.

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[2] http://www.civicus.org/who-we-are

1.3.4   Methodological limitations

Choosing interviews as a research method has its drawbacks. Finding the right person, getting the most detailed answers are not always easy for the researcher. Here are some of the difficulties faced while conducting the interviews.

1. The first interview group, which are NGOs within the IHOP, directly became the subjects of the research material. The second group was also planned in advance in order to obtain the most useful information from the donor organizations working in Turkey. Finally, "state" was the final subject of the interview design but it had many limitations. Firstly, it was difficult to find an appropriate contact from the state. Beyond doubt, whoever is chosen as the interviewee can not represent the state entirely. However, it seemed logical to choose someone who works on human rights. The IHIK is composed of both people accredited by the state and also by many who are independent of the state such as those working in bar organizations, NGOs, trade associations etc. In other words, it is a state organization; yet representatives related with different kinds of occupational groups are also part of it. The head of the council, attorney Vildan Yirmibeşoğlu, was chosen as the most appropriate contact person however, she was also the most difficult person to find. She provided valuable information about the mechanism of the organization and their achievements. Still, the information collected from her, cannot be generalized or reduced to the complete position of the state on the human rights issue. This is an important limitation which partly reduces the validity of the research.

2. It is important to obtain information by "pilot testing the questionnaire on persons similar to those who will be asked to complete it as a part of the research" (Schwab, 1999, p: 63). Yet, due to the fact that the subjects were not randomly chosen and that no other people with similar qualifications on the subject could be found, pilot testing has not been possible during this research. As the people interviewed hold top positions in their organizations, the time, place and duration of the interviews were not constant.

3. Another limitation was about the questionnaire. In some cases, it was difficult to ask the question which was prepared in advance, depending on the situation. The interviewee did not address the exact question and talked about different issues; or, the

question was directly ignored. As a matter of fact, open-ended questions generally cause that limitation because, however much the question is narrowed down, the interviewee can perceive-or pretends to perceive- the question differently and replies to it freely as she/he desires.

4. As there are many reports being prepared by many different actors; it is important to limit them among all sources. The ones taken into consideration were limited according to their credibility on representing the human rights regimes (European and American). Another important point was to be able to make comparisons between the most recent reports with their previous versions in order to evaluate the human rights progress of the country correctly.

2 CHAPTER II-LITERATURE REVIEW and THEORETICAL BACKGROUND

2.1 Key Concepts

NGOs and human rights are the two main elements of this research. Civil society, on the other hand, may seem to be less related to the title. Nevertheless, NGOs are parts of civil society. Moreover, in the Turkish language, they have very similar pronunciations and are even used interchangeably. Therefore, civil society is initially examined in the literature review. The review explains some of the definitions of the concepts; furthermore, what is more important, is their conceptual representation in the literature. The representation can be a role they play, a categorization or simply the definition itself. In the following chapters, the concepts will be used in light of information given in the introductory chapter and the EU factor will be analyzed separately.

2.1.1 Civil society

Civil Society may be defined as "organized activities by groups or individuals either performing certain services or trying to influence and improve society as a whole, but those that are not part of government or business" (Jorgensen, 1996, p: 36). In this definition, there is emphasis on purpose, organization, voluntariness, and communality. Jean Louis Quermonne (1986) characterized civil society as the set of individual relationships of social, economic, cultural, religious and family structures that develop within a society and that are separate from state intervention. In Trivedy and Acharya's (1996) explanation, the state (first sector) is simplistically equated with coercion and domination and markets (second sector) with profit-making and competition. However, civil society (third sector) is stated to be outside of all these. It is the embodiment of ethics, cooperation, liberty, democracy and development.

The rehabilitation of "civil society" as a term of political and social scientific discourse, can be traced to its role in explaining the crisis of the developmental state, providing an intellectual rationale for attacks on state power and identifying the political forces leading these struggles. The term emerged in the context of the rise of social movements against communist states in Eastern Europe in the late 1970s and early 1980s, most notably Solidarity in Poland and a variety of oppositional groups in Hungary, Czechoslovakia and Yugoslavia (White in Burnell and Calvert, 2004, p: 7). François Bayart (in Chabal, 1986) links civil society with the notion of antagonism between state and society, restricting the term to those social organizations which embody 'society in its relations with the state insofar as it is in confrontation with the state'.

In many countries, the (re)discovery of civil society coincided with renewed emphasis on the role of non-profit organizations (Deakin, 2001). Institutions such as the World Bank, the United Nations or the European Union, together with bilateral donors and many developing countries, are searching for a balance between state-led and market-led approaches to development, and are allocating more responsibility to NGOs (Clark, 2003). NGOs are located in the centre stage of this third sector, as harbingers of democracy and participatory social development (Trivedy and Acharya in Clayton 1996, p: 56). According to White (in Boulding, 2007) "civil society serves to alter the balance of power between the state and the 'people', advance the realization of democratic values, and enhance the accountability of the state and articulate interest group demands."

The categorization of civil society activities is more valuable in formulating and evaluating their different roles. The following categorization of core functions of civil society by Paffenholz and Spurk's (2006) seven missions is the following: (i) protection, (ii) monitoring and accountability, (iii) advocacy and public communication, (iv) socialization and a culture of peace, (v) conflict sensitive social cohesion, (vi) intermediation and facilitation, (vii) service delivery. A part of that categorization is going to be utilized in further sections of the thesis. Except for the fourth, fifth and sixth missions, the four roles categorized by Paffenholz and Spurk will be used in further chapters while analyzing the missions of civil society in Turkey. The matching between

the roles and NGOs are made according to the information gathered form the interviews; all categorization is made subjectively.

Another important categorization is on the relationship between civil society and democratization. Again in Turkey, the acceleration of democratization period and the growing importance of civil society coincide; so, White's (in Burnell and Calvert, 2004) typology of four elements again remains crucial for the work and will be used in the fifth chapter.

1) A growing civil society can alter the *balance of power* between state and society in favour of the latter, thereby contributing to the kind of 'balanced opposition' held to be characteristic of established democratic regimes.

2) A strong civil society can play a *disciplinary role in relation with the state* by enforcing standards of public morality and performance and improving the accountability of both politicians and administrators.

3) Civil society plays a potentially crucial role *as an intermediary or (two-way) transmission-belt between state and society* in ways which condition the relationship between individual citizens and the formal political system.

4) Civil society can play a *constitutive role* by redefining the rules of the political game along democratic lines. In other words civil society creates and sustains a set of new democratic norms which regulate the behaviour of the state and the character of political relations between state and the public sphere of society and individual citizens.

2.1.2   Non Governmental Organizations (NGOs)

International non-governmental organizations (INGOs) have proliferated in the world in the latter half of the 20th century. They have been historically dominated by the states; however, the examples like human rights groups, becoming more and more independent from the states, gain legitimacy and skill over time. Further, it is often through the activities of NGOs that newly created norms become formalized and develop meaningful impact. This process changes the scope of state sovereignty as it reconstituted the relationship between the state, its citizens and international actors (Clark, 1995).

NGOs first gained attention as important new actors involved in the global push for democracy and development in the 1980s. Not only were NGOs local, responsive groups tackling the big issues facing their countries, they were seen as less corrupt, and more efficient than their governmental counterparts (Boulding, 2007, p: 3). NGOs are defined by Huhcock (2001 p: 1) as "those organizations which are outside the realm of government, distinct from the business community, and working either within a conflict, or on conflict issues". Such organizations are commonly characterized by their non-profit status and by a distinct value-based and humanitarian orientation. Their characteristics can be classified such as flexibility, spontaneity, informality. Keck and Sikkink (1998) described the crucial role of NGOs in the nets of advocacy, which endeavour to make pressure over the most powerful actors in order to influence their positions. NGOs present new ideas, procure information, and make lobbying to transform the political paths. According to Reinalda (2001, p. 147) NGOs can be defined within two characteristics: "First they are initiated and ruled by citizens; second, they pursue by private means private objectives that are likely to have domestic of transnational public effects". According to Reinalda and Verbeek's (2001) typology of national and international NGOs, their sources of influence can be enumerated such as expertise, closeness to target groups, domestic political constituencies, access to media, resources, alliance building. Berger and Neuhaus (1977), describe the pluralist role of NGOs, in order to draw the attention in the decision making process and the importance of the intermediary role between individuals and the states. Princen (1994), have explained why it is so complicated to establish clearly the typical characteristics of NGOs:

> The difficulty of characterizing the entire phenomenon results in large part from the tremendous diversity found in the global NGO community. That diversity derives from differences in size, duration, range and scope of activities, ideologies, cultural background, organizational culture and legal status (Ibid. p: 6).

Aggestem (in Carey and Richmond, 2003) has a different point of view that shows a different role of NGOs which is their "ability of forecasting a possible violence and to early warn[3] the authorities". The reason being, NGOs are often the first actors to

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[3] "Early warning is an essential part of Conflict Prevention and focuses on gathering, interpreting, and communicating information about specific and potential conflicts"

become aware of the risks of conflict escalation and tend to be the ones who remain in conflict areas the longest. Early warning aims to create a network of people and associations to monitor conflicts while at the same time favouring and supporting preventive solutions on grassroot levels through empowering peacemaking. NGOs may, for example, facilitate communication channels, foster peaceful dialogues between disputing parties and create counter propaganda. NGOs may also provide documentary evidence and specific case materials on human rights abuses to relevant international institutions (Rotberg, 1995, p: 6).

Abiew (in Carey and Richmond, 2003) explains, NGOs are involved at the grassroots level in the short-term provision of relief-such as food, water, sanitation equipment, medicine, shelter, human rights monitoring- and in capacity-building, and conflict resolution. They are engaged in long-term projects in support of economic and social reconstruction and development, and in reconciliation processes that help communities become self-sustaining. The function of capacity-building and conflict resolution in the long run is important and is going to be elaborated while analyzing the peace-building role of NGOs.

Ralph Kramer (1981) makes the analysis and a general enumeration of NGO functions with their characteristics and he gives four role principals: services, innovation, maintaining the system of values, and lobbying. Some of those characteristics are going to be used in evaluating the NGOs chosen in the research.

2.1.3 Human rights

Human rights is a universal principle affirming the inalienable dignity and equality of all people. Human rights has philosophical roots in the powerful ideas of liberalism, which originated during the Enlightenment and evolved as the basis for a common, international system of exchange and governance following World War II (Brysk and Jacquemin in Batliwala and Brown, 2006, p: 159). In the early years, human rights expanded the circle of concern from war crimes to civilian victims of crimes against humanity, and eventually to all forms of 'death by government' (Rummel,

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cited in Carey, Henry F. and Richmond, Oliver P. (2003) *Mitigating Conflict: The Role of NGOs*, London: Frank Cass Press. p: 16.

1994). In this period of time, the international treaties and institutions were protecting the individual's life, liberty, and bodily integrity. Again, what is called the '*first generation rights*' were found to be ineffective for other kinds of threats to people. Hence, the '*second generation rights*' emerged to focus on social, economic and cultural rights. For some authors in the literature, the categorization of rights does not end with the second generation. According to the typology of Weston (in Claude and Weston 2006, p: 22), solidarity rights are the *third generation rights*; which is best understood as a product of both the rise and the decline of the nation-state in the last half of the twentieth century.

Sixty years ago, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UNDHR). At the time the delegates clearly noted that the Declaration was not a binding treaty, but rather a statement of principles. Eleanor Roosevelt said that the Declaration "set up a common standard of achievement for all peoples and nations" and "might well become an international Magna Carta of all mankind" (Humphrey in Risse and Sikking, 1999, p: 1) Human rights are ascribed "naturally," which means that they are not earned and cannot be denied on the basis of race, creed, ethnicity or gender[4]. These rights are often advanced as legal rights and protected by the rule of law. Human rights regime is based on the understanding that each nation decides whether it wants to obligate itself to the requirements of international treaties (covenants and conventions) and the concomitant scrutiny of the United Nations and/or regional intergovernmental organizations (Braun and Gerhart, p: 61). Goodhart (in Andreopoulos, Arat and Juviler, 2006) explains that in the liberal tradition rights are natural; they are universal, rational and they create a presumption of non-interference that grounds government on consent. Braun and Gearhart define human rights as a set of rules that regulates the relationship between the powerful and the powerless (in Andreopoulos, Arat and Juviler, 2006, p: 60).

The existence of a state is a fundamental condition indicating which human rights are recognized and the extent to which rights are guaranteed. Whereas a liberal approach views human rights as pre-existing their legal entrenchment, the existence of a state inevitably shapes both the nature of recognized rights as well as their degree of

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[4] http://www.beyondintractability.org/essay/human_rights_protect

protection. "Where a state exists, signs and ratifies international human rights conventions, any individual (regardless of his/her citizenship) within the state's legally recognized territory can appeal to national courts to ensure the respect of those rights" (Marchetti, and Tocci, 2008 p: 26). The existence and nature of a democracy also critically shapes the extent and manner in which human rights are enshrined and guaranteed. There are different degrees of democracy with accompanying degrees of human rights recognition and protection. In particular, in undemocratic or partially-democratic states, the whole array of civil, political and socio-economic rights is either denied or underdeveloped. In democratic yet nationalistic contexts, the rights of some may be protected, while those of others violated and repressed. For example, a dominant ethnic group can use the public institutions it controls to guarantee the rights for 'its' individuals at the expense of those of 'others' (Horowitz, 1985). "Linked to this, the perceived need to ensure the national identity and territorial integrity of the nation-state becomes the justification for securitising moves, which may entail the non-recognition, repression or violation of human rights" (ibid. p: 27).

The conflict resolution literature gives much importance on the development of human rights and one of the most important theories used to explain the domain are the *basic needs theory* of Burton and the *structural violence theory* of Galtung. According to the *basic needs theory* the sources of intractable social conflicts are found in unmet psychological and physical needs. Dissatisfaction of human needs, including marginalized groups causes deep-rooted conflicts in all cultures and ideological structures. Burton, who is the pioneer of the theory, sees satisfaction of human needs as being the primary source of human behaviour. Furthermore, the satisfaction of needs cannot be understood outside the social context. Therefore, the study of human behaviour requires at once the study of the total individual, but in the social context (Alan, 1998, p: 77). Direct violence includes all kinds of physical injuries and the infliction of pain and also sometimes verbal and psychological abuse. Nevertheless, in basic needs theory, the violation of the second generation rights (social, economic and cultural) is also a part of what Galtung calls *structural violence.* In that point, Galtung and Wirak (1977) are raising the key questions to seek ways to harness global cooperation for human development in order to minimize exploitative and dominance relationships among peoples and nations. A part of the global cooperation and the relationship among peoples and nations constitute the heart of this work.

Finally, the area of our subject concerns NGOs, which are part of the civil society, working on human rights. Human rights NGOs are private associations devoted to promoting and protecting human rights. They pursue these goals at many levels: international, regional, national and local. Those different levels will be taken up in the following chapter in detail. Claude's typology (in Claude and Weston, 2006, p: 425), on human rights NGOs gives a general framework on their work and tries to answer what human rights NGOs do:

- They *monitor* human rights violations
- They undertake programs of information-sharing and *public education*
- They sponsor programs of *technical training*
- They undertake and demonstrate the utility of rigorous technical analysis
- They engage in *lobbying* activities to influence the public policy
- They organize *advocacy campaigns* to promote rights and redress wrongs
- They build *solidarity* with other domestic and international NGOs
- They perform *service function* and provide humanitarian support
- They protect and vindicate human rights in *litigation*

Some activities that Claude enumerated are directly matching with the activities of the human rights NGOs chosen in the research and will be used in the following chapters.

2.2 Conceptual Framework

In search for answers to the main question -dissemination and advocacy of human rights NGOs in Turkey- the theoretical framework can be built upon the following models which will be used throughout the data analysis:

- *Conflict transformation* and *peace-building*, approaches can be used interchangeably in the literature. Those models will be used to explain the process of transforming the protracted conflicts in Turkey into a sustainable peace environment.
- *Boomerang model* (Keck and Sikking 1998; Risse-Kappen 1995; Risse, Ropp, and Sikking 1999) is about the idea that national and international NGOs who

have the same objectives can create pressure on the state about globally shared values. The principal is about international and national NGOs allying against the executions of the government and fighting together towards repressive state tradition. The model was designed in order to explain the cooperation between donor and supportive international organizations and national NGOs; why they come to Turkey, create joint projects or give financial or technical support to national NGOs. In the research, the cooperation of international and national NGOs in dissemination and advocacy of human rights will be analyzed through this model.

- The final model is *coalition building* (Çakmak, 2007) among NGOs; it is directly connected to the first one and aims to describe how NGOs, which may have totally different point of views or ideologies, create coalitions. It gives a theoretical explanation about the structure of IHOP established for creating stronger influences on the common causes chosen by the member NGOs.

2.2.1 Conflict transformation and Peace-building

These two terms are used interchangeably by some authors in the literature. However, before analyzing the two terms, it is important to emphasize their difference from some older and well-known terms such as conflict resolution and conflict management. According to Schrock-Shenk and Ressler, conflict resolution is the need to finish conflict, to wrap it up and put it behind. Resolution may even imply absence or elimination of conflict as the goal; and conflict management is a goal of "keeping the lid on." Attempts are made in the conflict management to keep the conflict and the expression of conflict within "acceptable" parameters (1999, p: 35). Both concepts are criticised by some authors saying that: The problem in conflict resolution is with the approach: that eliminating conflicts is rarely possible. Conflict management is lambasted for attempting to keep things nice on the surface when deeper issues must be addressed. Conflict management also raises the question of who sets the standards or acceptable parameters. The difference between the conflict transformation and the other two is that, conflict resolution focuses more on the "problem" dimension, management on the "process" dimension; however, conflict transformation describes what happens in conflict and what we want to have happen. The notion of transformation focuses more heavily on the people involved and on their relationships with each other. (ibid. p: 35). Wallensteen (1991) notes "conflict resolution is concerned with purposefully

seeking grounds of commonality between parties, whereas conflict transformation refers to a change in the relationships between the parties". Transformation provides a more holistic understanding, which can be fleshed out at several levels. Conflict transformation does not suggest we simply eliminate or control conflict, but rather points descriptively toward its inherent dialectic nature (Lederach, 1997, p: 17).

Jeong (2000) is one of the authors who evaluate a successful outcome of conflict transformation as eliminating structural violence[5]. *Conflict transformation* rooted in Marxist and critical thinking which agues that conflicts rise from the frustration of parties and fulfilment of all needs by all parties is crucial in order to prevent conflict. According to Lederach (1997) it is "the movement from latent conflict to confrontation to negotiation in achieving the peaceful relationships of a secure community". The transformative process is an ongoing process that covers long-term relationships. The purpose of the process-structure is reconciliation that centers on the redefinition and restoration of broken relationships (Lederach, 1997, p: 84)". Conflict transforms perceptions of self, others, and the issues is question, usually with the consequence of less accurate understanding of the other's intention and decreased ability to clearly articulate one's own intentions. This consequence relates to the psychological dimensions of conflict. Volkan (1990) and Kelman (1969) suggest these elements are crucial in exploring and dealing with deep-rooted, protracted conflict[6] where nearly institutionalized images of the enemy prevail and dominate perceptions (Lederach, 1995, p: 18).

Peacebuilding on the other hand involves a shift of focus away from the warriors, to the attitudes and socio-economic circumstances of ordinary people

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[5] The kind of violence which is reducing the quality of life, such as denial of educational opportunities, free speech or freedom of association, are all part of what Galtung calls "*structural violence*". Structural violence most often works slowly eroding human values and shortening life spans. It is typically built into the very structure of society and cultural institutions (Galtung, 1969 in Jeong, 2000, p: 21). Lack of economic, educational, health opportunities, all kind of oppression, discrimination are parts of structural violence; and people who are exposed to such violence marginalize.

[6] A protracted social conflict is characterized by long-standing, seemingly insoluble tensions that fluctuate in intensity over extended periods of time (Rothman, 1992, p: 39).

(Schloms in Carey and Rischmond, 2003). McEvoy-Levy (2005, in Borer) shows how widespread peace-building activities can be, arguing that they include at least the following: the establishment of an effective and legitimate government, the implementation of reforms to create new legal, political and security institutions, the beginning of social and economic revitalization; and measures to consolidate civilian security. In other words peace-building is building a constructive transformation of conflict and "supporting process of social change generated by the need to move from stagnant cycles of violence toward a desired and shared vision of increased interdependence (ibid. p: 25). The overall aim of peacebuilding is to transform conflicts constructively and to create a sustainable peace environment. Transforming a conflict addresses all the major components of the conflict: fixing the problems, which threatened the core interests of the parties; changing the strategic thinking; and changing the opportunity structure and the ways of interacting. Through peacebuilding, the conflict is not merely resolved but the whole situation shifts (Reychler and Paffenholz, 2001, p: 12).

There are serious protracted conflicts in Turkish political and social life. The Kurdish question and the damages from the military intervention and three years of military governance are the main subjects that concern both the peacebuilding/conflict transformation period in Turkey and the research topic of the advocacy of NGOs on human rights issues.

2.2.2   Boomerang effect

The name *boomerang effect* is initially used by Keck and Sikking (1998) after their studies on the impact of human rights norms in Latin America, emphasizing how domestic and transnational social movements and networks have united to bring pressure "from above and "from below" to accomplish human rights change. "*Boomerang* pattern of influence exists when domestic groups in a repressive state bypass their state and directly search out international allies to try to bring pressure on their states from outside. National opposition groups, NGOs, and social movements link up with trans-national networks and international non-governmental organizations (INGOs) who then convince international human rights organizations, donor institutions, and/or great powers to pressure norm-violating states" (Risse, Ropp,

Sikking 1999 p: 18). This method is used because every actor in the schema below (ibid. p: 19) is matching with a subject of this research and explaining the cooperation between international and national human rights NGOs for pressuring the state.
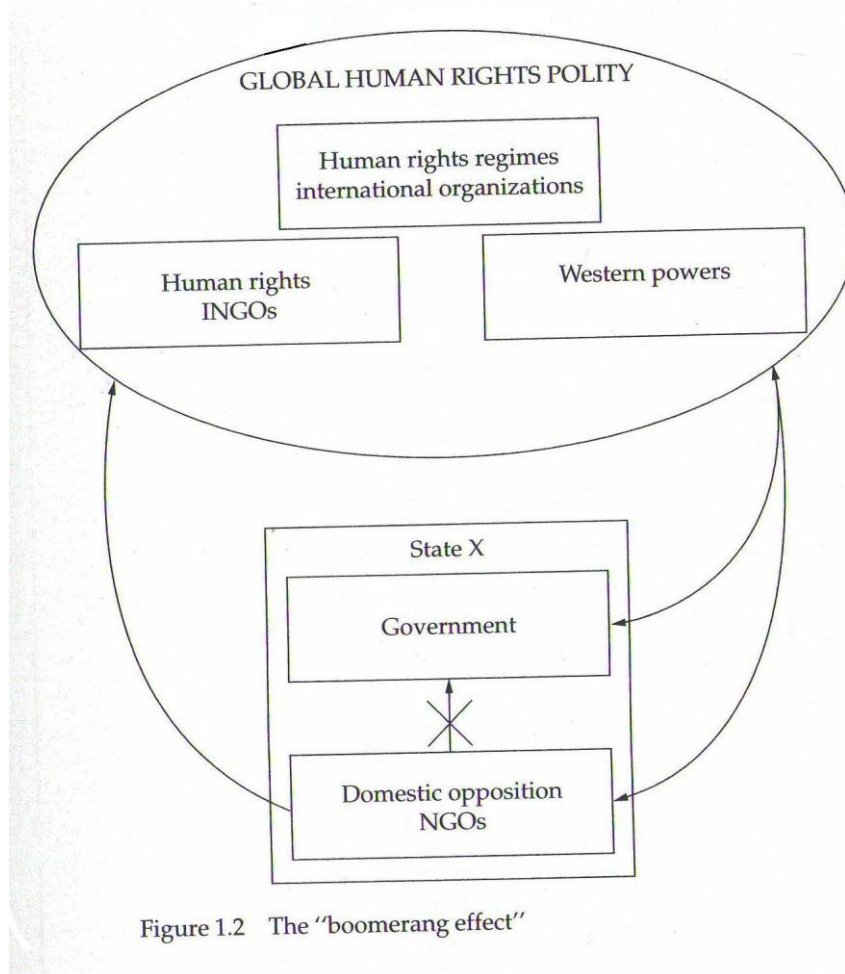
Figure 1.2   The "boomerang effect"

Interviews are designed in order to reflect all the relations between international and national actors of the model and all the top three actors (human rights regimes international organizations, human rights INGOs and Western powers) and the two below (domestic opposition NGOs and state) have their equilibrants. According to the schema, the actors on the top are matching with:

2.2.2.1   Human rights regimes /international organizations[7]

They are represented by the British Council and Open Society Institute. The reason for choosing those organizations was their presence and their service providing,

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[7] The concept of human rights regimes will be elaborated in detail in the future chapters. Nevertheless, primarily European and also American systems are taken as the example of human rights regimes in this work.

monitoring and empowerment role in Turkey for the last decade. They were familiar with and witnesses of the developments in the country and they also have a global position that represents human rights regimes. The British Council gives more of technical support than financial aid to the target country; trains key members of the key institutions in order to disseminate applications that respect human rights. On the other hand, Open Society Institute provides financial support by cooperating with local NGOs or/and institutions of the target country. They plan and give priorities to the issues in focus and find relevant authorities who work on the subject. In short, both international organizations represent human rights regime defenders with different methods.

2.2.2.2 Human rights INGO

This concept is represented by Amnesty International, which is an international NGO. It also has an additional role in Turkey as it is one of the four members of Human Rights Joint Platform which is coalition building between domestic and international NGOs in Turkey.

2.2.2.3 Western power

It represents the EU and its Delegation in Turkey. At this point there is a need to emphasize the importance of the EU factor. The *Risk Assessment Model*, built by Poe, Rost and Carey (2006), shows how Turkey is an exceptional case. In the model, the authors tried to gain theoretical insights into the causal mechanisms that lead governments to repress basic human rights to personal integrity. The quantitative human rights research has identified six factors that exercise important influence on the prevalence and level of government repression; those are: "past repression, democracy, the level of economic development, population size, and the occurrence of international and civil war". In their model, they created a scale that goes from one to six, one considering state with minimum rate of human rights violations and six considers maximum human rights abuses. In the scale, Turkey moved from four to three between 2002 and 2003. They explain the situation as: "The State Department registered some improvements for Turkey in 2003, some of which seem to have resulted from human rights reforms passed by the parliament in January and July in an effort to meet the requirements for the European Union membership, a factor not captured by our model."

In brief, the example shows why Turkey is an exceptional case and why the EU is an independent factor in Turkey's human rights progress.

The actors shown at the bottom of the schema are as follows;

2.2.2.4 Domestic opposition NGOs

They are represented by the Human Rights Association, Helsinki Citizens Assembly, MAZLUM-DER and Human Rights Joint Platform. Human Rights Joint Platform is an important structure that is going to be examined in the work; accordingly, it is taken in consideration with its four members together (three national NGOs above and one international NGO, Amnesty International).

2.2.2.5 State

The head of the IHIK for Istanbul matches here with the state. State is a very large entity and has multiple dimensions on the issue, as mentioned in the methodological limitations section. Finding a representative of the state was important yet this person's statements cannot be binding on the whole entity of the state.

2.2.3 Coalition building

The third theoretical framework can be built on the *Coalition building* theory of Çakmak (2007). As mentioned, IHOP is composed of four leading NGOs which are very different from each other. There is a need to explain how this coalition can be established in the first place and how it works. The framework represents a critical approach to international relations theories which are inadequate in explaining the tendency of coalition among international actors. The approach is explained: "NGOs are more inclined to develop loose alliances in an attempt to exert the maximum pressure over the states, further ensuring alignment with their positions on a particular issue under discussion." Nevertheless, in the literature, there is a lack of clarity over definitions of "coalition". Instead, the literature goes around the elements of a successful partnership. According to Postma, (1994, p: 451) it is "the mutual trust, complementary strengths, reciprocal accountability, joint decision-making and a two-way exchange of information". Campbell (1988 in Lister 1997, p: 3) on the other hand, is defining "transparency with regard to financial matters, long-term commitment to

working together, recognition of other partnerships" as an important element for a successful coalition.

The main characteristic of *coalition building* is diversity which involves NGOs "having different mandates, missions and objectives, and even organizational structures, membership compositions and so on." Diversity brings with it the question of *what constitutes the coalition* together. In the coalition building approach of Çakmak (2007), some features are categorized according to diversity of the coalition. Three features[8] that are applicable in the case of IHOP are the following:

- Liability or asset: "In order to overcome the challenges that could emerge out of its diverse character, a coalition needs to set commonly accepted values and principles." All the organizations within the IHOP structure have different structures and ideologies; yet they have agreed values, beliefs and objectives within the body of IHOP. They are fighting for what they believe in the most in Turkey, namely the protection of human rights.

- Flexibility is crucial in coalitions, in order to let the members act independently from the coalitional structure. "The member organizations preserve their identity, and perfectly continue pursuing their own objectives which are unrelated to the objective of the coalition". The interviewee from the IHOP strongly emphasized flexibility of the organization which is going to be explained in detail in the section about *NGOs in the structure of coalition* part.

- Issue-orientedness is another major feature in coalition building. "Focusing on a colossal problem requires cooperation, resources and effort on a large scale" as in the case of IHOP which brings MAZLUM-DER, the Human Rights Association, Helsinki Citizens Assembly and Amnesty International together in order to fight against the problems in article 301 of Turkish Penal Code. NGOs believe that together they "would make a bigger difference".

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[8] The forth feature in Çakmak's typology was the "high level of ambiguity" which is not taken in consideration in this work.

To sum up, all three frameworks are used according to their relevance to the information gathered from the interviews. The Conflict Transformation and Peacebuilding literature are used to explain some of the problematic human rights areas of Turkey; most of them have long historical background. Boomerang model on the other hand, is idealizing the cooperation between international and national civil society actors over the state and the important aspects of this cooperation. Finally, as IHOP is a one of a kind organization, the literature about such platforms is analyzed in order to get a better understanding of this organization.

3 CHAPTER IIII-INCREASING RELEVANCE and IMPORTANCE OF NGOs IN THE FIELD OF HUMAN RIGHTS

The impact of globalization is seen in every domain, especially since the latter half of the 20th century. Thanks to the media and published reports, people are aware of every small change happening in the other side of the world. As a result, the values are also "globalized" and mainly the Western understanding quality of life has evolved common denominator for the rest of the world. New actors, beyond states and borders, have a voice in all issues concerning human beings. NGOs are one of those new actors so as human rights become the new common interest. This research maintains that there is a need to discuss the development of terms and the importance of Turkey as a case study.

3.1 The Global Development of Human Rights NGOs

NGOs and their influences have drastically grown in the last century. One of the reasons for this is that NGOs are different from states. NGOs' organizational structure is based on experience, voluntariness and dedication and the semi-hierarchical structure enables them to act flexibly, decide and work fast. They generally have specific areas of interests and can function easily through professionals of that area or the voluntary participants who join to the organization. NGOs that work on human rights, on the other hand, mostly have a serious impact on states. Whether local or international, human rights NGOs are fighting for equal but qualified rights for all human beings. Prestigious one of the most important qualities of a state; thus, one report by a human rights NGO within their local or national investigations, can easily damage it. Especially over the past three decades, the number and the influence of NGOs have increased dramatically. Fitzduff and Church (2004) brought into sharp focus the following examples: "NGOs working in Afghanistan in 1997 had more resources than the United Nations. The total aid budget for Afghanistan was US$ 200million, of which

the NGO share was US$ 136 million" (Fiftduff and Church 2004). In 2000, it was estimated that there were over two million NGOs in the United Nations alone. NGOs are even seen as the fifth sector of the global governance.

3.1.1 The (international, regional and national) protection systems

The Protection System created by the UN, is a mechanism of a whole body of legal mechanisms that should be used for the purpose of respecting, protecting and fulfilling human rights.

3.1.1.1 International bodies

International bodies form the foundation upon which the main bulk of the international human rights normative framework has been built. They have also been the inspiration for subsequent regional human rights regimes and national laws. The UN Charter (San Francisco 1945) and Universal Declaration of Human Rights (UDHR 1948) are the pioneering documents of the international human rights movements. As the successor of the former Commission on Human Rights and Human Rights Council (HRC) as the main UN organs in charge of promoting and protecting human rights. Today, it is accepted that the ratification of the following eights treaties is an important sign for a country to prove its respect for human rights. (Except for the last Convention, all the seven treaties are accepted as core human rights instruments, Paust, 1992; Clapham, 1993 in Weissbrodt, 1998, p: 179.)

Eight Core International Human Rights Treaties
- The International Covenant on Civil and Political Rights (ICCPR) 1966 and its two Optional Protocols on the Right of Individual Communications and on the Death Penalty
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966
- The Convention on the Elimination of all forms of Racial Discrimination (CERD) 1966
- The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979 and its Optional Protocol on the Right of Individual or Group Communications

- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984

- The Convention on the Rights of the Child (CRC) 1989 and its two Optional Protocols on Sale of Children, Child Prostitution and Child Pornography and on Involvement of Children in Armed Conflicts

- The Convention on the Protection of All Migrant Workers and Members of their Families (CMW) 1990

- The Convention on the Rights of Persons with Disabilities (CRPD) 2008

3.1.1.2 Regional regimes

Historical and political factors encouraged each region to focus on human rights issues. In this study, the European system is taken as the main regional regime. However, since the reports of the US Department of State serve as secondary sources, the American system is also used. Again, the relation between the two Western systems is therefore not hierarchical but complementary. The European system began with the creation of the Council of Europe by the Western European states in 1949. The membership in the Council is conditioned de facto upon adherence to the European Convention on Human Rights and Fundamental Freedoms (ECHR) (Shelton in Claude and Weston, 2006, p: 355). The European system was the first to create an international court for the protection of human rights and to create a procedure for individual denunciations of human rights violations (ibid. p: 356).

The inter-American systems began with the establishment of the Organization of American States (OAS) and were based on the 1948 American Declaration on the Rights and Duties of Man. In 1959, the OAS created Inter-American Commission of Human Rights with a mandate to further respect for human rights among the OAS members (ibid. p: 357). Then the American Convention of Human Rights entered in force in 1979. Like the European system, the Convention also created the Inter-American Court of Human Rights.

3.1.1.3 National Protection systems

States should make sure that their national constitutions and laws are consistent with the international and regional human rights regimes to which they are party to. The

World Conference on Human Rights' request to Governments "to incorporate standards as contained in international human rights instruments in domestic legislation and to strengthen national structures, institutions and organs of society which play a role in promoting and safeguarding human rights". These are:

- Constitutional and Legislative frameworks

- Effective Institutions (Parliaments, Governments, Judiciary/public administration, human rights institutions)

- Policies, procedures and processes

- Vibrant civil society

Civil society is the unit of analysis in this research; however, the roles of the other three national protection systems are also used on occasion in order to make a healthy evaluation.

3.2   The Development of Human Rights NGOs in Turkey

The concept of human rights entered into the Turkish language and debates during the Ottoman period, mainly as "minority rights", as a result of continuous interventions by the European powers that assumed the role of "protectors" of the non-Muslim population of the Empire (Arat, 2003, p: 4). The Sèvres Treaty[9] ended the First World War for the Ottoman Empire which let the Allies share the lands of the Empire with a small place for Turks to live in. Some Turkish nationalists, led by Mustafa Kemal, did not accept the conditions created by the Sèvres Treaty and fought against the Allies of the western forces; they won and declared the establishment of a new state; a secular, modern republic. The state gained its territorial integrity and citizenship, and then signed Lausanne Peace Treaty with the forces of the Allies; which was the opposite alternative to the Sèvres. Nevertheless, it is undeniable that the fear of nationalistic movements, which was one of the primary causes for the Ottoman Empire's collapse, was a barrier for real democracy and equality to take place in Turkey from the start. Under the 1923 Treaty of Lausanne, minorities in Turkey consist exclusively of non-Muslim religious communities. In practice, the minorities which the

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[9] The treaty (August 10, 1920) was the peace treaty that ended the World War I for the Ottoman Empire. The context of the treaty was to share the lands of Anatolia between the Allies with leaving a small place for Turks to live. The treaty caused a psychological trauma and fear of Western powers among Turkish people.

authorities associate with the Treaty are Jews, Armenians and Greeks. However, there were and still are many other minorities from other ethnicities and other religious sects of Islam besides Sunni Muslims. So, the Treaty of Lausanne constitutes the starting point of Turkey's human rights problems.

Over the following years of Atatürk's rule, huge reforms were achieved in constitutional and administrative issues such as the abolition of royalty and caliphate, reforms of alphabet and dressing, the right for both men and women to vote and to be elected without restriction etc. Thus, the reforms were made with the purpose of creating a new state different form the Ottoman Empire; a real secular republic where the rights of men and women are equal and people are accepted as citizens by the state rather than subjects of the authority. Nevertheless, contrary to the democratization process in other countries, practically every reform was realized from the top to the bottom; in other words, it was not the people who demanded and fought for their rights; but the state authority that gave it all to them. This situation is quite unusual and still, the subject of many debates in the country. Some people say Turkish society was not ready for such transformation; democracy for example, is still not totally integrated by the society and the nation (Dedeoğlu, 2007). This is why the democratic system is yet to be mature.

The definition of 'democracy' (Dahl, 1971; Schmitter and Karl, 1991; Linz and Stephan, 1996 in Kubicek, 2001, p: 35) includes civic freedoms, the rule of law, respect for human rights, measures of accountability, civil society, a restrained military and popular support for democratic values and institutions. Turkey has long-standing difficulties in several of these areas; nevertheless, human rights are commonly cited as the largest blemish on Turkey's democratic record (ibid.).

3.2.1 The Importance of Turkey as a case study

The historical background of NGOs in Turkey and their influence in policy making of the state do not go have long ties with the past. Turkish political life has been marked by a 'strong state' tradition (Mardin, 1969), that always kept a weak civic social life; partly due to the Ottoman heritage of absolute power of patrimonial rulers, whose comprehensive political authority accepted no legitimate rivals (Kalaycıoğlu, 2002). On

the one hand, the Ottomans had left the legacy of the strong state concept; on the other hand, it is again a heritage of the Ottoman Empire that causes an important obstacle for the free association of social forces in Turkey.

Civil society and NGOs begin to rise in Turkey, with the end of the single party era of CHP (Republican People's Party) in 1950 and the subsequent transition to a multiparty system by the election of Democrat Party (DP). The transition was a major step towards the democratisation of Turkey, which affected civil society as well. "The 1938 Law of Associations enacted during the period of DP rule resulted in the number of associations multiplying almost eight times (exceeding 17,000)" (Kalaycıoğlu, 2002, p: 71).

The 1960 military intervention was a result of the power struggle between the old and the new social forces in Turkish society. DP administration was ended because of the coup; however, the 1961 constitution guaranteed free speech and free association. "Therefore, 1960-70 periods witnessed an unprecedented growth in the number of political parties, interest groups, and civil associations" (Toprak, in Norton, 2001, p: 91).

The 1980 coup had different consequences from the previous one. During three year military rule, all existing political parties were closed and banned together with their leaders taken into custody and also banned from political life. Again, when military rule ended, alternative sources of power to state authority came to occupy the central ground of political debate in discussions of civil society (ibid, p:92). Göle (in Heper and Evin, 1994, p: 220) explains, when the system opened up in 1983 to democracy, "political discourse has centred around two related themes: the consolidation of democracy and the strengthening of civil society" as alternative sources of power.

"Civil society has been growing since the 1980s, especially during the 1990s, in terms of its qualitative and quantitative importance for making Turkish society more liberal and democratic than before" (Keyman and İçduygu, 2003, p: 221). Some argue that in the summer of 1996, when the second meeting of HABITAT II (Global Conference on Human Settlements) took place in Istanbul, civil society

started to kindle in Turkey[10]. For some others, the 1999 Helsinki European Council marked a turning point when Turkey was given the perspective of candidacy to the EU (Nas, 2008). In addition, the earthquake in 17 August 1999, that caused 15.226 deaths, 23.983 injured people and 86.441 buildings ruined or damaged[11], was also one the reason why civic activities accrued. Kubicek (2001) argues that, all HABITAT meeting, Helsinki process and the earthquake brought the necessity and the conscience for a developed civil society and renewed hope for political liberalisation have appeared in Turkey. In short, since the end of the 1990's, the number of civil society activities and both the number and working areas of NGOs increased.

3.2.2 The position of Turkey in the (International, Regional and National) protection system

3.2.2.1 International bodies

Turkey is a founder member of the United Nations; having signed the Universal Declaration of Human Rights a year after it was passed in 1948.

- The International Covenant on Civil and Political Rights (ICCPR) 1966 and its two Optional Protocols on the Right of Individual Communications and on the Death Penalty: Turkey did not sign and ratify the Covenant until 2000; besides, its reservation saying that: "The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27[12] of the International Covenant on Civil and Political Rights in Treaty of Lausanne of July 24, 1923 and its Appendixes", causes for concern.

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[10] From the speech of Filiz Bikmen in the Conference "Civil Society in Turkey: An Era of Transition" at 17 October 2008, Sabancı Center.

[11]

http://www.spo.org.tr/resimler/ekler/aa1883c6411f787_ek.pdf?tipi=58&turu=X&sube=0

[12] Article 27 of ICCPR: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966: Turkey also ratified but the reservation regarding the right to education is also cause for concern. The Republic of Turkey reserves the right to interpret and apply the provisions of the paragraph (3) and (4) of the Article 13[13] of the Covenant on Economic, Social and Cultural Rights in accordance to the provisions under the Article 3, 14 and 42 of the Constitution of the Republic of Turkey.

- The Convention on the Elimination of all forms of Racial Discrimination (CERD) 1966: The convention was approved by the Turkish Parliament on October 16, 2002.

- The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) 1979 and its Optional Protocol on the Right of Individual or Group Communications: Turkey signed and accessed the convention on December 20, 1985.

- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984: This convention is signed in September 2005; but one of the most important protocols has not been ratified by Turkish authorities: the Optional Protocol to the UN Convention against Torture (OPCAT), which requests parties to designate or establish an independent national preventive mechanism for monitoring places of detention, there is no such mechanism in place.

- The Convention on the Rights of the Child (CRC) 1989 and its two Optional Protocols on Sale of Children, Child Prostitution and Child Pornography and on Involvement of Children in Armed Conflicts: Turkey signed the CRC on the September 14, 1990 and ratified it on the of April 14, 1995. The two Optional Protocols

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[13] The third and forth paragraph of the article 13 are: 3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions. 4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

were both ratified by Turkey on the September 8, 2005. A series of legislative packages between 2002 and 2004 brought family law closer to the standards of the CRC[14].

- The Convention on the Protection of All Migrant Workers and Members of their Families (CMW) 1990: Turkey signed the Convention in January 13, 1999; however the convention is not on accession yet because of the declaration of Turkey regarding the articles 15, 45, 46, 76 and 77; and the reservation with regard to article 40[15].

- The Convention on the Rights of Persons with Disabilities (CRPD) 2008: Turkey signed the Convention on the March 30, 2007 and ratified on December 8, 2008.

3.2.2.2 Regional regimes

The regional regime accepted in this work is the EU regime. Also, the reports from the USA are used in the secondary sources. The relations of Turkey with Europe started when Turkey joined the Council of Europe in 1949 and NATO in 1952 to demonstrate its allegiance to Western values. In 1954 Turkey became a party to the European Convention of Human Rights and Fundamental Freedoms.

Despite its commitments, such as the being involved in all the eight international bodies, the human rights record of Turkey has been less than desirable and subject to criticism by many human rights organizations and foreign governments[16]. Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages. Turkey has not ratified three additional Protocols (Protocol no 4, 7 and 12) to the

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[14] Committee on the Rights of the Child, Forty-second session, CRC/C/OPSC/TUR/CO/1, <www.unhchr.ch>, accessed March 2007

[15] Article 40 is: 1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests. 2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

[16] U.S. Department of State, Bureau of Democracy, Human Rights and Labour, *Country Reports on Human Rights Practices: Turkey*. Washington, D.C.: Government Printing Office, 2001.

European Convention on Human Rights (ECHR). During the reporting period, the European Court of Human Rights (ECtHR) delivered a total of 266 judgments finding that Turkey had violated the ECHR. Similarly, last year, the total number of new applications to the ECtHR continued to increase, with 3,705 applications during the reporting period. The majority of these new applications concerned the right to a fair trial and protection of property rights. Few of them concerned violations of the right to life or torture and ill-treatment[17].

3.2.2.3 National protection system

In order to create its own national protection system, Turkey worked on some constitutional and legislative frameworks; established effective institutions and established policies, procedures and processes.

The constitutional and legislative frameworks are being transformed according to the common regulations of international regimes', the treaties or the organs that Turkey is a party to. Starting with the Helsinki Summit, negotiations with the EU become a catalyst force for Turkey. The constitutional and legislative harmonization process started with 34 constitutional and legislative changes, of which 24 were, are on human rights regulations, until October 2001 and flourished in compliance with the 7 packages prepared and accepted by the Grand National Assembly of Turkey (TBMM). The first package was accepted in February 6, 2002 and made changes on articles 312 and 159 of the Turkish Penal Code. The second one passed on March 26, 2002 and the third on August 3, 2002 worked on the abolition of prohibition for broadcasting and publication in languages other than Turkish; and expanding minority rights by reorganizing foundations law. The forth package gained currency on January 2, 2003 and provided improvement on the fight against torture and ill treatment; with amelioration on detention conditions. January 23, 2003 is the date for the fifth package which mainly covers the necessity of applying the sentences of ECHR within a one year period by the Turkish government. The sixth and seventh packages accepted on June 12

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[17] EU Progress Report 2008, p: 11-13.

and July 30, 2003 in order, are mainly interested in broadening freedom of expression, freedom of speech and fighting against torture[18].

The human rights-related institutions in the structure of the government and the parliament are as follows:

- Minister of State Responsible of Human Rights
- Human Rights Presidency
- High Board for Human Rights
- Human Rights Advisory Board
- Commission Inspecting Human Rights Violation Allegations
- Turkish Human Rights Committee for Human Rights Education
- Human Rights Province and Sub-province Committees (IHIK)

Commission Inspecting Human Rights Violation Allegation and Human Rights Committee for Human Rights Education have more focused interests and their place in the general structure is less controversial than the others. IHIK on the other hand is already one of the interviewees of the research; so, it will be analyzed in the following chapters in detail. The Human Rights Presidency (HRP) under the Prime Ministry monitors the implementation of legislation relating to human rights and coordinated the work of various government agencies in the field of human rights. The HRP does not have its own budget, and its resources are limited. The institutional framework for human rights promotion and enforcement does not meet the independence requirement and lacks financial autonomy and transparency. There is a need for greater public awareness of the work of these institutions[19].

Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; and a Human Rights Advisory Board (HRAB), which serves as a forum for the exchange of ideas between the government and NGOs is meant to serve as a link between government bodies and NGOs on human rights issues and to provide

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[18] The packages are much broader and include more changes than what is given below. Nevertheless, only the ones concerning our research are taken in consideration with a very short form of explication.

[19] US Department of State, *Human Rights Report of Turkey*, 2007.

advice to government institutions. Both institutions fall under the HRP; nevertheless, NGOs found these bodies to be of limited effectiveness. Anyway, HRAB stopped being operating after the publication of a report on minority rights in October 2004[20] and after its former chairman, Professor Ibrahim Kaboğlu, and the former subcommission chairman, Professor Baskin Oran, were charged[21] in May 2005 with "inciting people to hatred" and "openly belittling judicial organs," due to passages in a 2004 report called "Minorities and Cultural Rights." Kaboğlu, Oran, and numerous board members resigned in protest and human rights observers noted that even after the reopening, the board became ineffective. This situation also had drawn the attention of international actors; both Progress Report and US' Reports there are a passage over the issue.

Finally, there are government-sponsored human rights councils in all 81 provinces and 850 sub provinces to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. The councils investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. However, many types of council failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that the councils lacked authority and were not independent, in part because unelected governors and sub governors served as chairpersons.

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[20] EU Progress Report, 2008.

[21] On May 10, the Ankara penal court acquitted Kaboğlu and Oran, reasoning that there had been no crime under the Penal Code.

4   CHAPTER IV-EVALUATION of ACTIVITIES of MAJOR HUMAN RELATED NGOs and STRUCTURES in TURKEY

This chapter aims to make a general view of the information gathered from the interviews within the three categories that were mentioned in the first chapter. The EU factor on the other hand, is also a source of data in this research because of its direct relation to the subject.

4.1   Categorization of NGOs Interviewed

The categorization of subjects contains detailed information about the different organizations or institutions that interviews are conducted. The first category represents the four NGOs that constituted IHOP and IHOP itself. The reason is that they are NGOs which have strong local branches, who know the field well and most importantly, they are the NGOs that actually prepare projects, fight for their values and beliefs; they are the executors. The second category, contrary to the first one, is composed of the donor organizations, which have foreign origins and which only support the projects financially or technically. They are not the executers but the creative designers of the civil society. Finally, the last category is the state itself. As mentioned before, in Turkey NGO concept defines "the organizations that fulfil the needs of the society where the state stays inadequate". For that reason, it is important to take the opinion of the 'other side' in order to understand the real dynamics between the society-NGOs and the state.

4.1.1   NGOs in the structure of coalition

All the information below is both received from the interviews and from official sources about the NGOs that are interviewed, such as Amnesty International's Press Releases, the EU Delegation's official web sites etc. The information obtained from the interviews is either directly coated or paraphrased below, without any comments or interpretation added by the researcher.

4.1.1.1   Helsinki Citizens Assembly

General Information

Helsinki Citizens Assembly was established in 1993 and usually works on minority rights, multiculturalism, EU integration, human rights, and compatibility with law. They have a unique way among the interviewees of the research for the following reason: The Helsinki Citizens Assembly has a role of advocacy for minority groups in Turkey. They specialized on Roma rights, they are not only providing help, lobbying or monitoring; but they carry the fight to the legal ground. Another difference from the other interviewees is that, in opposition to MAZLUM-DER and the Human Rights Association, Helsinki Citizens Assembly does not have strong relations with the media and they do not like to get exposure by the press organs so they are not as well known as the others. They believe that dealing with the media is a waste of time and energy. Instead, they have different strategies such as collecting information in order to create a dialogue platform in the structure of the organization. The interviewee mentioned the small panels that they organize frequently generally with the academicians and that they create their projects according to the information gathered in those small meetings.

Area of Interest

They have been working particularly on Roma rights in Turkey for the last three years; specifically they are trying to be pioneers for the Roma minority to bring law suit against the administration that constrains their residential and cultural rights. Unlike the other two national NGOs (MAZLUM-DER and the Human Rights Association) interviewed in this research, Helsinki Citizens Assembly is trying the legal way for those people, in order to get jurisdictional results to stop violations against Roma people. However, this is a very difficult task because of two reasons: The first one is that, no Roma wants to be a part of the legal process because they feel like they are betraying their own country. In particular, according to the interviewee, they absolutely avoid the possibility of going to the European Court of Human Rights even though they would most probably win and gain their rights and maybe compensation from the state. Ebru Uzpeder, who is a senior member of the assembly, says that Roma people love to be a part of Turkey; "they just want that the state to accept their existence, all they desire is a little tolerance for their culture" she pointed out. For instance, the Helsinki Citizens Assembly requested a motion for stay about the destruction of Sulukule.

Sulukule is a neighbourhood where Roma people have been living since the 15th century and is identified with Roma culture. In the name of *Urban Renewal Projects*, the municipality of Istanbul decided in 2008 to destroy the neighbourhood without even waiting for the legal process to end. The second difficulty is right at that point, where the state is not taking into consideration those kinds of requests and continues on its own way. In short, Sulukule was destroyed before the court decided about the motion for stay; however, the defenders of Roma people already have taken the case to the European Court of Human Rights.

Helsinki Citizens Assembly also joins many projects that bring attention to human rights violations in Turkey and that fight against all kinds of state repression. They are one of the pioneers working for the abolishment of articles 159[22], 312[23] and now 301[24]; articles of the Turkish Penal Code that has been limiting freedom of expression for years. Many NGOs are united about the abolition of these articles and use the media as a tool to reach people.

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[22] Article 159 in here belongs to the former Turkish Penal Code of 1926 and covers the crimes as "insulting the republic, the military forces and the security forces of the state through publishing". The former penal code changed; however, the logic of article 159 stayed. Article 301 is the new version to the former article 159.

[23] Article 312 also belongs to the former Turkish Penal Code of 1926 and covers "instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people, by the means of media".

[24] Article 301 is one of the most striking articles of the new Turkish Penal Code; because it is similar to the old articles such as 159 and 312, which had vague definition of crime. The new 301 stated the following: Denigrating the Turkish Nation, the State of the Turkish Republic, the Institutions and Organs of the State:

1. A person who publicly denigrates Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey or the judicial bodies of the State, shall be sentenced a penalty of imprisonment for a term of six months and two years.

2. A person who publicly denigrates the military or security structures shall be punishable according to the first paragraph.

3. Expressions of thought intended to criticize shall not constitute a crime.

4. The prosecution under this article shall be subject to the approval of the Minister of Justice.

According to Uzpeder, although there are some changes in the rights of association or expression changes are so minor that they don't feel successful in achieving their goals. There might be associations between civil society actors but, as they generally are not invited to official meetings of the authority, it is hard for them to be heard.

4.1.1.2 MAZLUM-DER (Organization of Human Rights and Solidarity for Oppressed People)

General Information

MAZLUM-DER was founded in 1991 and is dedicated to protect the rights of all oppressed people regardless of nationality, race, religion or cultural background. However they define themselves as "devout people". This can be seen as a contradiction. However, this declaration became the identity of MAZLUM-DER. Their fight against all kinds of human rights violations continues; nevertheless, for them some issues are more emphasized than other, such as the turban and also forced migration. Possibly because of some of their strong statements, they are visible and popular in Turkey. They choose to clearly declare their ideology and also they have a close relationship with the media.

Area of Interest

One of the attorneys in the Istanbul office, Ayhan Küçük, said that, "the coup d'état of September 12, 1980 was a breaking point in Turkish history. Beatings, torture, extrajudicial killings become systematic by the law-enforcement officers or the police". They have been working to break the cycle and Küçük believes that such human rights violations are not systematic anymore. So, September 12 indirectly had a positive effect on society. People who were strangers to one another until then became equals in the period of military governance. This may be accepted as the beginning of the change. Two strong organizations such as MAZLUM-DER, a devout organization and the Human Rights Association, which has a left-wing tendency, can come together and work in joint projects, like in the Kurdish problem. For this reason, MAZLUM-DER pays particular attention to creating awareness of the historical events. For example, they organize panels on the anniversaries of September, 12, March, 12 or February,

28[25]. Again, they believe that every social class should remember those facts and make others remember. Especially universities, intellectuals, academics should work harder to change the current state of ignorance. For instance, they raised a signature campaign for the new constitution to be civil.

Another important point of view of MAZLUM-DER is about the EU process. One of the questions is about this process and the period that starts with Helsinki Summit, however, Küçük refused to accept that date as a beginning. Contrary to the Helsinki Citizens Assembly and the Human Rights Association, they do not see the Helsinki Summit, where the negotiations between Turkey and the EU officially started, as a turning point for Turkish history. To start with, Europe, according to Küçük, does not have a mature understanding of human rights yet; so they can not be a leading actor for Turkey to follow about the subject. "The power to change our own destiny is in our own hands; Turkey does not need Europe to direct us. There is a definite need for change; but, we need to make it happen through our own impulse not because Europe wants us to do so" said Küçük.

Achievements and Future Concerns

MAZLUM-DER believes that Turkey, regardless of the West, can create its own values, mechanisms that protect human rights and systematize it in the long run. They do not see the EU as a target to be reached. They believe in civilians fight for their rights and for ruling its democracy without the interventions of military.

4.1.1.3 Human Rights Association

General Information

The Human Rights Association has a unique place in Turkish civil society, because it is the first organization to be established after the coup d'état of September 12, 1980. During and following the military intervention, most of the civic organizations, syndicates, associations, and foundations were forced to close. Many people, from many different social backgrounds, students, and professors, members of NGOs and even leaders of political parties were arrested by the military administration.

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[25] Those dates represent the times when the civil rule had been interrupted by the military. 28 February is not a real coup for instance but still, politicians are warned by the military.

The story of the Human Rights Association started when family members who had relatives in prison joined forces to ally against the bad conditions and bad treatments their relatives were subjected to in jail. Later on, intellectuals such as Aziz Nesin and Yaşar Kemal joined the movement by the families and this is how the Human Rights Association was established in 1986. They were the first to oppose the military governance on an organizational level. Needless to say, the military governance also reacted against them. There were arrests, trials against the members and even verdicts of closure for the association. Along with legal problems, 13 members of the executive board were victims of assassination.

Area of Interest

At present, their main concern is the acceptance of differences within society. The member of the central executive board and the head of Istanbul office of the Human Rights Association Rıza Dalkılıç speaking on behalf of the association said "we dream of a country where people belonging to other cultures, speaking other languages, who have different faiths or sexual orientation are not considered as outcasts". Three main examples that he gave about the differences are religious, ethnic differences and sexual preferences of people and the difficulties they face.

99% of the population are Muslims in Turkey with the majority belonging to the Hanefi sect. Nevertheless, this situation shouldn't mean that the state has a right to disregard people from other sects or the 1% minority with other religious faiths. However, it does. There are compulsory religion classes in primary and high schools; but the books of the Ministry of Education are written from the perspective of the Hanefi Muslim. The books barely speak about other sects or other religions. Turkey has been accused of violating minority rights in the European Court of Human Rights, and had to pay compensation many times. Yet, the verdicts of the Court are still not put into the practice. Lately, the government permits Alevis to build Cemevi (semantically means gathering house; thematically, as Alevis do not go to mosques, Cemevi is the place where they meet to hold religious ceremonies). The situation of Alevis is worsened because Alevism is not even recognised as a sect of Islam by some groups. "The current government appears to be open-minded, embracing the differences and much more modern than their predecessors; yet, they don't make changes in the legislation". In short, Dalkılıç emphasized the duality of the situation and the

incontinency of the state in Turkey. "Ethnically, the population is seen as homogeneous and *Turkishness* is used by the state as an umbrella term that covers all the nationalities living in the country. Kurds, for example, labelled as *mountain Turks* for decades because the state didn't even want to admit their existence".

Secondly, people with different sexual preferences, such as gays, transsexuals, transvestites are also facing serious difficulties in the country. They are marginalized, restricted by the state and accordingly they are held in contempt by the rest of the population. Dalkılıç emphasized that especially the police officers are using extra force against them. "They are badly treated by the society and the authority just because they have different preferences in life. People do not have a right to be different in Turkey and the Human Rights Association wants to change this."

The second major issue that the Human Rights Association strongly defends is the freedom of thought. They have been fighting against the law that restricts freedom of thought since the foundation of their organization. Dalkılıç narrated, how articles of the Turkish Penal Code that repress the freedom of expression and thought, 141 and 142 became 312; 312 became 8; and 8 became 301. "It is ironic that, when an article is abolished, the state acts as if punishment for freedom of thought is gone, it merely turns into yet another article in the penal code".

Another important issue is the violence and ill treatment of security forces against civilians. "This execution is unacceptable" said Dalkılıç, "police beat, torture even kills under custody; but, no evidence is found, no record for that person is found, so there are no trials, no sentencing, and no punishments for those who committed the crime. The security corps wants to 'blanket the case' as if it never happened". Another point that he mentioned is the permission given to the police to open fire if a person fails to stop when called upon by the police to do so. This permission is given to the police in many countries and it is logical that the police shoot the runaway in the leg or the arm. However in Turkey this right is used in disproportionate ways. "Only in 2008, more than a dozen citizens were shot from in head and killed by the police and in most cases there were no witnesses other than the policeman who shot the citizen. The police usually say that the offender disobeyed the call to stop and the case is closed with no judgements. The situation is against the human rights" claimed Dalkılıç.

Achievements and Future Concerns

The general picture is that there is progress but very slowly. The EU process had positive effects on the government at the beginning but it slowed down after a while. The EU seems to be more interested in the economic development of Turkey in general. Most of the 35 chapters to be negotiated are on economic preconditions to fulfil and human rights are not a subject for one of them. Needless to say, that Europe prepares reports on human rights, they discuss the abolishment of violating articles etc, but "they don't put a real, strong pressure on the government", said Mr. Dalkılıç. Last but not least, the internal actors, after the international ones, are also not very dedicated to overcome defective human rights regulations. "The attitude of the opposition party is inadequate for creating leverage over the government. Neither the main opposition social democrat party, CHP, nor the military, whole-heartedly support the EU" argued Dalkılıç. This doesn't mean that these two actors are against human rights developments in Turkey. Their reason for not wanting to be a part of the EU can be political, economic or ideological. What ever the reason may be, this fact unfortunately causes militarism and nationalism to grow in Turkey while human rights violations continue.

4.1.1.4   Amnesty International

General Information

Amnesty International is one of the oldest organizations in the world that has been working on human rights issues globally. They have members in more than 150 countries and offices in more than 80. They have a very original method of working, not similar to other international NGOs. An office in a country is not allowed to work on the human rights issues of that specific country; it is prohibited by the organizational law. They are working on the general issues that the organization is bending over. Certainly, they are interested in the problems of the country; nevertheless, the problems are not solved by them. Only when the special permission from the head office, can the local organs be part of projects about the country. Turkey is one those special countries where the local office has the special permission to work on the local problems. One of the two issues that the Amnesty International's Turkey branch works on is about women and violence against them. The other is about gay rights. In short, Amnesty

International's Turkey office has a private permission that is outside the general working habits of the organization.

Area of Interest

The media and lobby coordinator Avi Haligua narrated other subjects that the organization is highly interested in besides women's rights and gay rights. There are two popular but unsolved subjects: namely article 301 of the Turkish Penal Code and conscientious objection. Article 301 is a very popular concern for many civil society actors and human rights NGOs in Turkey. Again, *conscientious objection* is a very important subject and the subject of most disputes in Turkey. As in Turkey, all men, except for the ones that have medical or psychological excuses should have to complete military service without exception. *"Patriotic service is a right and duty for every Turkish citizen"*, states article 72 of the Turkish constitution. However, there are people who may call themselves as anti-militarists or pacifists; who refuse to join to the military. They defend the idea that a person has the choice to be a conscientious objector. However, the legal system prohibits that kind of choice strictly and this prohibition is one of the biggest limitations for Turkey on its journey to the EU. Tayfun Gönül was the first person to publically declare his conscientious objection in Turkey in 1989. In December 1992, the Turkish War Resisters Association was established in Izmir. They were fighting against article 155 of the Turkish Penal Code, which now is 318, which defines the crime of "putting the public off military service". Osman Murat Ülke, was the first person to be arrested for declaring conscientious objection in October 7, 1996. He is released in 1999 and took his case against the Turkish state to the European Court of Human Rights (ECHR)[26]. Turkey had been ordered by the ECHR to change its laws, and had indeed promised the European Council's Committee of Ministers to change the laws by October 2007. However, the Turkish government has not kept its promise. The government made a declaration saying that the law was under preparation, yet nothing has changed since then. At present, according to the data from the War Resisters International, there are up to 60 people who publically declared conscientious objection in Turkey[27]. There are many campaigns such as the Ankara

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[26]   http://bianet.org/english/kategori/english/107563/conscientious-objector-goes-on-hunger-strike

[27] http://www.wri-irg.org/co/cases/turkey-co-table-en.htm

Working Group for Conscientious Objection or the Conscientious Objection Platform who are demanding a right that Turkey does not want to recognize and of course, the abolition of the article 318 of the Turkish Penal Code.

Achievements and Future Concerns

As mentioned before in the literature, Mr. Haligua argued the same detail that civil society gain prestige and started to achieve its goals for the last decade; however, he alleges that the situation is not only valid in Turkey, but also in the world. The Seattle meeting of the World Trade Organization in 1999 was the biggest platform for the civil society to get heard, to oppose and to request rights and freedoms. The movement started in Turkey at the same time but it was mostly due to the Helsinki process, accordance with the Copenhagen criteria and European trends that spread awareness of human rights into the public domain. Previously, the state would not allow such movements; however, Turkish public got familiar with human rights concepts and increased its technical capacity on the subject. There were no talk of violence against women or Kurdish rights a decade ago but, people can talk right now and this is a good start.

4.1.1.5 Human Rights Joint Platform (Insan Hakları Ortak Platformu-IHOP)

General Information

Established in 2005 IHOP is a platform composed of Helsinki Citizen's Assembly, the Human Rights Association, MAZLUM-DER and Amnesty International's Turkey Branch. As seen in the previous sections, in general all the four members have usually different priorities, with different objectives and varying target groups. However, they come together in order to increase communication among themselves, to strengthen their capacity in human rights domain, to attract the attention of the media, to lobby, to be visible and to provide services in the area of human rights; such as translation of sources in Turkish, publishing magazines about advocacy or dialogue, supporting other lobby groups that work on the subject etc. Most importantly of all, they do not want to be a superstructure but to be the infrastructure that supports other non-member associations. The members are coming together to take joint action about topics that are important for the country. In 2006, for instance, freedom of expression was IHOP's biggest subject to elaborate on. Then in 2008 national and

religious discrimination along with all the issues that cause it. IHOP is not independent from the organizations that compose it. However, it is very hard to take joint action by all the four organizations. Sometimes two or three of them are having spontaneous and immediate action against some global or national issues. For example, in the latest attacks by Israel on Gaza at the end of 2008, the Human Rights Association and MAZLUM-DER jointly supported Gaza. The biggest project, in which all four organizations worked together, was the abolition of article 301.

Area of Interest

A 'freedom of expression' campaign for the abolition of clause 301 of the Turkish Penal Code was launched by IHOP in November 2006. As seen in the interviews with the four members of the platform, the fight for the freedom of expression was the common point that was mentioned by every NGO. So, it is not surprising that the biggest campaign of IHOP was the fight against the article 301. Article 301 has no sharp edges, nor a clear definition of crime. It is very open to interpretation so that everyone can understand different meanings from it. According to the judicial statistics for the last twenty years, the number of criminal proceedings brought under this article is about two per ten thousand of all criminal proceedings, that is, about 200 to 300 a year[28]. It is also a fact that most of these proceedings are brought against journalists, writers and political personalities for expressing their opinions and thoughts.

On such example is Hrant Dink, an Armenian journalist, was sued for violating the article 301 and in a way IHOP believes that he was targeted; at 19 January 2007 he was assassinated by an 18 year old ultra nationalist boy. Murat Çelik, an official of IHOP said that this murder accelerated the campaign. "Dink was on trial because of the article 301 that criminalizes 'denigrating Turkishness'. He was killed while the trial that was accusing him of insulting the Turkish nation was going on" narrated Çelik. According to Amnesty International's press release at 2 July 2007: "Hrant Dink's murder took place in the context of an increasing pattern of deadly intolerance of freedom of expression. Dink had been receiving death threats for several months prior

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[28]
http://www.ihop.org.tr/english/index.php?option=com_content&view=article&id=46&catid=25

to his death. He had reported these to the public prosecutor in Istanbul. Nevertheless, the authorities failed to take the necessary steps to ensure protection for him[29]." In February 2007, 122 NGOs and 19.847 citizens have signed in support of the campaign. In May 2007, they organized a conference, following the brutal murder that took place in Malatya[30] and previously in Trabzon[31], where IHOP called on political parties, members of the army and the media to unite against all kinds of discrimination, xenophobia or "us vs. them" kind of an understanding.

Achievements and Future Concerns

The EU process is not entirely perceived by politicians or by the public as a catalyst. Much financial aids are given, too much time and energy are spent for the adjustment of laws and applications; nevertheless, no major changes take place. On the contrary, xenophobia spreads in the society, political rhetoric becomes negative, and people are treated according to their social, cultural, religious identities. Successive assassinations of citizens who had origins of ethnic or religious minority by young assassinates; and the decrease of people supporting the accession to the EU is some examples of the xenophobia. Still, there are some developments such as; the abolishment of the death penalty, increased awareness about human rights in the public opinion, the rise of the youth activism, national organizations become more integrated in the international arena etc. There is at least an effort to be aware of human rights issues; that is a good yet an inadequate start. Inside all the different dynamics of Turkey,

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[29]
http://www.amnesty.org/fr/library/asset/EUR44/012/2007/fr/domEUR440122007en.html

[30] "In the April 18, 2007 two Turkish nationals and a German at the *Zirve* Christian publishing house in Malatya were violently killed. The three reportedly had their hands and feet bound together and their throats cut. They were all believed to the staff at the publishing house."
http://www.amnesty.org/en/library/asset/EUR44/002/2008/en/EUR440022008en.html

[31] "A Catholic Priest was shot and killed in Trabzon on the fourth of February 2006 by a 16 year old Trabzon resident. Father Andrea Santoro, an Italian missionary priest who had served in Turkey for 10 years, was shot twice at point-blank range in his church in the port town on the Black Sea. The gunman shouted, "Allah is great!" before running out of the church.

http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=5902050&p=2

IHOP is trying to draw attentions to the major issues that concern the future of Turkey. While doing so, IHOP does not have doubts about its legitimacy, or to being seen. It is those people already interested in human rights who are their addressees.

Finally, last observation by Çelik was that, everybody realized that the EU is initially looking economical changes to happen and the Copenhagen criteria are not perceived as homework anymore in Turkey. The human rights rapports by the commission or by UNDP don't have enough leverage for the government to take action. For instance Turkey is still not a member of OPCAT (Optional Protocol to the Convention against Torture) says Çelik. The most important point is that the article 301 is against the article 10 of the European Convention on Human Rights[32] and article 19 of the International Covenant on Civil and Political Rights[33] (ICCPR) which were signed by Turkey. This fact is proven many times by the verdicts of the European Court of Human Rights which forbids the laws against the freedom of expression; Turkey had to make compensation payments to its citizens[34]. The painful reality is that Turkey does not want to change its repressive attitude against its citizens. IHOP should take position in light of this reality.

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[32] Article 10 provides the right to freedom of expression, subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society". This right includes the freedom to hold opinions, and to receive and impart information and ideas.

[33] Everyone shall have the right to hold opinions without interference.

1. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

2. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

1. For respect of the rights or reputations of others;

2. For the protection of national security or of public order (ordre public), or of public health or morals.

[34] Of 254 people tried, 55 were on trial under Article 301; six of them were convicted. 83 people were accused of supporting terrorism, 23 of inciting to hatred and hostility. 34 journalists and 12 media institutions were attacked; Turkey had to pay a total of 123,912 Euros compensation in ECHR cases. BIA 2007 Media Report: http://bianet.org/bianet/kategori/english/104242/bia-2007-media-monitoring-report-a-sad-year-for-free-speech

4.1.2　Donor organizations

Donor organizations are chosen according to their different origins and purposes. One organization represents a worldwide network foundation namely the Open Society Institute. The other one is the British Council that has a small budget; concentrated on the training side of civic actions. The last one is the EU Delegation, which is not an NGO but it has a strong role in the empowerment process of Turkey, a mechanism of political leverage and also a very strong financial support for Turkey. Detailed information about all three organizations is as follows:

4.1.2.1　Open Society Institute

General Information

Open Society Institute is a network of foundation was established in 1979 by George Soros. They work in over 60 countries according to the emergency needs of the country. However, they don't determine the road map in advance. In other words, if a country has economic difficulties, political disorder or social, cultural problems, Open Society Institute establishes an institution in the country. They contact with the NGOs, intellectuals, bureaucrats of the country in order to learn internal dynamics and urgent needs of the country. They always work with an institution and usually with NGOs that know the field. The assistance is realized through the human resources of the chosen institution or organization. So, the Institute provides only financial and strategic assistance to the project, not technical and human resources. To give an example, in South Africa they had a huge campaign on prevention of HIV positive, in Bosnia agricultural products had been distributed to people in order to support the farming sector, in post-Soviet countries financial aid had been procured for the democratization processes. In every project they worked with domestic actors of the country. However, the financial support covers only 60% of the whole budget. The reason for that is to decrease the dependency of the domestic organization to the Institute; so that the project can work without the help of the Open Society in the future. In short, the institute has a thematic way of working and sometimes, when they achieve what they planned, they can withdraw away from the country.

Reason to work in Turkey

They entered the field of Turkey in December 1999 after the announcement of Turkey as an official candidate member of the EU and withdrew away on December 31, 2008. Actually they have not totally drawn away; as they turned into a foundation rather than an institute. Before coming to Turkey, they had a long period of time investigating *"if there is a need in Turkey for Open Society Institute?"* and, *"if yes which subjects should be our priorities?"* Open Society asked the opinion of many elites, academicians and bureaucrats about these two questions in order to get as much information. The general view supported the necessity of the institute and also the need for Turkey to have more freedom, democracy, and the right of expression especially for youngsters, minorities, women, media and universities in Turkey. The dedication to meet Copenhagen criteria on the way to becoming a member of the Union, transparency, equality between sexes, reorganization of state's role in the political life, breaking down the taboos and finally as the natural consequence of it all, economic and humanitarian development among the nation. According to the findings of the interviews, they create projects, by always working with a local and experienced NGO about the chosen subject, in order to achieve fruitful results. They completed more than 90 projects with domestic NGOs, of which the most important are the following: joint project with Helsinki Citizens Assembly about the refugee problem to provide better conditions for them; joint project with KAMER (Women Rights Centre) on the fight against honour killings, they created shelters for women in 23 provinces and reached over 40.000 women; cooperation with TESEV (Turkish Economic and Social Studies Foundation) on the areas of minority rights, Roma rights, internally displaced people's rights, disabled people's rights; they worked with Istanbul Bilgi University in awareness-rising campaigns on human rights and finally, they co worked with Positive Life Association for erasing the negative rapprochement of the media against people with HIV positive. Before becoming a foundation at the end of the 2008, Open Society Institute held its annual meeting of high ranking board members in Istanbul with the participation of representatives of International NGOs, UN, and such organizations such as Human Rights Watch, International Crisis Group, Global Witness. They emphasize that they are a supportive organization not an interventionist one.

Achievements and Future Concerns

The general picture according to the two managers of the organization, Nafiz Güder and Gökçe Tüylüoğlu, is "good but slow development". Open Society Institute, had many projects during the past 9 years; yet the most important message was to create awareness in society about the concept of rights. Unfortunately, since the problem in Turkey not only emanates form the state and its institutions; but also, society also has a tendency to discriminate against or violate human rights. This is the reason, they explained, why minorities are much marginalized in Turkey. By minorities, they don't only mean religious or ethnic minorities but also people with disabilities or different sexual preferences. In short, the projects of Open Society Institute aim to give people a perspective to percept human rights concept differently.

4.1.2.2 British Council

General Information

British Council was founded in 1934, to widen a wider knowledge about the United Kingdom abroad, to promote the English language, and to develop closer cultural relations between the United Kingdom and other countries[35]. The type of work they undertake is usually on an intellectual level rather than a financial one. The reason is, unlike the large budgets of EU funds, theirs is limited to around 200.000 pounds per year, because the British Council is directly related to the British Ministry for Foreign Affairs which provide funds for them. However, they are not as politically motivated as the ministry or the embassy. Like the Open Society Institute, they try to find a partner such as a local NGO in the selected country before starting a project.

Reasons to work in Turkey

British Council has been working in Turkey since 1998. They completed projects such as, *training for public prosecutors in prison management* and also *training for judges and public prosecutors* aiming to educate the staff in state organizations. They cooperate with the Turkish Ministry of Justice on such projects. Mainly they worked with KAMER on women's rights and to counteract honour killings; cooperated with presidency of disables administration about the rights of

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[35]   http://www.britishcouncil.org/history/history-find-out-more/history-find-out-more-faqs.htm

disabled people (T.C. Başbakanlık Özürlüler Idare Başkanlığı); BBC, British Council and Turkish Journalists Association jointly worked on the project of diversity in media and also acted with Istanbul Bilgi University on migration, internally displaced people and their adaptation to new environments. Their work about the child protection with social services was innovative because at the end of the project they wrote a hand book which later became a regulation. In other words, the project is tested, developed, and became a theoretical framework; which was then passed into law.

Achievements and Future Concerns

The manager and social projects manager of the British Council's Turkey office, Seda Mumcu Aydeniz, said that educational programs are far more valuable than some other expensive projects. For instance, in the training of judges and public prosecutors, the instructors realized that the participants did not know the basic but the most important knowledge about the European Court of Human Rights. A complainant has to pass through all the phases of Turkish internal adjudication system before applying to European Court of Human Rights. According to statistics, Turkey is mostly sued by its own citizens because of procedural errors. Aydeniz says that it is sad that the members of the judicial system don't know about such basic procedures. However, after the training, some of the judges and attorneys who participated in the program later became instructors for the same training at the European Commission. "This seems to be a concrete result" she added.

4.1.2.3 EU Delegation

General Information

The Delegation of the European Commission in Turkey started as a Press and Information Centre in 1974 in Ankara. This office was converted into the 'Representation of the European Commission to Turkey' in 1987, being granted full diplomatic status on the basis of an 'Agreement on the Establishment of the Representation of the Commission of the European Communities in Turkey and on its Immunities and Privileges,' signed in Brussels on 4 February 1987[36]. The Delegation is older than every subjects of the research.

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[36] http://www.avrupa.info.tr/Delegasyonumuz/Tarihcemiz.html

Reasons to work in Turkey

The European Commission Delegation to Turkey represents the European Commission on the diplomatic and political level. It is the channel for day-to-day relations between the Commission and Turkey, and reports to Brussels on the latest political, economic and commercial developments. It monitors and reports to Brussels political and economic developments related to Turkey's reform process related to the EU acquis communautaire and short-term and medium-term priorities under the accession partnership. The Delegation also actively supports Turkey's accession and negotiation process by direct involvement in the preparatory and follow-up stages of the process[37]. Their primary concern is to support Turkey in its process of democratization. The EU Delegation gives financial and technical support for NGOs working on human rights since 2002 within European Instrument for Democracy and Human Rights (EIDHR). Turkey benefits from the EIDHR with an average of €2 million per year allocated to macro-grants (bigger in size and selected by the Commission's Europe Aid cooperation office) and around €500,000 yearly committed to micro-grants (smaller in size and selected by the Delegation of the European Commission to Turkey)[38]. The grants aim to provide help in the fight against torture, social and educational rights, minority rights etc. Sector manager Özsel Beleli summarized how a project is planned by the organization and under which conditions it is actualized: Firstly, the Delegation determines the primary topics that they will work on, then they call for proposals from academicians, syndicates, universities and finally they organize consultation meetings with NGOs in order to prepare a road map. Finally, they start the project with NGOs or state authorities who are involved in the consultation period. The EU Delegation, like the Open Society Institute, despite of their large budget, does not give all the financial aid to a project. They want to decrease the dependency; so that the project can work with other participant national NGOs in it even without the Delegation. Despite withdrawing from the project, they continue to follow up the progress of the job. Plus, NGOs know that they can always consult the EU Delegation if there is a need for help.

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[37] http://www.avrupa.info.tr/Delegasyonumuz/Gorev.html

[38] http://www.avrupa.info.tr/EUCSD,D.hag.html?pageindex=2

Achievements and Future Concerns

The EU Delegation is not an NGO and does not work like one. They don't buy or give services for the countries. So, what is achieved, what is lacking in the process or final product is not important for them. They only supervise the projects that they approved and give money for in the process of Turkey's democratization and negation with the EU. Nevertheless, Beleli says that "it is undeniable that Turkey is getting stronger in its technical capacity."

4.1.3   Interview with the state official

General Information

As a result of a change in regulation in 2001, a Human Rights Council has been established in every province and county borough of Turkey. Then on October 23, 2003, the regulation was changed into its final form[39] that the details will be given. The objective of the Human Rights Province Committee (Insan Hakları Il Kurulu-IHIK) in this short term is to investigate and make inquiries about a reported file or situation in question, than to post the results to the relevant authority and to provide training for the society and officers in relevant subjects. In the long run, IHIK provides full protection for all kinds of human rights, determines the reasons behind human rights violations and tries to destroy them or makes suggestions for the abolishment of those violations. Province and country borough committee meets once in a month to share information. In the committee board, they have 27 members: 6 delegates from universities, 2 delegates of two political parties from the assembly, an attorney from Istanbul bar and delegates from Istanbul doctors' bar, 10 lawyers and NGO workers. In addition to the members, there are 5 personnel.

Every IHIK contains three commissions in their structure. Nevertheless, Istanbul is a metropolis with a large population and additional problems. For that reason, IHIK Istanbul delegation decided to add two more commission into the structure according to urgent needs and that makes five commissions.

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[39] The official journal number 25298 published at 23 October 2003: http://www.istanbul.gov.tr/?pid=11124

1)   Inquisition and examination commission: People can apply to IHIK personally, by calling 150 to place complaints or they can place messages into the boxes in the public institutions. The commission tries to make sure that the messages coming from direct application, calls or boxes are the subjects of public not private law. Secondly, the commission inquires the verity of the case, examines the situation and prepares a file. Every month the collected files are passed to the Committee in order to deal with the application.

2)   Training commission: Training activities are due to citizen and also public personnel. The commission organizes activities for different groups of civilians, especially in local areas; they distribute information brochures, adress meetings, deal personally with the problems of ghettos by travelling with buses. NGOs or newspapers sometimes join in the training activities to provide help and the activities turn into bigger projects such as Güldünya Project[40]. Also there are trainings for assistant governors, who often meet and accept citizens, such as lieutenant colonels, chief of police in provinces, student advisors, registration directors, imams etc. The aim of the programs is about awareness-raising, to make people conscious about human rights.

3)   Public relations and communication commission: The commission provides the announcements of events; it is the public face of the Committee.

4)   Commission taking care of refugees and illegal immigrants: Refugees and illegal immigrants are an important problem in Turkey. Many people are being captured by officers and held in miserable conditions until the official processes starts. Istanbul Committee expressly asked for an extra commission on the subject, which is composed of human rights specialists on refugees. Amnesty International is one of the partners of the commission.

5)   Commission for equality between men and women: Women's rights still remain a conflict in social and private life in Turkey. Young girls under than 18 are not

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[40] The sad story and the killing of Güldünya by her family became a symbol of the fight against honour killings in Turkey. Big campaigns are organized, by organizations defending women's rights, artists, state authorities, business people and media to unify for equality, right to live and stopping honour killings tradition.

sent to school and are getting married of someone chosen by their families, honour killing is still practised among some parts of the population etc. In order to fight against all kinds of problems, the commission works and consults with 60 women activists from academia, NGOs or public institutions.

The fourth and fifth commissions are only present in Istanbul; thus they might be established in other provinces as well.

The Relationship with NGOs and Current Projects

A surprising detail is given by Yirmibeşoğlu; at the establishment process of the Committee, MAZLUM-DER and the Human Rights Association were invited to the committee board. In other words the Organization wanted to include those two into the entity form the beginning; however, it was the NGOs that did not accept the offer. According to Yirmibeşoğlu, the Human Rights Association directly refused the offer by saying that they do not want to work in any state organization; however, MAZLUM-DER accepted at first but never showed up in the meetings by giving excuses not to come. On the other hand, the committee has fruitful worked fruitfully with some other NGOs such as: Women and the Human Rights Association (Kadın ve İnsan Hakları Derneği) and the Association in Support of Contemporary Living (Çağdaş Yaşamı Destekleme Derneği).

The main subjects of the projects are generally about trainings given to different classes of population: both citizens and public officers. The trainings are on the civil and penal code, women's rights, human relations etc. Yirmibeşoğlu emphasized a different point of view about the situation of police forces. The police force is maybe the primary institution accused of violating human rights. There are still beatings, ill treatments and even killings under custody, and Turkey is mostly sentenced by the European Court of Human Rights because of that reason. However, there are two sides in every case says Yirmibeşoğlu and continues: "It is the police force that works over time and never gets paid for. Their overtime working hours is sometimes more than 80 hours a month. So in a way, it is mostly the rights of police that are being violated. The state should not treat its own workers incorrectly."

Achievements and Future Concerns

Yirmibeşoğlu states on behalf of the IHIK that they are aware of the difficulty of gaining the trust of the citizens. The development and ramification of human rights culture takes a lot of time both in society and the public sector. IHIK knows this fact and works without getting demoralized. Sometimes it is hard because people see the organization as an ordinary NGO. This is normal since there are only two state representatives in the board, Yirmibeşoğlu and the governor of Istanbul, with the rest composed of people from civil society, academicians or trade associations. However, it is the two state personnel who make the connection with the other organs and who can get the work done. They know who is the addressee for each problem, where to find that person and how to manage the situation. In short, to have such organization in the state is a good and fruitful start to make. "People don't know always realize the value of that character however IHIK can receive faster and more concrete results than an NGO" said Ms. Yirmibeşoğlu.

According to Yirmibeşoğlu, there are two types of mentality within the state. One is the old mentality that does not want things to change, people to stand up and fight for their rights. Status quo is the most important value to protect as far as they are concerned and they resist the change. However, the new mentality sees the difference in the world, follows the improvements, tries to achieve the modern and human-centred values and applies them in Turkey. In other words it is not only the fight of the civilians for their rights; but also, the fight inside the state itself that is going on. "Nevertheless, we maintain our hope that the change will win and Turkey will become a country that is respectful towards human rights" implied the head of the IHIK of Istanbul.

4.2   The EU Factor

Turkey and the EU relations span a very long and complex period of time. Since the ratification of the Ankara Treaty in 1963, there have been times that Turkey was close to fulfilling the requirements to join into the European community and times when the negotiations were frozen. In 1995 Turkey joined to the Customs Union and in December 1999 at the Helsinki Summit, Turkey was officially accepted as a candidate state. The Copenhagen European Council in December 2002 concluded that "if the European Council in December 2004, on the basis of a report

and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay". These conclusions were reaffirmed by the European Council in Brussels in June 2004 (Recommendation of the European Commission on Turkey's Progress towards Accession, 656, 2004).

Consequently, the negotiation process between the EU and Turkey and the endeavour by Turkey to meet the Copenhagen criteria began to be considered an important factor in improving human rights conditions. That criterion showed itself in the work of Poe, Rost and Carey (2006), who tried to build a risk assessment model to gain theoretical insights into the causal mechanisms that lead governments to repress basic human rights to personal integrity. In their work six factors were found to have the strongest impacts. These are past repression, democracy, the level of economic development, population size, and the occurrence of international and civil war. Nevertheless, in their research, they found out that, "The State Department registered some improvements in Turkey in 2003, some of which seem to have resulted from human rights reforms past by parliament in January and July in an effort to meet the requirements for European Union membership", a factor not captured by their model. Thus, accession to the EU is officially a factor of leverage for Turkey in the process of human rights regulation and EU's power to freeze negotiation talks would be a consequence that Turkey would not want to face.

Even though the *acquis communautaire* of the EU does not have a chapter that regulates the NGOs, the reports which are being published frequently by the European Commission are emphasizing the importance of both civil society and NGOs. For instance *the White Paper Report of the EU over the European governance*[41] which was released by the Commission on July 25, 2001, calls attention to NGOs, especially their role covering local governance as opposed to global governance. According to the Paper, the European Governance refers to the rules, processes and behaviours that affect the way in which power is exercised at the European level, particularly as regards to openness, participation, accountability, effectiveness and coherence. "These 'five

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[41] http://ec.europa.eu/governance/white_paper/en.pdf

principles of good governance' reinforce subsidiary [42] and proportionality [43] ''
(Schmidtchen in Holler, 2003).

NGOs are crucial actors for Turkey in the process of fulfilling the Copenhagen criteria, especially in the questions related to democracy and human rights, also in their lobbying in the European countries for Turkey's EU membership. The regulation, 2500/2001 of the Council on 17 December 2001 shows clearly their need;

(Article 4) *As Turkey does not yet fulfil the political criteria of Copenhagen, the Community has called on it to improve and promote its democratic practices and respect for fundamental human rights and more closely to involve civil society in that process[44].*

(Article 9) The Community should undertake specific actions to promote the development of civil society in Turkey.

As stated in article 9, the Community did undertake some action and provided support for civil society in Turkey, along its journey to become a member country. The two major projects were the European Initiative for Democracy and Human Rights (EIDHR) and Civil Society Dialogue.

4.2.1 EIDHR

EIDHR was created in 1994 to support human rights, democracy and conflict prevention activities worldwide, to be carried out primarily in partnership with NGOs and international organizations. The aim of EIDHR is to support and strengthen democratisation, good governance and the rule of law; activities in support of the abolition of the death penalty; support for the fight against torture and impunity and for international tribunals and criminal courts; combat racism and

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[42] The principle of subsidiary was introduced by the 1991 Maastricht Treaty that ascertained 'decision-making to be performed at the lowest possible effective administrative level' in the European multi-level-governance system.

[43] The principle of proportionality requires that action undertaken by the administration must be proportionate to its objectives.

[44] Official Journal L 342, 27/12/2001.

xenophobia and discrimination against minorities and indigenous people (Narbone, 2002).

Turkey benefits from the EIDHR since 2002 with an average of €2 million per year allocated to macro-grants (bigger in size and selected by the Commission's Europe Aid cooperation office) and around €500,000 yearly committed to micro-grants (smaller in size and selected by the Delegation of the European Commission to Turkey)[45]. Both types of projects are managed by the Delegation of the European Commission to Turkey. To date more than 100 macro and micro projects have been supported addressing issues ranging from freedom of expression, to improved access to justice, to fight against torture and impunity, to protection and respect of cultural diversity, etc. This support coincided with a period of unprecedented reforms in Turkey enabling better participation of organised citizens in the process[46].

Since the beginning of 2007 the acronym EIDHR stands for the European Instrument for Democracy and Human Rights. While essentially similar in essence the new EIDHR is using a different legal base and has been streamlined to respond to new challenges in the protection of human rights and democracy by offering further flexibility and independence of action. For country programmes the implementation of the new Instrument has been further decentralised to the Delegations of the Commission, which can now draw country strategies, upon which to base respective calls for proposals that better reflect the specific circumstances on the ground. For the period 2007-2010 € 3 million would be available exclusively for Turkey for projects selected by the Delegation of the European Commission to Turkey, while non-governmental actors in Turkey shall also be able to benefit from regional and global call for proposals administered centrally by the Commission's Europe Aid cooperation office in Brussels[47].

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[45] EU Founded Programs in Turkey 2003-2004, p: 20.

[46] http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/turkey_eidhr_projects_en.pdf

[47] http://www.avrupa.info.tr/EUCSD,D.hag.html

4.2.2   Civil Society Dialogue

In 2005 the European Commission adopted a Communication that establishes objectives and priorities for further development of a civil society dialogue between the EU and Candidate countries. It aims to bring citizens and different cultures, political and economic systems closer in order to bridge the information gap, achieve better mutual knowledge, thus ensuring a stronger awareness of the opportunities as well as the challenges of future accessions. (Civil Society Dialogue between the EU and Candidate Countries[48], Sec 891, 2005) In this context, in October 2004, the Commission's recommendation on Turkey's progress towards accession proposed the development of a dialogue between EU Member States and Turkey, where concerns and perceptions can be discussed in a frank and open manner. It noted that "Civil society should play the most important role in this dialogue, which should be facilitated by the EU."

The European Commission strategy for accession negotiations with Turkey is based on three pillars. The first pillar is designed to support the reform process in Turkey. The second pillar sets out the framework for accession negotiations. The third pillar concerns the strengthening of political and cultural dialogue through civil society in Turkey and the EU. With the aim of enhancing mutual understanding by bringing people together, this inclusive dialogue also will involve civil society. The European Council endorsed the European Commission recommendation and broadened its scope by stipulating that "parallel to accession negotiations, the Union will engage with every candidate state in an intensive political and cultural dialogue. The long-term objective of the dialogue is to prepare civil society from the EU and candidate countries for future enlargement[49]."

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[48] The other candidate country mentioned in Civil Society Dialogue between the EU and Candidate Countries is Croatia. Following the decision of the European Council of 17 and 18 June 2004 that Croatia was a candidate country, the European Council of 16 and 17 December 2004 decided that accession negotiations would be opened on 17 March 2005 provided that there was full cooperation with the UN International Criminal Tribunal for the former Yugoslavia in The Hague (ICTY).

[49] http://www.csdproject.net/web/

5   CHAPTER V-FUNCTIONAL ANALYSIS of NGOs ACTIVITY and INTERACTION among NGOs

5.1   Analysis on NGO Missions

As seen in the literature review, the missions of NGOs are classified by many authors in different ways; however, the basis of the classifications resembles one another. While analyzing the missions of NGOs, especially Paffenholz and Spurk's (2006) categorization of seven mission of civil society and Claude's typology of the role of human rights NGOs are going to be used as theoretical sources.

5.1.1   Advocacy

Advocacy role, for instance, is mentioned frequently in the literature by Paffenholz and Spurk (2006) as one of the seven missions of civil society, by Keck and Sikking (1998) in crucial roles of NGOs, and by Claude in his typology of the missions of human rights NGOs. Advocacy is a task that articulates interests -especially of marginalized groups- and to create channels of communication to bring them to the public agenda, thus raising public awareness and debating them. In the light of the definition, advocacy role can be attributed to MAZLUM-DER, the Human Rights Association and Helsinki Citizens Assembly among the NGOs interviewed.

MAZLUM-DER is expressing itself as 'the organization of devout people'. Even though they claim to protect the rights of everyone without considering their race, religion, sex or cultural backgrounds; turban issue is one of their most important areas of interest. In other words, the biggest marginalized group that they advocate for is the people wearing turbans who try to gain their rights. As mentioned in the definition, advocating NGOs always choose a channel to communicate with the rest of the society or with the authorities. MAZLUM-DER chooses to announce its tendencies in front of the public and the media; so, its channel is the access to media. The sources of

influence of NGOs were already enumerated by Reinalda and Verbeek (2001) in the literature review chapter and access to media was one of those sources mentioned, which is an activity of lobbying. MAZLUM-DER uses the media in order to reach and change the public opinion about the situation of women who wear the turban and implement its ideology.

The Human Rights Association has an activist structure. They are not clearly defending the rights of specific groups; however, they are trying to advocate for all the marginalized groups (people with disabilities, gays, transsexuals etc.) or minorities (like religious freedom for Alevis or ethnic freedom for Kurds) and people who faced ill treatment by security forces. The way they choose to communicate with the society includes activities, such as organizing public campaigns to create awareness in public opinion and opposing the state's "abusive" regulations. Since the beginning of their foundation they have faced many problems with the state and now their mission of advocacy is played by following the method of protecting the rights of everyone who faces discriminative treatment by the state.

Helsinki Citizens Assembly, on the other hand, is known as the defenders of minority rights, especially the Roma people's rights. They play the role of advocacy by creating awareness on the public font and leverage over the authority. Nevertheless, the instrument they use to communicate is different from MAZLUM-DER's and the Human Rights Association's; they choose litigation rather than access to media or definitively opposing the state. Litigation is one of the roles that human rights NGOs play for the protection and vindication of human rights according to the typology of Claude, as a source of influence. The Assembly follows the human rights violations faced by the Roma minority and sue the state to stop such abuses; although sometimes the Roma themselves are scared to participate in the process of litigation. They continue their way in the European Court of Human Rights (ECHR) if they cannot get a solution from the domestic trials. To give an example, the decision to tear down the Roma neighbourhood Sulukule is ongoing at ECHR.

5.1.2 Service Delivery

Service delivery can have economic, social or humanitarian objectives and can be realized by NGOs' usage of financial or intellectual capacity. All Paffenholz and Spurk (2006), Claude, and Kramer (1981) have all mentioned this role. Abiew described service delivery role differently as 'capacity-building mission' and defined it as one of the short-term activities of NGOs in grassroots. In the research, it is mainly the international donor organizations that play the service delivery role by giving training programs and education to different groups of people from different occupations just (like the British Council), by providing intellectual and financial support to chosen projects on human rights (like Open Society Institute), or just by financially supporting developments (like the EU Delegation). Other than the donor organizations, IHIK is also implementing this mission of service delivery in a way. According to the statement of the state official, they organize public education activities, training to different personnel of the state with the cooperation of civil society actors. So, this role is not only undertaken by NGOs; but also by the state itself.

5.1.3 Monitoring

Monitoring mission of NGOs started to grow on a global scale, after the emergence of the second generation rights, focusing on social, economical and cultural rights. The mission of monitoring is already mentioned in the works of Paffenholz and Spurk, Claude and in Abiew as one of the short term missions of NGOs in grassroots. Monitoring (Paffenholz and Spurk, 2006, p: 28) is defined as "a precondition for the protection function and the advocacy function, as well as critical in democratization as a means to hold government accountable". This definition is reminiscent of White's (2004) categorization of relations between civil society and democratization. One of his categories examines the disciplinary role of civil society in relation with the state. "By enforcing standards of public morality and performance and improving the accountability of both politicians and administrators" (p: 16), civil society may be effective on the democratization process of the country. In the case of Turkey, international actors like Amnesty International and the EU Delegation are carrying out this mission. Both organizations are concretizing their impressions, preparing written reports and publishing them for the international community. This part of their mission is already defined by Rothberg (2005, p: 6) with the following statement: "NGOs may

also provide documentary evidence and specific case materials on human rights abuses to relevant international institutions".

Amnesty International is one of the most important organizations that work globally in many countries, monitoring, watching and reporting on human rights violations. The Turkey branch of the organization also has monitoring mission and they prepare yearly reports according to their inquiries; which are the main secondary sources in this research. Reports published by them are followed globally and affect the international prestige of the selected country. As the organization never had political connections with any state, their influence and credibility is greater than many others.

The EU Delegation's monitoring mission is different than Amnesty International's; because, their existence in Turkey has a more political basis. The EU Delegation is present in the country by way of Turkey's ongoing negotiation process with the EU. They are neither giving services nor taking any; but they are just following the legislative developments in the country, giving financial support to social projects, after careful scrutinising costs. The information gathered by them is used by the EU Commission for the annual progress reports. In a way, their monitoring mission is exceptional; it does not create direct consequences on the country but affects it indirectly through the progress reports.

Early warning is another particularity of monitoring mission. The term was already explained in the literature review section by Aggestem saying (p: 16):

> "Early warning aims to create a network of people and associations to monitor conflicts while at the same time favouring and supporting preventive solutions on grass root levels through empowering peacemaking".

We can say that almost every organization which has a monitoring mission in a country; is also having an early warning mission. Early warning mission can be necessary especially in the peacebuilding process of the country with protracted conflicts, with social, cultural, economic or political problems. To give an example, the Kurdish question, which is an old and unresolved problem of Turkey, is closely monitored by the EU and in every progress report there is a specific title that includes

the situation in south-east Anatolia. South-east Anatolia is the region identified with the Kurdish question for its major population being Kurdish. This detail shows that the Delegation of the EU also gives special attention to the conflict in order to provide early warning to the state and to the international community in case of a stalemate. The same thing is valid for Amnesty International. They watch closely the developments on the freedom of expression in Turkey and the law suits against the intellectuals of the country. Articles like 301 cause some xenophobic movements within the society in the long term and Amnesty International is being careful about a possible spark that may cause damages in the country, by monitoring it closely.

5.2   Analysis on Coalition Building among NGOs

The coalition building theory of Çakmak is based on the idea of NGOs coming together in order to develop alliances and to exert maximum pressure over the states. The framework is directly applicable to IHOP. As seen in the data from the interviews and the background information about NGOs, all four organizations (Helsinki Citizens Assembly, the Human Rights Association, MAZLUM-DER, and Amnesty International) have very different historical backgrounds, ideologies or tendencies. Nevertheless, they all defend the following idea: "the real concept of human rights does not have an ideology" and it is this impulse that brings them together. Coalition building is still a blurry concept in the literature. The definition of coalition has no sharp edges; however, some authors mentioned or named it differently in the past. Claude's typology for instance, gives place to the concept of 'solidarity building' which has similar proprieties with coalition building. Another example can be the 'system of values' of Kramer's enumeration of NGO roles. The system of values is what brings and hold different actors together in a way that they believe in the same determination of values. In the case of IHOP, all the four different NGOs believe in values such as freedom of expression, the crucial importance of respect to the rights of minorities, marginalized or disadvantaged groups. They fight for those values individually; but, come together in order to create a bigger impact on the state.

One of the common denominators among the members is the freedom of expression. Article 301 of the Turkish Penal Code causes concern for both domestic life and international reputation of Turkey. It is a barrier in front of Turkey on its way to the

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EU. Article 301 became a symbolic number in Turkish political life however; it is not just the number 301 that causes the problem. The penal code always had some articles that were limiting freedom of expression since the military intervention in 1980 and the coming into force of the 1983 constitution. There were different articles like 141 and 142, which turned into 312, than 301, like M. Dalkılıç explained during the interview with IHOP. Every time, domestic civil society stood against those articles however; only the number of the article was changed over time rather than its content. 'Insulting Turkishness, Turkish authorities, security forces etc.' are very vague concepts with no definite limitation or explanation. In short, article 301 is the symbol of the long fight by intellectuals against all kinds of laws limiting freedom of expression. Plus, it is also a symbol for IHOP around which all members unified. The public campaign for the abolishment of article 301 was the biggest among IHOP's activities.

Again, White's typology of relation between civil society and democratisation argued indirectly the importance of NGOs coming together to make leverage over the state by saying: "A growing civil society can alter the *balance of power* between state and society in favour of the latter, thereby contributing to the kind of 'balanced opposition' held to be characteristic of established democratic regimes". If they unify their forces with intellectuals, academicians, and media and especially with the civil population, there is a greater chance to oppose the state in a stronger way.

Çakmak, in his work, enumerated four features of coalitions: Liability or asset, flexibility, issue-orientedness and high level of ambiguity. Adaptation of the features to IHOP can be done by excluding the last one.

Liability or asset is defined in the context as 'commonly accepted values and principles'. As mentioned already, the system of values, freedom of expression coming first make up the cement that keeps IHOP together. Real protection of human rights cannot contain ideologies in it. This is how the members, even with occasionally opposing ideologies or at least different priorities, create a coalition and work for the common objective of free Turkey, respectful to all kinds of human rights.

Flexibility is important for a coalition to last. As NGOs are not highly hierarchical structures with strict organizational boundaries; it would evidently be

impossible to form a coalition with tight restrictions. In the interview, the flexibility character is mentioned several times by Mr. Çelik and that the organizations are not losing their own identities within the platform. They are free to act individually; even to work in certain campaigns with groups of two or three; like the example of the Palestine campaign. To sum up, it is important that there are no legal or structural regulations between member NGOs in IHOP; it is their consent and will that keep them together.

Issue-orientedness is defined by Çakmak as 'focussing on a colossal problem requires a large scale of cooperation, resources and effort'. The goal of bringing Turkey to a more democratic level, respectful to human rights and an equal country to the Western regimes necessitates a great deal of energy, resource and dedication. This character is probably the most important one in IHOP's search to bring Turkey to better places.

The final feature, the level of ambiguity is not taken in consideration while adapting the theory to reality; because, it is not related with the research question, nor an answer given in the interview.

5.3 Analysis on the Relations between International and National NGOs

International actions have a key impact on averting the violation and the protection of human rights. The international community can directly fuel the violation or repression of human rights in conflict situations. The international community can do it through direct intervention to halt human rights violations; through monitoring of violations; through the prosecution of violators; and through the provision of necessary economic, legal, and political resources to human rights victims and advocates.

> "Human rights NGOs, such as Amnesty International, have become skilled at mounting such pressure by feeding information into pertinent public and governmental channels for discussion, on the other hand, and distributing and promoting new human rights instruments, on the other"
> (Ann Marie Clark p: 509).

NGOs have a strong effect on states because the areas under consideration represent a focused but broadly appealing set of ideas, information and values. Their

members provide financial and volunteer resources needed to gather extensive information and expertise. Commitment to a focused set of concerns, in contrast to the obligations of states to respond to a greater range of demands, allows NGOs to gain leverage on selected policy issues. This can be advantageous internationally, where human rights and environmental NGOs challenge state sovereignty through the very attributes that make them different from states: "narrow issue focus, intense and principled commitment and relatively high levels of information, expertise and sometimes, resources to commit to issues". (ibid. p: 510)

International NGOs can draw on the activism of local memberships at the state level, in order to bring domestic public opinion into play. The involvement of domestic actors allows NGOs to bring pressure on states internally, based on domestic representation and legitimacy, as well as internationally, based on humanitarian principles and generalized public opinion. The *boomerang model*, mentioned in the theoretical framework chapter, is based on this mentality of international and national groups taking action at the same time; so that the state is pressured by the two sided leverage and is obliged to change the problematic regulations.

To explain the model, the authors are drowning a schema that shows the collaboration between the possible actors of the situation. Keck and Sikking's schema (p: 19) matches exactly with the actors interviewed in this research. There are three international actors on the top of the schema which are human rights regimes, human rights international NGOs and Western Powers. As the national actors domestic opposition NGOs are placed at the bottom. The human rights regimes are already representing the two Western regimes that were taken as examples for Turkey to follow: European and American human rights regimes. Human rights international NGOs are Amnesty International, Open Society Institute, British Council; and Western powers are represented by the EU Delegation. The domestic opposition NGOs are represented by Helsinki Citizens Assembly, MAZLUM-DER, the Human Rights Association and IHOP. The state is in the middle of the schema surrounded by those actors. However in the research, the official is a person related to the issue of human rights not a representative of the whole entity of the state.

By analysing the relation with the international and national NGOs, the EU factor (despite the fact that the delegation is not an NGO) is mostly worth focusing on. Amnesty International, Open Society Institute and the British Council are already in cooperation with domestic organizations in Turkey. They are working in projects together, collaborating in the field etc. However, most of the financial support for the social projects comes from the EU budget and nearly all the interviewees are taking the EU factor separately. There is the general understanding that, the Helsinki Summit and acceptance of Turkey as an official candidate for membership became an impulsive force for Turkey on its way to democratization. In short, by asking questions on the relation of national NGOs with international ones, the answers always include some analysis about the EU.

The EU factor is important and is seen as the starting point for the acceleration for Turkey's democratization process. Almost every interviewee mentioned the positive sides of starting negotiations with the EU; except for MAZLUM-DER. MAZLUM-DER's representative clearly stated that they don't think that the Helsinki Summit is a beginning of a new era for Turkey and that Turkey should not take Western values for granted but should create its own system of beliefs. This understanding can be related to the devout characteristic of the organization and EU's characteristic of being a Christian community. The fact that MAZLUM-DER don't believe in Western values, does not mean that they interpret human rights norms differently. The disposition of the organization is not the same as what are they fighting for. They make efforts so that the authorities face up to the past, including all the coups and interventions, and at this point they continue to search for real establishment of sound human rights traditions.

Domestic NGOs, other than MAZLUM-DER are finding the situation to be profitable for Turkey since they find the EU process beneficial. Many of them are creating joint projects or using European Commission's funds to realize them. They interpret the starting of negotiations as an impulse for Turkey's human rights improvements. However, they often face the problem of legitimizing their financial resources. It means that, even though the EU creates projects and invests money, some entities of the state refuse to accept those financial aids. Furthermore, NGOs that are collaborating with the EU and receiving financial aid from the EU are also facing bureaucratic difficulties while realizing their projects. Frequent inspections of NGOs

receiving funds from abroad, especially EU funds, remain a cause for concern. Certain NGO activities were videotaped by the security forces, especially in Eastern and South-eastern Turkey. Nevertheless, such NGOs fight against this mentality because they believe that the state will change its attitude sooner or later and they can achieve their goal faster with the help of the EU.

In addition, the international organizations are also very supportive on the subject. As all the international organizations interviewed have their origins in Western culture, it is not surprising for them to support 'Europeanization' of Turkey. Open Society Institute entered the country right after the announcement candidacy in 1999. Even though it is an American institution, they support fulfilling the mission of the Copenhagen criteria. Amnesty International and the British Council assume that Turkey has raised its technical capacity since the Helsinki Summit. People become familiarized with some concepts that were being ignored before; such as women's rights, the Kurdish issue or the Armenian problem. They generally believe that Turkey is taking slow but good steps in improving human rights.

Nevertheless, there are also accusations to the EU for not making enough leverage over the government to take bigger steps in the area of human rights. This shows that many actors accepted the EU as a salvation for Turkey however; slow steps on human rights disappointed them and they blame the EU for that. The EU does not put sufficient pressure on candidate states to make progress on democratization, rule of law or human rights. At any rate, the ECHR is the only regional body that has the power to prosecute member states on human rights violations; as the EU does not have a judicial body to prosecute its members. All those clues show that the EU is not so great impulse for Turkey to become a country respectful of human rights. All three national NGOs other than MAZLUM-DER, mentioned that this situation must change. Neither the progress reports of the EU nor other reports of Western actors (UNDP, Amnesty International, US Department of State reports for example) create real pressure on the government. Moreover, the most tragic detail of all is, despite the verdicts of ECHR, Turkey sometimes does not change its regulations. Turkey was sentenced to pay indemnities to its citizens as a result of the verdicts of ECHR. Existing regulations that led to the Court's verdicts occasionally remain unchanged and continue to be implemented.

At this point, we shall look at the picture from the EU's side. Domestic NGOs are complaining that economic criteria are the main consideration for Europe. However, the Union is based on economic cooperation between member countries anyway. The original treaties which formed the backbone of the EU did not maintain any specific commitment to human rights. The Maastricht Treaty was the first document that mentioned a criterion about human rights while announcing the objectives of the EU as: "to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms". As a result, "EU member states have begun a trend of collectively supporting particular human rights concerns on a global scale" (Baehr, 1999, p: 75). However, this statement was not even treated as a precondition for other candidate states. In short, it may be argued that putting human rights as a precondition to Turkey can be seen as a benefit for faster developments on the subject. Besides, as mentioned in the section of the EU Factor, the EU sponsored many projects or canalized some big ones to Turkey in order to strengthen the civil society. Examples given like the Civil Society Dialogue and EIHR specifically aimed to solidify NGOs' roles and to abolish human rights violations.

Again, the EU should definitely not be the only one to blame for the slow or unsuccessful progress on human rights for sure. Most of the NGOs are also blaming the domestic opposition for not putting strong pressure on the government. It is natural that the government is placing greater importance on fulfilling the Copenhagen Criteria and on doing its homework on the economical front. Many of the 35 negotiation titles are on economic themes. NGOs defend the idea that it is the opposition's duty to keep the subject on the agenda and to pressure for changing the violating regulations. The EU factor was a very impulsive force at the beginning of the last decade. With the enthusiasm of being a candidate country, many developments have been achieved. Nevertheless, the fire went out and people are beginning to forget or maybe even loosing hope of becoming a member of the Union. The domestic opposition, neither the political parties nor the army, has ever been very keen to join the Union. At this point, the mission to light the fire again falls on the civil society. The domestic NGOs interviewed, were quite aware of this situation and were seem to try to cooperate with each other and with international partners to overcome it.

6 CHAPTER VI-ANALYSIS ON TURKEY'S HUMAN RIGHTS PROGRESS

According to the information received from the secondary sources, proper protection of human rights still remains problematic in Turkey. The state may become one of the strong economies in the "big brother's league" however; it has a partly bad reputation and a negative image on human rights regulations. One of the challenges in doing this section was to decide how to narrow this wide subject down. I did this by focusing on progress made by NGOs and civil society in terms of human rights and with the issues frequently articulated by the interviewees. As the most recurrent themes in the interviews referred to minority issue, ill treatment and freedom of expression, these three became the main topics of this analysis.

6.1 Minority Issue

During Turkey's negotiation process with the EU, specifically the political criteria on improving human rights and protection of minorities particularly challenged Turkey's conventional approach to minorities. Turkey officially recognizes only non-Muslim communities as minorities who are mainly the Armenians, Greeks and the Jews. The Lausanne Treaty of 1923 set forth the basic parameters of Turkey's minority regime and granted educational, cultural, lingual and religious rights to these non-Muslim communities. As a result of the seven reform packages (from 2001 to 2004) made as a requirement of the political criteria, certain problems of the non-Muslims were eliminated and religious freedom was expanded (Toktaş, 2007). The expansion of the right of expression, freedom to broadcast in a native language (e.g. Kurdish language programs), rights to open cultural associations and the abolishment of the death penalty are welcome changes in Turkish legislation. However, they are not sufficient; both legislatively and in implementation. Although EU membership has

served as a carrot for the Turkish state to introduce reforms dealing with some issues (e.g., broadcasting in Kurdish) expansion of minority rights needs to go much further.

As the limitation of this section, minority rights also narrowed down to Roma rights and the Kurdish problem. As minorities in Turkey is covers a very broad scale, the limitation is made according to the area of interests of NGOs interviewed and of the secondary sources.

6.1.1   Roma rights

Roma rights issues is chosen on purpose between the minority issues; because, it is the biggest concern of Helsinki Citizens Assembly in their advocacy and even litigation mission. Sometimes NGOs try to take care of many different problems at the same time and the minority issue in Turkey is a very broad and complicated subject. However, the Assembly became professional on the subject because of their special interest. Probably Roma rights are not one of the first minority problems that come in mind in Turkey but it is important that civil society is interested in protecting those people whose rights are violated.

Both Helsinki Citizens Assembly and EU Progress Reports are providing negative reports on Turkey's regulations against Roma people. 2008 Progress Reports emphasized the situation by saying:

> As regards Roma people, no steps have been taken to amend the Law on the Movement and Residence of Aliens, which authorises "the Ministry of Internal Affairs to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture"; thus, promoting discrimination against Roma people. This provision needs to be repealed. Turkey has yet to establish a strategy to address the problems of Roma. Turkey is not participating in the 2005-2015 Decade of Roma Inclusion[50].

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[50] The Decade of Roma Inclusion 2005–2015 is an unprecedented political commitment by European governments to improve the socio-economic status and social inclusion of Roma. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming.

Regarding housing, the Roma population has faced several instances of demolition of communities, forced evictions and exposure to poor living and sanitary conditions without recourse to any publicly accountable process. In many cases, Roma people who have been dispossessed as a result of demolition join the ranks of internally displaced people (IDPs), with all the social problems that this entails. With regard to the demolition of the Roma neighbourhood in Istanbul's Sulukule district and the relocation of its members, which started in spring 2008, the Prime Ministry's Human Rights Commission has called for an inquiry into any possible infringement of human rights.

Another important point on the subject is the information given by Ms. Uzpeder from the Assembly on the litigation process and the approaches of Roma people. She said that Roma people lived in Turkey for so many decades that they feel themselves to be Turkish. They want to live in equal circumstances with the rest of the society but also, they do not want to be involved in any law suit against the state of Turkey. The situation is very interesting for that reason. The Assembly tries to bring the cases to courts and even to ECHR anyway. However, Roma people stay diffident. Besides, even if Turkey gets sentenced to pay indemnity to Roma people and to change its regulations against them; the state does not take the necessary steps. The situation is very wrong and harmful to Turkey's credibility in the international arena. Every state should apply the necessary conditions which are determined by the treaties that they are parties of. It is the *pacta sunt servanda*[51] principle of international law. Nevertheless in the example of Roma rights, Turkey does not go along with its agreements.

6.1.2 Kurdish issue

As the notion of ethnic nationalism increased in Turkey at the turn of the 20th century, the Kurds were to suffer forced assimilation into the new Turkish national identity. From Ataturk's program of 'Turkification' in 1924, use of the Kurdish language in official domains, including in schools, was prohibited in spite of a provision in the Treaty of Lausanne calling for the protection of Kurdish. Traditional Kurdish clothing and music were also banned. Over time, between 1925 Sheikh Said

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[51] Latin for 'Agreements must be kept'

rebellion until 1938 Dersim uprising, Kurdish regions and Ankara were in a mutually violent and angry situation. The 1960 constitution, which was prepared after the first military coup in 1960, had many liberal regulations; nevertheless, the period beginning with the 1980 intervention and continued with the 1982 constitution, rescinded the liberal laws. Villages were renamed with non-Kurdish names and the use of the Kurdish language was again prohibited (Kurdish Human Rights Project KHRP reports, 2003: Internally Displaced Persons: the Kurds of Turkey). After 1984, the violence intensified in the region between the state and PKK (Kurdish Workers Party). On July 1987, Turkish Parliament declared a Civil State of Emergency in 10 provinces of Southeast Turkey. State of Emergency Legislation (OHAL) provided for the establishment of an emergency civil administration and the appointment of a Regional Governor on whom all powers were vested to administer the State of Emergency (KHRP report 2004: Turkey's Implementation of Pro-EU Reforms: Fact-Finding Mission Report, p: 20). The State of Emergency decree was renewed in October 1995. The situation in south-east Turkey is of particular concern. In March 1995, there were international protests when 35.000 Turkish troops invaded northern Iraq in pursuit of guerillas of the PKK.

> Prompted partly by the invasion, the Parliamentary Assembly of the Council of Europe passed a resolution at the end of April 1995, calling on the Committee of Ministers to consider suspending Turkey from the Council unless it improved its human rights record and the treatment of its Kurdish minority.[52]

When, in December 2004, the EU gave a green light for and scheduled the launching of Turkey's[53] accession negotiations, it was on the assumption that Turkey fulfilled the so-called Copenhagen political criteria sufficiently, which includes "guaranteeing respect for and protection of minorities."[54] As of today, however, the

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[52] Recommendation 1266 (1995) *On Turkey's military intervention in Northern Iraq and on Turkey's respect of commitments concerning constitutional and legislative reform,* Sheet no: 36.

[53] For more information on the situation of minorities in Turkey, see IHF, *Status of Minorities in Turkey: A policy of Negation*, October 2006, www.ihf-jr.org.

[54] Europa Glossary, "Accession Criteria (Copenhagen Criteria)" http://europa.eu/ scadplus/ glossary/accession_criteria_copenhague_en.htm.

protection of Turkey's minority groups still falls seriously short of European and other international standards[55].

Kurds in Turkey are religiously diverse, "belonging to the Hanafi and Shafi sects of Sunni Islam and the Alevi sect of Shi'i Islam, among others, and speak different dialects such as Kirmanci and Zaza" (Arat, 2003, p: 106). So, the Kurdish question represents more an ethnic minority than a religious one. "Kurdish question is not an issue which has been openly discussed nor is the conflict one which has been the focus of many constructive efforts to find a peaceful settlement. It is important to see the Kurdish conflict as a protracted social conflict with identity issues at its core" (Müftüler-Baç in Ross and Rothman, 1999, p: 105). "Various Turkish governments were inclined to treat the problem as strictly one of terrorism and paid little attention to its underlying social and identity dynamics. In the 1990s Kurdish nationalism is clearly a major challenge to this official definition of Turkish identity" (ibid. p: 106).

The geographic concentration of Kurdish people in the Southeast region of Turkey has also been weakened as result of both voluntary and forced migration (Arat, 2003, p: 9). It is interesting that in every progress report prepared by the EU, there is a chapter specifically analyzing the *'situation in the East and South-East'*. The special attention to the issue shows the importance of the protracted conflict that Turkey is facing. Conflict in the southeast resulted in around one million internally displaced people (IDPs), most of whom are now residents in the big cities in western Turkey. "Among these IDPs, Kurdish women's experience and their adaptation to the host city have been more dramatic because of the difference between Kurdish women and men in terms of educational level, and the ability to speak Turkish" (Çelik 2008, p: 6). Another important source after the Progress Report, is the UNDP 2007 human rights report. The report says "human development levels in the south-eastern Anatolia region lag behind national levels, while the incidences of human poverty is much higher and there is continued migration out of the region. The region faces development challenges in terms of income level, educational opportunities, gender equality and socio-economic opportunities and facilities".

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[55] The 2006 report of International Helsinki Federation for Human Rights

To reveal the situation better, we can say that the Kurdish question is an old, protracted and multidimensional conflict in Turkey. In order to analyze the role of civil society and NGOs in this conflict, two approaches (conflict transformation and peacebuilding) defined in the conceptual framework section will be used. As a part of conflict resolution literature, these two approaches mostly used interchangeably are not aiming to resolve or manage the conflict; but they try to transform it in a way so that both sides can understand each other and live in peace together. They intend to change and redefine the broken relationships between the parties, as pointed out by Lederach. Namely, the process includes essentially psychological dimensions in it. As Volkan and Kelman also alleged, the parties need to destroy the 'enemy images' that they created for each other, change their perceptions and reformulate their intentions. At that point, civil society comes into the picture attempting to bring both sides together through their projects to help abate hostility. On the other hand, their other mission is to deal with the authority and to pressure politicians to create appropriate conditions in the country for reconciliation. Political speeches are also very crucial in the times of convergence. Besides, if a region comes at the bottom of the economic scale, if the incomes, social services such as health, education, local governance are the lowest and the unemployment, gender inequality are the highest of the country, we may say that the state is applying structural violence to that region. The definition of the concept given by Jeong was mentioned earlier; which covers inequality in the living standards among citizens. So, civil society also works to eliminate structural violence by providing all necessary support sometimes with the help of international actors and sometimes by directly intervening to the authority. Last but not least, NGOs, especially the ones with the monitoring mission, also predict and early warn a possible conflict situation, as already mentioned in the conceptual definition of conflict transformation literature. If the political or social courses of events reach a stalemate for the country, it is primarily civil society that will anticipate such a situation, and can declare it to domestic and international authorities and the conflict can be abolished before irreversible wounds happen.

In light of the information given above, the impact of civil society on the development of minority rights can be analyzed. There are some positive improvements such as the projects aiming to turn the migrations back to Southeast Anatolia, especially thanks to South-East Anatolian Project (GAP) that gives job

opportunities to many. As mentioned before, in June 2004 Turkey ratified the UN Convention for the Protection of the Rights of all Migrant Workers and Members of their Families. Within the validation of seven reform packages, Kurdish language is no longer prohibited and even state permitted Kurdish broadcasting programs are in effect. In recent years, there has been an increase in the number of NGOs working for Kurdish IDPs, their right to return, economic guarantees (i.e. investments in the region, solving the unemployment problem), protection of cultural rights (i.e. right to be taught in and broadcast in Kurdish), removal of barriers for political representation of Kurds as a group, and de-militarizing the region (especially abolition of the village guard system and the system of emergency rule- Olağanüstü Hal OHAL), etc. There is also a relatively big increase in the number of Kurdish women's associations, which address the problems of the women IDPs. "Civil society organizations in this cluster argue that the state disregards and deletes the owners of the problem from the scene as well as in its formulation of new policies" (Çelik, 2008, p: 10). Cultural rights for the Kurds have started to be recognised. The State of Emergency has been lifted everywhere; although the situation is still difficult, the process of normalisation has begun in the Southeast. Finally, on the enhanced political dialogue, Turkish foreign policy is contributing positively to regional stability. Regarding human rights, Turkey recognises the primacy of international and European law.

Nevertheless, there are still many barriers in front of the civil society in the area of protection of minority rights and Turkey's Kurdish issue still remains problematic inside and outside of the country. Efforts for dialogue are inadequate to solve a protracted conflict. The problem of amnesty, the different visions of the military, the opposition (republicans, nationalists, Kurdish group etc.) and the society slow the transformation process of the conflict down.

6.2   Ill Treatment

There is an explanation for governments' two sided power: force to protect their citizens, build schools and hospitals, educate and care for them, provide financial assistance for the old and the unemployed. But also, they can also kill, torture and imprison their citizens. This dark side of government knows no geographic, economic,

ideological or political boundary (Mitchell and McCormick, 1996). Turkey, many times in its history stayed in the dark side. The recent example shows itself in the 2007 US Department of State's country report on human rights practices of Turkey. According to the report, the government generally respected the human rights of its citizens; however, serious problems remained in several areas such as, rise in cases of torture, beatings and abuse by security forces. Security forces committed unlawful killings; prison conditions remained poor, with problems of overcrowding and insufficient staff training. Police corruption contributed to trafficking in women and children to, from, and within the country for sexual exploitation[56]. Progress report 2008 as regards ratification of human rights instruments, such as the Optional Protocol to the UN Convention against Torture (OPCAT), signed in September 2005. During the reporting period, the European Court of Human Rights (ECHR) delivered a total of 266 judgments finding that Turkey had violated the ECHR. Similar to last year, the total number of new applications to the ECHR continued to increase, with 3,705 applications during the reporting period. The majority of these new applications concerned the right to a fair trial and protection of property rights. Few of them concerned violations of the right to life or torture and ill-treatment. Besides, the report also mentioned the following determination:

> The number of applications to NGOs in relation to cases of torture and ill-treatment has increased, in particular outside official places of detention, notably during apprehension, transfer, or in the open with no detention registered. Furthermore, there are cases where the legal safeguards in place failed to prevent or stop the occurrence of torture and ill-treatment while in custody or in prison. These developments are a matter of concern.

However, there are evidences that show progress on the issue. Especially service delivery missions of NGOs worked to train judges, prosecutors and forensic experts with a view to better implementation of the Istanbul Protocol[57], which provides

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[56] For more information: http://www.amnesty.org/en/region/turkey/report-2007

[57] The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (known as the "Istanbul Protocol") is the first set of international guidelines for documentation of torture and its consequences. It became a United Nations official document in 1999 and is available in a number of languages on the United Nations web site. The Istanbul Protocol provides a set of guidelines for the assessment of persons who allege torture and ill treatment, for investigating cases of alleged torture, and for reporting such findings to the judiciary and any other investigative body.

guidance on effective investigation and documentation of torture and ill-treatment cases. The rights of detainees are protected by a comprehensive set of safeguards which serve to prevent cases of torture and ill treatment in custody. This includes medical examinations of detainees in police custody. Victims of torture and ill-treatment rely essentially on rehabilitation services provided by NGOs.

There is also the service delivery mission, which Ms. Yirmibeşoğlu talked about, to people who have key missions in the state structure. In the long run, all those efforts will give their fruitful consequences and the mentality that tries to protect the status quo will have to admit that the transformation process makes for better human rights conditions. Two examples can be given from the interviews to the situation: First, as British Council's official narrated, many of the judges or prosecutors are not aware of the EU factor and what necessitates Western human rights regimes. Nevertheless, after the trainings they are educated on the subject and their knowledge and awareness will ramify to their colleagues in time. The second example is given by the state official about the police force whose rights are most frequently violated. They always have to work over-time and never get paid for that, Ms Yirmibeşoğlu told. To play the devil's advocate, why would a person whose rights are most violated would care to protect others' rights? When the situation starts to change from inside the organism, it will sooner or later reflect on the outside as well.

6.3   Freedom of Expression

Freedom of expression is also a very deep-rooted problem in Turkey. Maybe because of the strong state tradition stemming from the Ottoman Empire or maybe due to the absence of trust between society and the state; Turkey tries hard to limit freedom of expression by law. However, it is almost impossible to find out the right words to constrain someone's thoughts and speech and that situation causes the legislation to be very vague. Especially intellectuals, journalists, activists are adjudicated and even sentenced because of their speeches and writings; nevertheless, it is hard to decide what is exactly meant by 'to insult Turkishness' for example. This is why the subject is one of the most important issues for Turkey to overcome and without doubt, one of the primary interests of the civil society. "Nevertheless, there is the fact that, civil society needs to be both permitted and protected by the state since its existence, nature and role

is determined by the extent of associative freedom, as well as by the existence of basic rights and freedoms normally enshrined within democratic states" (Khatoon, 2006, p: 7). Nevertheless, Turkey may not be one of those states accepting the civil society as an independent actor. Seçkinelgin explained the causes of this situation as:

> "In democracies founded upon a strong ideological consensus (e.g. Kemalism), civil society acts in surveillance and critique of the state within clear albeit unspelt ideological confines, after which the "socio-cultural reflex" contacts, and civil society-in unison with the state-acts to counter real or perceived threats to the established ideological order. (In Marcetti and Tocci 2008).

The government limited freedom of expression through the use of constitutional restrictions and numerous laws, and it expanded to the Internet with the blockage of accession to certain web sites. Progress Reports emphasize frequently the subject and repeat that European Committee has called upon Turkey to ensure that article 216 [58] of the Penal Code is interpreted and applied in conformity with article 10 of the Convention concerning freedom of expression.

Freedom of expression was the main subject that brought IHOP together. As mentioned in previous chapters, article 301 became a symbolic number in Turkey's search for human rights developments. They fight to abolish all laws limiting the freedom of expression. By saying people, all civil society actors are also included in this group; as in Turkey, human rights defenders have often faced criminal proceedings because of their work. Some faced threats from extremist groups, and were subsequently placed under police protection. Overall, the institutions for the promotion and enforcement of human rights lack independence and resources. The introduction of an Ombudsman is overdue and is of key importance to prevent tensions in society. Furthermore, threats to personal safety and occasional criminal proceedings have an adverse effect on the work of human rights defenders.

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[58] The first paragraph of the Article 216 of the Turkish Penal Code regulates the limits of the freedom of expression with a view to preventing incitement to social, racial, religious or regional enmity or hatred. This article aims to strike a balance between high standards of freedom of expression, while effectively addressing the problem of incitement to hatred on the above-mentioned grounds.

The Human Rights Association, for example, perhaps the most prominent human rights organization in Turkey, is under continuous surveillance by the Turkish government. "Human Rights Association's offices and branches were and are frequently raided and its members and officers harassed, jailed, or assassinated" (Khatoon, 2006, p: 17). Another example is Amnesty International's trouble. The EU Progress Report 2008 gave place to the case that the Istanbul Governorate accused Amnesty International of illegally collecting money for the Turkish Armenian Business Development Council. The Council, which wanted to register, was rejected and closed down by the Governorate of Istanbul, without clear legal grounds. The Istanbul Governorate sued Amnesty International in the Istanbul Administrative Court; nevertheless, the Court decided in favour of Amnesty International.

The final analysis will be on the freedom of association for civil society. The 2006 Progress Report cited that "concerning freedom of association, the legal framework is generally in line with international standards. The impact on the ground of the legislative reforms concerning associations has been positive, in particular the adoption of a Law on Associations in November 2004". However, the requirement to notify the authorities in case of receipt of finances from abroad results in difficulties and cumbersome procedures for NGOs. Helsinki Citizens Assembly made a comment on the issue by saying that the state is investigating about any meeting it suspects. Furthermore, unlike associations, foundations still need permission before applying for projects outside of Turkey and funded by international organisations. Collective Bargaining, Strike and Lockout Laws have not moved forward substantially. Turkey needs to ensure that trade union rights are fully respected in line with the EU standards[59] and the relevant International Labour Organisation (ILO) conventions, in particular the rights to organise, to strike and to bargain collectively. This is a priority of the Accession Partnership.

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[59] Turkey maintains its reservations on article 5 (right to organise) and article 6 (right to bargain collectively) of the revised European Social Charter.

7   CHAPTER VII-CONCLUSION

7.1   State and NGO Relations

The relationship between the state and domestic human rights NGOs can give clues about the human rights situation in a country. In the case of Turkey, the relation is still very cold and distant. This situation might be the consequence of the 'strong state' tradition which starts with the Ottoman Empire and lasts with the establishment of the Republic of Turkey. During the period of military interventions in 1960 and 1980, civil society entities, and particularly NGOs were the actors who were most influenced by the negative conditions of the time. Even today, civil society is still not absolutely free of and independent from the state. In fact, it is under the control of the state; NGOs need to take permission before organizing events and their activities can be closely watched by the authorities. The sources of their financial revenues are being examined, especially those in cooperation with international organizations. Although Turkey is trying to gain access to the EU, projects where financial sources are provided from the EU commission's budget are still not welcomed by the authorities. There is the suspicion that the financier may not have the best interest of the country.

Furthermore, the state's position towards the wide spectrum of civil society organizations is not consistent. A recent study argued that the Turkish state seems to be quite indifferent towards voluntary associations, so long as civic activism avoids regime-contesting activism, which is considered as a conspiracy against the *raison d'être* of the Republican order of Turkey. "Other solidarity and self-help, patronage, economic, professional, charity, and recreational groups and associations are neither harassed nor supported by the state" (Kalaycıoğlu 2006, p. 13). At this point, the following possibility comes in mind: "What if it is the weakness of the state rather than the 'strong state' tradition that constitutes an impediment to the development of civil society. Göymen (2007, p: 218) alleged that, "This weakness leads to a lack of

regulation, extraction and distribution capabilities of the state, which renders the state elite (Centre) somewhat vulnerable and fearful of the dissatisfaction of the masses (Periphery)".

Another point concerns the legal barriers that leave NGOs outside the governance/local governance processes. In other words, the state authorities do not include NGOs in the decision making phase, so NGOs cannot fully contribute to the process. Civil society members are voluntary organizations which are generally composed of people who are specialists on an issue however; the state has a policy of not letting NGOs participate in the meetings in order to resolve the problems in their areas of interest. The situation has a negative consequence prohibiting healthy development of the country. Also, another consequence is NGOs lack of experience in participating in administrative processes. Strong domestic NGOs which cannot attend the decision-making process of the authority and cannot share their experiences from the field will not complete their mission as civil society members. This vicious circle continues and NGOs and state diverge from each other. Akarcalı (2003 in Göymen, 2007, p: 213) explained the situation as: "The Turkish state is not yet ready to involve civil society in policy and decision making caused by the lack of transparent administration and difficulties in accessing information." However, the authority also wants to be seen as if civil society members participate in the administrative process, although they don't. The solution to create a balance is to include GONGOs (government-organized nongovernmental organizations) in the meetings instead of inviting NGOs. GONGOs are the groups that are backed directly by the state and actually established by governments themselves. Generally, the members of GONGOs are appointed by the state itself and naturally these are people who do not contradict the decisions taken by the state. Saylan also narrates that the rising number of GONGOs are replacing NGOs locally and "this is not professional to establish an organization with two or three people who will never oppose anything that the local state representatives would order" (2008, p: 113). GONGOs are also necessary entities that work and investigate on behalf of the state and are composed of professionals in their subjects. In a sense, a better way to benefit from civil society members is to involve NGOs as well as GONGOs into the processes rather than to ignore either of the two. Political pluralism would be enhanced if participation of civil society and other stakeholders in policy-making were increased. When NGOs have no experience of

being directly involved in policy development, "their main occupation becomes service delivery, rather than one of advocacy" (Göymen, 2007, p: 220). Furthermore, the breadth and scope of civil society organisations need to be strengthened.

However, this was the perspective of NGOs, having difficulties in their relationship with the state. If we look at the other side of the medallion, the state also has difficulties in reaching some NGOs. As seen in the narration of Ms. Yirmibeşoğlu, there are NGOs that refuse to work or cooperate with the state under any circumstances. At the time of establishment of IHIK, MAZLUM-DER and the Human Rights Association were the two NGOs, specifically invited to be a permanent member of the administrative board. The Human Rights Association rejected the proposal outright, while MAZLUM-DER accepted but never showed up in any of the meetings. The situation shows that some NGOs don't want to be involved in any activity of the state. The reason might be lack of trust; a phenomenon experienced in the past or a difference of ideologies. What ever the reason may be, two very important NGOs refuse to become a party to an entity which the state established, in order to develop human rights conditions in Turkey. However, the fact the state initially proposed membership to those two NGOs is meaningful, since it shows how valuable and well-known they are in the human rights area. Obviously, officials of IHIK thought about inviting MAZLUM-DER and Human Rights Assembly because of their reputation as hard working human rights NGOs. Human Rights Assembly was one of the NGOs that were maybe the worst influenced by the negative effects of the 1980 coup. Many members of the association were imprisoned, prohibited by the military administration, or they were victims of unsolved killings. On the other hand, MAZLUM-DER is an organization with provocative ideologies sometimes. On the whole, the invitation extended by IHIK indicates that it is time for things to change.

In light of the information gathered from the state official, there are two opposite views within the body of the state and, in a way; they are in conflict with one another. The ones who defend the status quo don't want any change in the structure. In particular, the concepts of civil society and NGOs represent an 'enemy image' because they prepare reports, publish them in a way that can reach everyone globally, help abused people to search for their rights and cause the state's internal and international reputation to be tarnished. This mentality is hard to overcome for NGOs and stems

from the 'strong state' tradition. Thus, to be fair, another mentality is growing in the state which fights for progress, and tries to catch up with modern life and new developments in the world. The state's approach towards civil society actors is not monolithic. The defenders of the second view are trying to collaborate with civil society actors, to establish institutions to protect human rights properly or at least, to investigate and stop violations; and this group deserves credit. Changes happen slowly with patience, but the case of MAZLUM-DER and Human Rights Association's refusal of membership indicates that those NGOs did not give credit to the state. In that respect, the discussion should be held to ascertain which argument is right: Should NGOs that were condemned to silence in the past give state a chance to cooperate or should they stay in opposition?

In another perspective on the subject, there is the international dimension of the state and NGO relation. NGOs are voluntary and non-profit seeking organizations however; despite this characteristic, international NGOs may face serious problems in Turkey and can be accused of being involuntary and profit seeking. It is important to note that during the EU accession negotiations, most civil society organizations (especially those based in regions of conflict) got funding through the EU Commission and this helped a lot in terms of teaching the citizens their rights and mobilizing them for democratic participation. However, recently a discourse against EU funding (so called by Çelik the "pollution of the civil society") has also emerged in the region. Those who are against the EU-funded projects, somewhat reasonably, argue that getting money from the EU does not mean achieving a civic function. The reason for this negative attitude towards EU funds is mainly due to the EU supporting Armenians and Kurdish groups opposing Turkey. For instance, the EU wants Turkey to recognize the Kurds as a minority and to grant them rights guaranteeing their ability to express and preserve their language and culture, including media and schools in Kurdish" (Kubicek, 2001, p: 42). For many Turks, this situation proves that the EU is not aiming for the best interests of Turkey and constitutes a reason for being 'Euro-sceptic'.

A significant number of Turkish nationalists continue to fear, distrust and resent European powers for spearheading Sèvres (Khatoon, 2006, p: 6). Turks have yet to fully recover from the Sèvres Treaty, which serves as a constant reminder of Europe's imperialist ambitions. Because of this idea, international organizations may not be

welcome or trusted. "These claims are directed mostly at the European-based NGOs in Turkey -some of them are directly the subjects of this research- and those NGOs like TESEV, which are partly funded by the American sources like the SOROS Foundation" (Çelik, 2008, p: 21). As mentioned before, NGO concept is commonly perceived in Turkey as a bridge between the state and the public, existing to fill the areas where the state cannot serve properly. There is a common understanding that the state and NGOs are on opposite sides. NGOs with international connections in Turkey even seem to be continuously subjected to close surveillance, if not harassment, by the authorities (Internal Displacement Monitoring Report/IDMC, 2006).

No matter how hard it is to cooperate with the state and with the EU at the same time, civil society actors, must take responsibility in the process of the EU negotiations. In many candidate countries civil society had played an important role by working on both sides: inside, they acted to help the transmission of the necessary dynamics in their countries, such as the Copenhagen Criteria, and outside, they lobbied to influence the decision making of the EU towards the candidate country. It is important to note that the collaboration of the civil society with the EU is crucial for the sake of the country. In Turkey, according to the CIVICUS reports, a comparable increase is observed in the number of meetings and conferences organized with international civil society organizations. Also, it is justified that, the EU and the pre-accession process have a positive impact on the development of civil society in terms of legal frameworks and promoting certain values, such as democracy.

When NGOs, particularly human rights NGOs, dedicate themselves to the integration process of the European standards, they commit themselves at the same time to a monitoring mission. As mentioned before, it is usually the international NGOs that are doing the monitoring mission however, when domestic NGOs' awareness and capacity increase to a certain level, the cooperation with international NGOs becomes easier. In fact, domestic NGOs begin to work like a local branch of international monitoring NGOs. At this point, the *boomerang effect* covered in the theoretical chapter gains importance. When the national and international NGOs start working together and undertaking their missions interchangeably, the real boomerang effect starts. The state sees pressure from both sides and it becomes harder to resist both. All kinds of changes

in regulations can be applied easily under these circumstances of cooperation among the actors.

7.2 Cultural Dimensions for Civil Society

Apart from the difficulties in facing the state, there are also cultural problems to overcome for civil society in Turkey. Turkish citizens' rate of participation in voluntary organizations is very low. According to the research of Türkiye Eğitim Gönüllüleri Vakfı-TEGV (Turkey Volunteers for Education Foundation) and CIVICUS only 1, 5% of the public joins voluntary organizations and of this population, even fewer (7%) is composed of young people[60]. In fact, Turkish citizens' unwillingness to join to civic activities causes weakness in civil society organizations. Economic reasons and lack of transparency can lead to corruption in the bureaucratic structure of the country. People may be hesitant to get involved in civic activities because they cannot be sure whether moral and material support would reach the intended purpose. Another reason might be political. Human rights organizations tend to protect all of society from any kind of threat to their "natural" rights however; they usually emphasize the minorities or the groups that are likely to be affected the most by threats. People's personal views about some minorities or marginalized groups can influence their willingness to help or cooperate with NGOs in general. Finally, there is the fact that NGOs must find a resource to be able to realize their plans. These resources are usually provided by international funds, organizations, multinational firms, internal business corporations, foundations or associations. In Turkey, especially the works on regional development or human rights are financed by the EU, Soros Foundation or international companies. Nevertheless, Turkish people have a tendency to judge a project according to its financier and defend nationalistic arguments against the project. The traces of post-Sèvres Syndrome and the fear of "Westerners are trying to divide the country into pieces" still remain. There is a belief that the civil society projects where budgets are provided by Western actors, only work to the detriment of Turkey. Such attitudes deter the endeavours of civil society activists.

Kubicek (2001) researched and analyzed civil society in Turkey for a long time and pointed out three points that sum up the 'pessimistic prospects' for Turkish civil

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[60] For more information www.tegv.org

society in his researches. The first point is that Turkish civil society is far from homogeneous.

> "Relief organizations span the entire spectrum of Turkish politics. Some have liberal orientations, some are status-quo oriented or 'Kemalist'; many are Islamist, a few are alleged to have mafia links, many are apolitical. Some are clearly adversaries of the state; some are described as 'semi-official' or have close ties to the state machinery" (Kubicek, 2001, p: 38).

This is an important point because, civil society actors in Turkey are either active in political arena or have particular ideologies. Mostly, the ones that are labelled as 'democratic' represent the left wing and the ones with more devout beliefs are from the right wing. No matter what, in the long term this separation causes a certain identity for NGOs. People who join their activities are seen as like automatically having this identity; while this is not always true. For instance, a person can believe that the rights of women wearing the turban are violated and can join to the activities of MAZLUM-DER but this does not necessarily mean that this person is conservative or votes for the right.

The second obstacle faced by civil society according to Kubicek was the state's reaction against it. State does not let the civil society to do all the work, especially in times of emergency. The example that Kubicek used was the state's negative attitude against AKUT (Search and Rescue Association), which became a media star for the heroic help they provided in the regions affected by the 1999 earthquake. This point relates to the argument that 'it is actually the weakness of the state that causes a distinction'. In other words, the state would like to cover up its weaknesses by not letting civil society doing its work rather than both, helping each other in order to provide more service to society. Because of the state's attitude, the cooperation between the civil society actors stays nascent.

The third weakness of civil society is that it lacks proper structure or strong roots; probably as a consequence of the second obstacle. "Civil society is less a 'society' than simply thousands of volunteers" claims Yüksel Selek (in Kubicek, p: 40) and this argument should be analyzed.

Over the years, any type of polarization in the Turkish political system (e.g., left-wing ideologies versus right-wing ones; secularism versus Islamic fundamentalism; Kurdish nationalism versus Turkish nationalism) has been mostly reflected in civil society. The long tradition of state repression is now being triggered again by a polarized civil society. In other words, all along the state and public opinion stood against or at least away from, civil society for many years. This may be both the reason and the consequence of the first weakness that Kubicek analyzed previously. When civil society gets polarized, the society is also divided into opposing groups, or vice versa. Civil society actors, instead of collaborating together, they preferred to struggle on their own. They usually have very limited ties with each other, maybe only on the personal level but no tolerance on the organizational level. There is rivalry among them.

At this point, we can see the importance and exceptionality of IHOP. This is the first time that civil society actors with such different ideologies unified under one roof in order to make a bigger impact. IHOP is the real application of the *coalition building* theory. Most importantly, the different ideologies and points of views of the members make the situation even more special. If Turkey is in a situation in which both society and civil society are separated from each other and no one has no tolerance left, and the state does not let civil society in its decision making process; there is nothing more necessary than a real coalition among civil society actors. What is even more meaningful is 'the freedom of thought and expression' to be their first and most important campaign. Göymen (2007, p: 218) argued that "Civil society organization networks advocating policies regarding freedom of thought and expression are perceived to be the most active and successful".

There is the fact that human rights NGOs are maintaining maybe the most crucial attitude regarding governmental policies. Plus, that state has a tendency of ignoring NGOs which have negative attitudes towards it. So, the members of IHOP are not only breaking the cycle of the distance among civil society actors, they are also taking the risk of being excluded by the state and of being marginalized.

7.3   Future Concerns

Writing this thesis was a big challenge because of the multidimensional structure of all the key concepts chosen. Turkey is facing some protracted conflicts, many of which have their origins in history. If NGOs and civil society are expected to overcome this challenge, they are still nascent in Turkey. Human rights, on the other hand, are a vague concept that transforms easily according to new developments in the world. For now, we are talking about the first, second and third generation of rights; more can be determined in the future. However, in the case of Turkey, the subject is even more delicate. The protracted conflicts are mainly about ethnic and religious minorities and the military but also the state interfering with civil life; all of which have been the subjects of this research.

All kinds of human rights problems mentioned in this research and more should be a concern for civil society in Turkey. More coalition should be built among human rights NGOs, dialogue platforms need to be built and the participation of the society to the voluntary organizations must increase. *Conflict transformation* activities, mentioned as a theoretical framework, needs to become the main purpose of the civic alliances. Not only service delivery or lobbying missions should be held, but also, advocacy for the ones whose rights are being violated, monitoring to combat for abusive regulations of the state and early warning against a protracted conflict, are all the subjects of conflict transformation missions of civil society. When an 'enemy image' spreads over the society and minorities start to be marginalized, the conflict becomes nothing but an irreversible social fact. On the other hand, when society feels fear and mistrust against any organ of the state, this also, would cause a big damage for the country; both in the internal and international arena. At this point, the state must get rid of vague legislations with no rigid boundaries, shouldn't be afraid of its own citizens' thoughts or the ties of civil societies with international actors. The state ought to include human rights NGOs in the decision making process, build up more organizations such as IHIK that have close relationships with non-state actors. Nevertheless, civil society also must give to the state the chance to create such dynamics.

In short, mutual trust and action are needed form all sides in order to develop human rights properly and in accordance with the Western understanding. Evaluating

human rights NGOs on the area was important still, the importance of the state in policy making is undeniable. Undeniably one of the biggest limitation of this thesis, more people and organs from the state can be included in another research to make a more focused evaluation of what the state has been going through in the decision making process of legislatives considering human rights. A detailed analysis of both sides, one that insists on the status quo and the other that wants to improve, can give more objective information on the real determination of developments, challenges and the impact of boomerang effects over the state.

APPENDIX

The dates that interviews were conducted are:

Helsinki Citizens Assembly with Ebru Uzpeder on November 26, 2008

MAZLUM-DER with Ayhan Küçük on December 1, 2008

Amnesty International with Avi Haligua on February 5, 2009

Human Rights Foundation with Rıza Dalkılıç on February 23, 2009

IHOP with Murat Çelik on January 16, 2009

Open Society Institute with Gökçe Tüylüoğlu and Nafiz Güder on December 2, 2008

British Council with Seda Mumcu Akdeniz on January 15, 2009

EU Delagation with Özsel Beleli on January 15, 2009

IHIK with Vildan Yirmibeşoğlu on March 31, 2009

BIBLIOGRAPHY

----. (18 January 2008). "A Sad Year for Free Speech" in Bia Media Monitoring Report. http://bianet.org/bianet/freedom-of-expression/104242-bia-2007-media-monitoring-report-a-sad-year-for-free-speech

Alan, Tidwell (1998). *Conflict Resolved.* London: Pinter. Ch.1, 3, and 4.

Alemdar, Zeynep (2005). *Civil Society and Intergovernmental Organizations: Turkish Domestic Organizations Exercising Influence via The European Union.* Dissertation in Philosophy Department of the University of Kentucky.

Andreopoulos, George; Kabasakal Arat, Zehra F. and Juviler, Peter (Eds.) (2006). *Non-State Actors in the Human Rights Universe*. Bloomfield, Kumarian Press, Inc.

Arat Kabasakal, Zehra F. (August 27-31, 2003). "Promoting Identities, Human Rights and Democracy Within Cycles of Politics: The Case of Turkey" Paper prepared for the Annual Convention of the American Political Science Association, Philadelphia, USA.

Baç, Meltem Müftüler "Adressing Kurdish Separatism in Turkey" in Ross, Marc Howard and Rothman, Jay (Eds.) (1999). *Theory and Practice in Ethnic Conflict Management.* New York: Palgrave.

Baehr, Peter R. (1999). *Human Rights: Universality in Practice*. Basingstoke: Macmillan.

Batliwala, Srilatha and Brown, David L. (Eds.) (2006). *Transnational Civil Society: An Introduction*. Bloomfield: Kumarian Press.

Bayart, Jean-François "Civil Society in Africa", in Chabal, Patrick (Eds.) (1986). *Political Domination in Africa*. Cambridge: Cambridge University Press.

Berger, Peter and Neuhaus, Richard John (1977). *To Empower People: the role of Mediating Structures in Public Policy*. Washington, American Institute for Public Policy Research Press.

Borer, T. A. (Eds.) (2006). *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies*. Notre Dame, IN: University of Notre Dame Press.

Boulding, Carew Elizabeth (2007). *Protest, Voting and Political Change: The Effects of NGOs on Politics in Developing Democracies*. Dissertation in Political Science Department of the University of California, San Diego.

Braun, Rainer and Gearhart, Judy "Realizing Rights in the Work Place" in Andreopoulos, George; Kabasakal Arat, Zehra F. and Juviler, Peter (Eds.) (2006). *Non-State Actors in the Human Rights Universe*. Bloomfield, Kumarian Press, Inc.

Burnell, Peter and Calvert, Peter (2004). *Civil Society in Democratization*. London: Frank Cass.

Burton, John (1990). *Conflict: Resolution and Provention*. New York, NY: St. Martin's Press.

Carey, Henry F. and Richmond, Oliver P. (Eds.) (2003). *Mitigating Conflict: The Role of NGOs*. London: Frank Cass Press.

CIVICUS Civil Society Index Country Report for Turkey (2005). "Civil Society in Turkey: An Era of Transition"

Civil Society Dialogue Project. http://www.csdproject.net/web/

Clark, Ann Marie (1995), "Non-Governmental Organizations and their Influence on International Society" *Journal of International Affairs*, vol. 48, no. 2.

Clark, J (2003). *Worlds apart: Civil Society and the Battle for Ethnical Globalization*. London: Earthscan/Kumarian Press.

Claude, Richard Pierre "What Do Human Rights NGOs Do?" in Claude, Richard Pierre and Weston, Burns H. (Eds.) (2006). *Human Rights in the world Community*. Philadelphia: University of Pennsylvania Press.

Clayton, Andrew (1996). *NGOs, Civil Society and the State: Building Democracy in Transitional Societies*. Oxford: INTRAC Publication.

Cmiel, Kenneth (February 2004). "The Recent History of Human Rights". *The American Historical Review*, Vol. 109, No 1.

----. (Winter 2007). Committee on the Rights of the Child, Forty-second session. CRC/C/OPSC/TUR/CO/1. www.unhchr.ch

----. (1 November 2007). "Conscientious Objection in Turkey" in War Resisters' International Report.

----. (11 June 2008). "Conscientious Objector Goes on Hunger Strike" in Bia News Centre http://bianet.org/english/human-rights/107563-conscientious-objector-goes-on-hunger-strike

Council of Europe Recommendation 1266 (1995) *On Turkey's military intervention in Northern Iraq and on Turkey's respect of commitments concerning constitutional and legislative reform,* Sheet no: 36.

Çakmak, Cenap "Coalition Building in World Politics: Definitions, Conceptions and Examples",. *Journal of International Affaires*. Vol. 12, No 4, pp: 1-20.

Çelik, Ayşe Betül (26-29 March 2008). "Changing Role of the Civil Society in Turkey's Kurdish Question" Paper presented at the International Studies Annual Conference, San Francisco, USA.

Dedeoğlu, Beril (7 July 2007). "Turkey vs. Everyone: Who is Responsible?" *Today's Zaman*.

Delegation of the European Commission to Turkey.
http://www.avrupa.info.tr/Delegasyonumuz/html.

----. (1999). "Depremin Yol Açtığı İnsangücü Kaybı ve Bina Hasarı" in http://www.spo.org.tr/resimler/ekler/aa1883c6411f787_ek.pdf?tipi=58&turu=X&sube=0
Donnelly, Jack (2003). *Universal Human Rights in Theory and Practice*. New York: Cornell University Press.

----. (2 February 2007) "Draft Law Proposal for Article 301" in IHOP News http://www.ihop.org.tr/english/index.php?option=com_content&view=article&id=46&catid=25

Druckman, Daniel (2005). *Doing Research: Methods of Inquiry for Conflict Analysis*. California: SAGE Publications.

Eralp, Atila, Tünay, Muharrem and Yeşilada, Birol (1993). *The Political and Socioeconomic Transformation of Turkey*. London, PRAEGER Publication.
EU Founded Programs in Turkey 2003-2004

Europa Glossary, "Accession Criteria (Copenhagen Criteria)"
http://europa.eu/ scadplus/ glossary/accession_criteria_copenhague_en.htm.

----. (25 July 2001). "European Governance: A White Paper", No: 428. http://ec.europa.eu/governance/white_paper/en.pdf

----. European Instrument for Democracy and Human Rights (EIDHR). http://www.delukr.ec.europa.eu/page4363.html

Fitzduff, Mari and Church Cheyanne (2004). *NGOs at the Table*. Oxford, Rowman&Littlefield Publishers.

Fowler, Alan F. (1997). *Striking a Balance: A Guide to Enhancing the Effectiveness of Non-Governmental Organizations in International Developments*. London, Earthscan.

Galtung, J and Wirak, Anders Helge (1977). "Human Needs and Human Rights – A Theoretical Approach" *Bulletin of Peace Proposals*. Vol. 8, p: 251-258.

Galtung, J. (1969). "Violence, Peace and Peace Research". *Journal of Peace Research*, Vol. 6, No.3, pp: 167-191.

Galtung, J. (1990). "Cultural violence". *Journal of Peace Research.* Vol. 27, No. 3, pp: 291-305.

Goodhard, Michael. "Human Rights and Non-State Actors" in Andreopoulos, George; Kabasakal Arat, Zehra F. and Juviler, Peter (Eds.) (2006). *Non-State Actors in the Human Rights Universe*. Bloomfield, Kumarian Press, Inc.

Göle, Nilüfer "Toward an Autonomization of Politics and Civil Society in Turkey" in Heper, M and Evin, A. (Eds.) (1994). *Politics in the Third Turkish Rupublic*. Boulder CO: West view Press, pp: 213-222.

Göymen, Korel (2007). "The Evolving State-Third Sector Relations in Turkey: From Subservience to Partner Status" in Osborne, Stephen P. (2008). *The Third Sector in Europe*. Routledge, pp: 211-228.

Heper, Metin (1985). *The State Tradition in Turkey.* Northgate: The Eothen Press.

----. (23 November 2003). "İl ve İlçe İnsan Hakları Kurullarının Kuruluş, Görev ve Çalışma Esasları Hakkında Yönetmelik" http://www.istanbul.gov.tr/?pid=11124

----. (2006). Internal Displacement Monitoring Report/IDMC. http://www.internal-displacement.org/8025708F004CFA06/(httpPages)/713EC5B3D03718FE8025709A004F7148?OpenDocument&category=2006

----. (2003). "Internally Displaced Persons: The Kurds in Turkey". KHRP Report

----. (1996). "Istanbul Declaration on Human Settlements" in http://www.unhabitat.org/content.asp?cid=2072&catid=10&typeid=25&subMenuId=0

----. (9 August 1999) "Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" http://physiciansforhumanrights.org/library/documents/reports/istanbul-protocol.pdf

Jeong, Ho-Won (2000). *Peace and Conflict Studies*. Singapore. Ashgate.

Kalaycıoğlu, Ersin (2001). "Civic Culture in 'Secular' Turkey", *extracts of Dr. Amyn B. Sajoo's Introductory Remarks.* The Institute of Islamic Studies.

Kalaycıoğlu, Ersin "Civil Society and Neo-patrimonial Politics" in Keyman E. F. and Sarıbay Y. (1998). *Globalization, Civil Society and Islam*. Ankara: Vadi Yayınları.

Kalaycıoğlu, Ersin "Civil Society in Turkey: Continuity or Change?" in W. Beeley, Brian (Eds.) (2002). *Turkish Transformation: New Century New Challenges*. Huntingdon: Eothen.

Kalaycioglu, Ersin (February 28, 2007). "State, Civil Society and Political Participation in Turkey" Paper presented at the annual meeting of the International Studies Association 48th Annual Convention, Hilton Chicago, CHICAGO, IL, USA.

Keck, Margaret and Sikkink Kathryn (1998). *Activists Beyond Borders*. New York, and Cornell University Press.

Keyman, Fuat and İçduygu, Ahmet (2003). "Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses" in *Citizenship Studies*. Vol.7 No. 2 pp: 219-234.

Khatoon, Aziza (28 February, 2007). "European Union Leverage in the Promotion and Implementation of Constitutional and Penal Code Reforms in Turkey" Paper presented at the annual meeting of the International Studies Association 48th Annual Convention, Hilton Chicago, CHICAGO, IL, USA.

Kramer, Ralph (1981). *Voluntary Agencies in the Welfare State*. Los Angeles, University of California Press.

Kubicek, Paul (2001). "The Earthquake, Europe, and Prospects for Political Change in Turkey" in *Middle East Review of International Affairs*. Vol. 5, No. 2, pp: 34-47.

Lederach, J. P. (1997). *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington D.C.: USIP Press, Ch 6.

Lederach, John Paul (1995). *Preparing for Peace*. New York: Syracuse University Press.

Lindenberg, Marc and Brysnt, Coralie (2001). *Going Global: Transforming Relief and Development NGOs*. Bloomfield, Kumarian Press, Inc.

Lister, Sarah "Power in Partnership? An Analysis of an NGO's Relationships with its Partners" (1997). *CVO International Working Paper*. No 5.

MacFarquhar, Emiliy; Rotberg, Rovert and Chen, Martha A. "Introduction" in Robert I. Rotberg (Eds.) (1995). *Vigilance and Vengeance: NGOs Preventing Ethnic Conflict in Divided Societies*. Washington, DC: Brooking Institution Press.

Maiese, Michelle (June, 2004). "What are Human Rights?" in http://www.beyondintractability.org/essay/human_rights_protect/

Marchetti, R. and Tocci, N. (26 March 2008). "Civil Society and Human Rights" Paper presented at the annual meeting of the ISA's 49th Annual Convention, Bridging Multiple Divides, San Francisco, USA.

Mardin, Şerif S. (1969). "Power, Civil Society and Culture in Ottoman Empire" in *Comparative Studies in Society and History*. Vol. 11, No. 3, pp: 258-281.

Mertus, Julie A. and Helsing, Jeffrey W. (Eds.) (2006). *Human Rights Conflict: Exploring the links between Rights, Law and Peacebuilding.* Washington, USIOPP.

Mitchell, Neil J. and McCormick, James M. (July 1988). "Research Note: Human Rights Violations, Umbrella Concepts, and Empirical Analysis" in *World Politics*. Vol. 40, No 4.

Narbone, Luigi "Human Rights, the European Union and Turkey" in Dartan, M. and Cebeci, M. (Eds.) (2002). *Human Rights Education and Practice in Turkey in the Process of Candidacy to the EU*. Istanbul: Marmara University European Community Institute, pp: 35-45.

Nas, Cigdem (March 26, 2008). "Communicative Action Theory and Turkey's Membership to the EU" Paper presented at the annual meeting of the ISA's 49th Annual Convention, Bridging Multiple Divides, Hilton San Francisco, San Fransisco, CA, USA.

Neuman, Lawrence W. (2006). *Social Research Methods Qualitative and Quantitative Approaches*. University of Wisconsin at Whitewater, Pearson Education, Inc.

Paffenholz, Thania and Spurk, Christoph (October 2006). "Civil Society, Civic Engagement, and Peace building" *Social Development Papers: Conflict Prevention and Reconstruction*. Paper no: 36.

Patton, Michael Quinn (1987). *How to Use Qualitative Methods in Evaluation*. California: Sage Publications.

Patton, Michael Quinn (2002). *Qualitative Research and Evaluation Methods*. California: Sage Publications.

Poe, Steven, Rost, Nicolas and Carey, C. Sabine. (August, 2006). "Assessing Risk and Opportunity in Conflict Studies: A Human Rights Analysis" *Journal of Conflict Resolution*. Vol. 50, No. 4, pp: 484-507.

Postma, W. (1994). "NGO Partnership and Institutional Development: making it real, making it international" *Canadian Journal of African Studies*. Vol. 28, No. 3, pp: 447-471.

Princen, Thomas (1994). *Environmental NGOs in World Politics: Linking the Local and Global*. London, Routhledge.

----. (2004). Recommendation of the European Commission on Turkey's Progress towards Accession, No: 656.

Reinalda, Bob (2001). "Private in Form, Public in Purpose: NGOs in International Relations Theory" in B. Arts, M. Naartmann, B. Reinalda. *Non-State Actors in International Relations.* Aldershot: Ashgate.

Reinalda, Bob and Verbeek, Bertjan (2001). "Theorizing Power Relations between NGOs, Inter-Governmental Organisations and States" in B. Arts, M. Naartmann, B. Reinalda. *Non-State Actors in International Relations.* Aldershot: Ashgate.

Reychler, Luc and Paffenholz, Thania (2001). *Peace-building*. Colorado: Lynne Rienner Publishers.

Risse, Thomas, Ropp, Stephen and Sikking, Kathryn (1999). *The Power of Human Tights*. Cambridge, Cambridge University Press.

Ross, Marc Howard and Rothman, Jay (Eds.) (1999). *Theory and practice in Ethnic Conflict Management: Theorizing Success and Failure*. New York St. Martin's Press.

Rothman, Jay (1992). *From Confrontation to Cooperation*. Newbury Park: Sage Publications.

Rummel, R. J. (1994). *Death by Government*. New Jersey: Transactions Publishers.

Saylan, Türkan (2008). *100 Soruda Sivil Toplum*. Istanbul: Cumhuriyet Kitapları.

Schmidtchen, Dieter "European Governance" Preface in Holler, Joseph M. (2003). *European Governance*. Mohr Siebeck.

Schrock-Shenk, Carolyn and Ressler, Lawrence (Eds.) (1999). *Making Peace with Conflict*. Pennsylvania: Pandora Press Book.

Schwap, Donald P. (1999). *Research Methods for Organizational Studies*. Lawrence Erlbaum Associates.

----. (October 2006). "Status of Minorities in Turkey: A policy of Negation" in International Helsinki Federation Report. www.ihf-jr.org.

Toktas, Sule (Feb 28, 2007). "Will to European Union vs. Will to Secularism: The Implications of Turkey's EU Reforms for Religious Freedom" Paper presented at the annual meeting of the International Studies Association 48th Annual Convention, Hilton Chicago, IL, USA.

Toprak, Binnaz "Civil Society in Turkey" in Norton, A. R. (Eds.) (2001). *Civil Society in the Middle East*. Brill.

----. (6 February 2007). "Trabzon Dialogue: Family of Dead Priest meets with Parents of Killer" in Hurriyet Arşiv.
http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=5902050&p=2

----. (2003, 2004, 2005, 2006, 2007 and 2008) Turkey: Amnesty International Report.

----. (13 February 2008). "Turkey: Fear for Safety, Orhan Kemal Cengiz" in Amnesty International Press Release.
http://www.amnesty.org/en/library/asset/EUR44/002/2008/en/EUR440022008en.html

----. (2 July 2007). "Turkey: Justice for Hrant Dink" in Amnesty International Press Release. http://www.amnesty.org/fr/library/asset/EUR44/012/2007/fr/dom-EUR440122007en.html

----. (2005, 2006, 2007 and 2008). Turkey Progress Report.
http://ec.europa.eu/enlargement/pdf

----. (2004). "Turkey's Implementation of Pro-EU Reforms: Fact Finding Mission Report". KHRP Report

UNDP Human Rights Reports: Turkey. (2007).
http://hdrstats.undp.org/countries/data_sheets/cty_ds_tur.html

----. (2007) U.S. Department of State, Bureau of Democracy, Human Rights and Labour, *Country Reports on Human Rights Practices: Turkey*. Washington, D.C.: Government Printing Office.

Wallensteen, Peter (2002). *Understanding Conflict Resolution: War, Peace and the Global System*. California, Sage Publications.

Weissbrodt, David "Non-State Entities and Human Rights within the Context of the Nation-State in the 21st Century" in Holeman, M. C; Van Hoof F. and Smith J. (Eds.) (1998). *The Role of Nation-State in the 21st Century: Human Rights, International Organizations and Foreign Policy*. The Hague: Kluwer Law International.

White, Gordon "Civil Society, Democratization and Development: Clearing the Analytical Ground" in Burnell, Peter and Calvert, Peter (Eds.) (2004). *Civil Society in Democratization*. London: Frank Cass.

Yıldız, Kerim (2005). *The Kurds in Turkey: EU Accession and Human Rights*. London: Pluto Press.

Zartman I.W. (2003). The Timing of Peace Initiatives: Hurting Stalemates and Ripe moments, in J. Darby and R. McGindy (Eds.) *Contemporary Peacemaking: Conflict, Violence, and Peace Process*. N.Y., Palgrave.