

# A DEATH SENTENCE IN DISGUISE

Discrimination and Violations of the Right to Work against  
Persons Who Were Targeted with Presidential Decrees  
under the State of Emergency from 2016 to 2018 in Turkey



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## *ABBREVIATIONS*

OHAL: State of Emergency

KHK: Emergency Decrees

KESK: Confederation of Public Employees Trade Union

EĞİTİM-SEN: Education and Science Public Officers Trade Union

FETÖ: Fetullah (Gülen Hareketi) Teror Organization

İŞKUR: The Institution of Providing Jobs and Employees

KOSGEB: T.C. Small and Medium Enterprises Development and Support Administration

AYM: Constitutional Court of the Republic of Turkey

UN: United Nations

EU: European Union

ILO: International Labour Organization

ECHR: European Court of Human Rights

İHOP: Human Rights Joint Platform

ECHR: European Convention on Human Rights

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

# CONTENTS

Executive Summary	5
Presentation	8
Introduction	10
1. Method and Scope	13
1.1 Participant profile	14
1.1.1 Gender	14
1.1.2 Age distribution	14
1.1.3 Education level	15
1.1.4 Marital status	15
1.1.5 Profession, seniority and trade union membership	16
1.1.6 Province distribution	17
1.1.7 Decree date	17
2. FINDINGS	17
2.1 Findings regarding the issuance process	17
2.1.1 Have there been any investigation prior to dismissal	17
2.1.2 Have there been any known reason for dismissal	18
2.1.3 Rights violations experienced by relatives	20
2.1.4 State of Emergency Commission application results	21
2.2 Working life after dismissal	22
2.2.1 Job seekers and non-seekers after being dismissed	22
2.2.2 Those who receive and not receive social aid after being dismissed	24
2.2.3 Violations of rights and discrimination in the job search process	25
2.2.4 Working life and social exclusion after dismissal	27
2.2.4.1 Those who intend to start their own business	32
2.3 Putting measures on assets and bank accounts	33
2.4 Being both a woman and with KHK	34
2.5 Opinions and comments on understanding the other and discrimination	36
2.6 Recommendations	38

## *EXECUTIVE SUMMARY*

As Association of Right to Life, in this study, we aimed to draw attention to the violations of the rights that the victims of KHK have been subjected to during and after dismissals, thus determining the liable parties and contributing to their accountability. We drew the framework of our study, according to ILO 111 Discrimination (Employment and Occupation), items 1 and 2 which Turkey has ratified.<sup>1</sup>

In our study, we aimed to approach KHK entered in the force in State of Emergence in terms of gender by focusing on women victims of KHK. We aimed to reveal the rights violations that women with the KHK have been subjected to during their struggle to find a job after dismissal and to exist in their private and social life.

Before proceeding to the research phase, a literature study was conducted by scanning the reports and news about KHK. The information obtained from the mentioned literature study was used in the preparation of the questionnaire and in the final report by giving reference.

We had an expert support for about methods and interview techniques and general framework of the research and it continued throughout the study.

A total of 52 interviews were conducted within the scope of the research. The interviews were conducted within the framework of a semi-structured questionnaire, which lasted an average of 30 minutes, by phone or via an online platform, zoom. Fieldwork dates are June 2020-August 2020. Fifty two people interviewed, 24 of them were women and 28 were men. 56% of the participants have received a university education and 29% have a postgraduate education. Average age is 43. As a result of the research, numerical data, mainly qualitative data, were obtained.

According to the results of our research, most of the participants who are victims of KHK do not know the real reason for dismissal (69%). This state of uncertainty has led to labelling and later encountering obstacles in working life and consequently violations. It has been observed that this uncertainty has traumatic effects on both individual and social life.

it was determined that most of the participants (73%) did not have any investigation or punishment before being dismissed. The rate of being investigated before dismissal increases among peace academics (70%). This finding indicates that there is a longstanding policy of pressure on Peace Academics.

69% of those dismissed with KHK we interviewed stated that they were union members in their previous jobs. The aforementioned data raise questions about the discriminatory practice against unionized public employees. This practice is against to ILO Convention No. 111 which is ratified by Turkey.

The process of seeking a job after dismissals and the working process for those who can find a job, which we particularly focus on in our study, are full of rights violations.

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<sup>1</sup> [https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377273/lang--tr/index.htm](https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377273/lang--tr/index.htm)

The victims of KHK, who did not have the right to defend themselves and whose crimes were not proven, were declared "objectionable" by the state. Being labelled as "objectionable" made it almost impossible for them to find a job in the private sector, and the right to establish their own business was denied.

The right to represent someone in court as lawyers was taken away, the licenses of teachers were revoked, and expertise was nullified. It took a long time for some of the participants to feel mentally able to seek a job.

After being dismissed, most of the participants (77%) did not apply for social aid because they "knew they could not get it"; among those only 4% received social aid, 19% applied but could not get it. The victims of KHK could not benefit from any of the social state facilities (unemployment benefit, social aid, İŞKUR, KOSGEB etc.)

Considering the period in which we conducted the research, it was found that more than half (58%) of the participants did not work. 19% of them are still working unrecorded and irregular jobs, only 23% of them are insured and in steady jobs that comply with ILO's definition of "decent work"<sup>2</sup>.

The rate of working in informal and irregular jobs since the date of issue is 40%. 31% of the participants stated that they have not been able to find a job or work in any job since the dismissal. From these rates we could say that most of the people with KHK who could find a job had to work in jobs far below their own qualifications and experiences.

Heavy working conditions are generally imposed on the people with KHK, such as long working hours of up to 12 hours a day, working 6-7 days a week and doing a few people's work alone. In some cases, the participants themselves have particularly preferred to work without insurance. The reason for this is the concern that being insured would prevent them getting their job back. In most cases, they could not claim to be insured in order not to lose their jobs.

There have been cases in which the victims of KHK had to hide their past while looking for a job and during working. This has caused them to bear the heavy burden of considering and ignoring most of their lives as not lived. In cases where it is known that they have been dismissed with KHK, most employers were afraid of giving them a job and said that they did not want to "risk their work". Or different working models have been offered to them which do not fit the definition of 'decent work'.

When we approached the topic in terms of gender, women's employment which is already low,<sup>3</sup> has been hit hard by the dismissals in Turkey. Besides the difficulties of living as a woman in Turkey, losing their economic independence left them vulnerable. They were expected by their families to return to their traditional roles, so they felt the pressure of the family and society more intensely. During working the possibility of not being able to find another job caused them to be exposed to more harassment and mobbing.

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<sup>2</sup> *Decent work reflects people's aspirations in working life which means equal opportunities for all women and men, which bring productive and fair wages, are safe at work and provide social protection to families, better opportunities for personal development and social integration, where people have the freedom to express their concerns freely, they can organize and participate in making decisions that affect their lives, jobs that they benefit from and receive equal treatment.*

<sup>3</sup> <https://www.tuik.gov.tr/PreHaberBultenleri.do?id=33732#:~:text=T%C3%BCrkiye%20%C4%B0statistik%20Kurumu%2C%20%C4%B0statistiklerle%20Kad%C4%B1n%2C%202019&text=>

The victims of KHK did not have the right to object to the dismissal decision and to seek legal remedies until State of Emergency Commission in May 2017. It is observed that they have no expectation that the Commission's decisions can be fair. In addition, it was stated that most of the files waiting in the Commission belonged to KESK members and peace academics. On the other hand, those who were dismissed due to security investigations and those who were unemployed and work licenses were cancelled because their institutions were closed by KHK were not granted the right to apply to the state of emergency commission. All judicial remedies are closed for them.

Our calls and suggestions to the Constitutional Court, relevant ministries, International Human Rights Mechanisms and Civil Society for the end of the violations of the right to work started with KHK and continued until today and for the return of all rights and compensation of the victims - as we have summarized above and explained in detail in the report - are included in the recommendations section at the end of the report.

## PRESENTATION

The Association of Right to Life<sup>4</sup> was founded in November 2018 by a group of activists. The following section in our foundation manifest summarizes the foundation purpose of our association:

According to the third article of the "Universal Declaration of Human Rights, everyone's right to life is under the protection of the law. This means that no one, including governments, can try to end your life. It also means that the state must take appropriate action to protect you by making laws and, in some cases, taking steps to protect you if your life is at risk. In this sense, our association takes into account that civil society has an important role in raising awareness by producing projects that support and develop these rights in the implementation of fundamental rights and freedoms that are dependent on the right to life. "

In line with our association's purpose, we follow the areas of human rights and freedoms. In this context, we were monitoring the situation of people with KHK that had already affected thousands of people and caused serious human rights violations and were dismissed from their duties in this framework. The idea of doing a study of KHK victims consolidated after reading the following news dated November 2019:

***He could not obtain a workplace license because he has been dismissed with KHK from his previous job: I am not afraid anymore!***

***Ramazan Tekin worked as a classroom teacher in a village in Ağrı in 2014. He was dismissed with the KHK published in 2016. Tekin was conscripted after being dismissed. After his military service he borrowed money from his father and took credit from the bank and rented a shop in Anamur and bought cafe supplies. Tekin run the cafe for 4 months. Then he sent the documents to the municipality to obtain a workplace license and he has been 'rejected'. He has been found "objectionable". Tekin, who could not get the permission of the Ministry of Interior to open a business had to close his shop.***<sup>5</sup>

Three years had passed from September 1, 2016, when the first KHK which initiated dismissals was published, until the date when the above news was published. We knew that the victims of KHK - who were dismissed and never to return their duties - faced, among other things, the huge barriers in finding employment and reintegration into social life. However, we saw in the above news that they were also prevented from establishing their own business. So basically, all doors were closed to the victims of KHK, and this was really civilian death for them. They were dismissed overnight from their work for which they had worked for years and gained experience and declared "objectionable" by the state. They were seen as objectionable not only by the state but also by their families, friends and colleagues as a result of their dismissal, and were excluded from social life. And many of them suffered severe grievances without even knowing why they were dismissed.

As Association Right to Life, in this study, we aimed to draw attention to the rights violations suffered with KHK victims during and after dismissals, thus determining the obliged parties and contributing to their accountability. In this process that started with a very serious violation of the right to work we tried to emphasize the victimizations experienced and its dimensions.

While drawing the framework of our study, we took as reference articles 1 and 2 of the contract no. ILO 111 which Turkey also signed.<sup>6</sup>

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<sup>4</sup> <http://www.yahader.org>

<sup>5</sup> <https://www.gazeteduvar.com.tr/turkiye/2019/11/26/khkli-oldugu-icin-is-yeri-ruhsati-alamadi-artik-korkmuyorum>

<sup>6</sup> [https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377273/lang--tr/index.htm](https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377273/lang--tr/index.htm)



In our study, by focusing on female victims of KHK we aimed to reveal the violations of the right to work in accordance with human dignity, the struggle for existence in their private and social life, and the victimization they face during this struggle.

We hope that our work contributes making the victimization of KHK a little more audible and visible. We would like to thank all our participants who share their really grievous experiences, Etkiniz team that gave this opportunity to us, our expert, peace academic Osman İşçi who guided us from beginning to end of the study, members of the KHK platforms for enabling us to reach the victims of KHK.

## INTRODUCTION

The State of Emergency administration, which was declared after the 15 July 2016 coup attempt, lasted for 2 years. During the state of emergency period, at least 130 thousand people, most of them public employees, were dismissed in indubitable and indefinite manner with 31 KHK.

Although the exact number is not known, employees working in institutions such as private schools, private teaching institutions and trade unions shared the same fate with the dismissals.

According to April 2018 figures, the number of female employees to be fired is 21,153. Female employment in Turkey is already considered to be low (33.9%)<sup>7</sup>, so the impact of this figure on female employment in general will be very high.

The measures for individuals, not limited to the state of emergency period, included in "State of Emergency Practices Updated Status Report" dated 17 April 2018 by the Human Rights Joint Platform (IHOP) are as follows:

- Lifetime dismissal from public service
- Cancellation of working licenses
- Dismissal from public institutions (retired public officials)
- Withdrawal of ranks, withdrawal of medals
- Taking measures on assets
- Travel ban and cancellation of passports (including spouses)

After the closure of private education institutions (kindergarten, primary school, secondary school and high school, course and student dormitories) operating with the permission provided by the Ministry of National Education, General Directorate of Private Education Institutions, the working licenses of those working in these institutions were cancelled and they were prohibited from working in any educational institution. The number of people affected by this regulation was 22,474<sup>8</sup>.

Another practice is that public employees and academicians who were graduates of law faculty were dismissed with KHK of the state of emergency were prevented from practicing lawyers by the Ministry of Justice. Obtaining precise information on how many people encountered this obstacle is not possible.

In addition, it was not possible to obtain information about the number of workers who were decided to 'not allowed to work' with the security investigations applied to the employees of the companies with tendering procedure that will take jobs in the municipalities where trustees were appointed.<sup>9</sup>

The number of those who were dismissed from the administrative and academic staff of universities through KHK was 7257, 1484 of which were women. The dismissal decision of only 177 academics was lifted. The number of those dismissed from the administrative and academic staff of public universities has reached 7001 on March 20, 2018.<sup>10</sup>

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<sup>7</sup> <https://www.tuik.gov.tr/PreHaberBultenleri.do?id=33732#:~:text=T%C3%BCrkiye%20%C4%B0statistik%20Kurumu%2C%20%C4%B0statistiklerle%20Kad%C4%B1n%2C%202019&text=>

<sup>8</sup> <https://ihop.org.tr/olaganustu-hal-uygulamalari-guncellestirilmis-durum-raporu/>

<sup>9</sup> <https://ihop.org.tr/olaganustu-hal-uygulamalari-guncellestirilmis-durum-raporu/>

<sup>10</sup> <https://ihop.org.tr/olaganustu-hal-uygulamalari-guncellestirilmis-durum-raporu/>

Institution closures were not only made with the lists published in the annex of State of Emergency KHK, but also by the commission established with the authorities given to some institutions.

First of all, the institutions were closed with the allegation of the "Fethullah Gülen Movement" connection, and then the scope of the institution closures was extended to the organizations engaged in advocacy.

As of 20 March 2018, 1064 private education institutions (kindergarten, primary school, secondary school and high school), 360 private course and study centers, 847 student dormitories, 47 private health centers, 15 private foundation universities, 29 unions under 2 confederations, 1419 associations, 145 the foundation, 174 media and broadcasters were closed. In addition, 985 commercial enterprises have been transferred to the Savings Deposit Insurance Fund (TMSF).<sup>11</sup>

According to a study conducted by the Ankara Bar Association in 2018, there are 11 women and 1 children's rights association among the associations closed. In many parts of Turkey, a lot of women's meetings and activities were banned, including 8<sup>th</sup> of March celebrations, the women's centers, shelters, drop-vocational courses for women in municipalities which they been created to empower women was closed by trustee assigned by the State of Emergency grounds.<sup>12</sup>

Moreover, the state of emergency was not limited to the dismissal of individuals or the closure of institutions. During this period, different practices that led to other violations were also experienced. According to the news of the Mesopotamia Agency dated 19 July 2019,<sup>13</sup> more than 250 thousand people were detained during the state of emergency. According to the Ministry of Interior data, 79,301 people were detained as a result of the operations carried out between 17 October 2016 and 20 March 2018. Again, at the same dates, within the scope of the ministry data, "To make propaganda for the organization, to incite the people to hatred, grudge and hostility, to insult the statesmen and aim at the indivisible integrity of the state and the life safety of the society." A total of 45 thousand 415 social media accounts were examined with the claim. Action was taken against the identified 17 thousand 89 people.

As the Updated Situation Report of the Human Rights Joint Platform (IHOP) reveals, from 16 July 2016 to 20 March 2018, at least 228 thousand 137 people were arrested during the state of emergency (OHAL). A total of 83,821 people were arrested between July 16, 2016 and December 31, 2016, a total of 114,993 people between January 1 and December 31, 2017, and at least 29,323 people between January 1 and March 20, 2018.

The State of Emergency Procedures Investigation Commission, which is the only legally applicable authority against dismissals, was established in May 2017. Until the State of Emergency Commission was established, there was no judicial authority that could be appealed against dismissal decisions. Applications to the ECHR, the Constitutional Court of the Republic of Turkey, the Council of State and administrative courts before the commission was established were rejected. After the commission was established, it was given the right to apply to the administrative court as an objection to the rejection decision of the Commission, and to the Council of State if no result is obtained from there. No judicial remedy can still be used for the files pending at the Commission.

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<sup>11</sup> <https://ihop.org.tr/olaganustu-hal-uygulamalari-guncellestirilmis-durum-raporu/>

<sup>12</sup> <http://www.ankarabarusu.org.tr/siteler/ankarabarusu/hgdmakale/2018-ozel/5.pdf>

<sup>13</sup> <http://yeniyasamgazetesi1.com/turkiyede-ohalin-sonuclari-ihraclar-gozaltilar-ve-sansur>

When the State of Emergency Commission first started to work, although it was said that the applications will be examined in the order of dismissal, the fact that the applications of the peace academics and KESK members who were dismissed in the first KHK issued still have not been examined raises questions about the effectiveness of the Commission mechanism.

HDP MP Ömer Faruk Gergerliođlu, who is also a victim of KHK, made the following assessment about the State of Emergency Commission in an interview<sup>14</sup> he gave to the Mesopotamia Agency on 20 July 2020:

"It did not relieve the grievances. 90 percent rejected; 10 percent accepted. It has been three and a half years and 18 thousand more people have not been able to reach the judiciary. I do not think the State of Emergency Commission has good intentions. People who have received no follow-up and do not have a judicial decision are still being held, why? They are expected commit a crime to get refusal. In other words, we know that there is a statement in the State of Emergency Commission report that "you participated in this action after your dismissal, so we give you a refusal" because he participated in a press release after he was dismissed. According to our simulation, the Commission will end in December 2021. "

We are aware that each number is a human life and therefore, even if the violation it encounters is only in one area, we know that it also affects other areas of their life. It is observed that the state of emergency causes serious violations of rights in almost all areas of life, especially in areas such as the right to education, working life, and the right to travel.

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<sup>14</sup> <https://yeniyaamgazesesi1.com/ohal-ikinci-darbeydi>

## *METHOD AND SCOPE*

The interviews were conducted by phone within the framework of a semi-structured questionnaire and via an online platform called zoom. The scope of the interviews consists of the following topics:

- Have there been any investigation prior to dismissal.
- State of emergency commission application result.
- Experiences and rights violations encountered during the job search process after dismissal.
- Working conditions and rights violations encountered.
- How did they make a living after their dismissal?
- Have they applied for social aid or could they get it?
- Have they thought about starting their own business? How was the process (in terms of loan application, etc.)?
  
- Were there any violations of property right?

There was a preparation period of 2.5 months before starting the fieldwork. With the expert support provided by Etkiniz EU Program, the framework of the study was drawn, data collection technique and methods of reaching the target audience were determined. The questionnaire prepared in line with the above scope was tested with pilot interviews and necessary corrections were made. Expert support continued at every stage of the study.

The fieldwork was carried out in the period June 2020-August 2020. The names of the participants are strictly confidential. A total of 52 interviews were conducted. The average duration of the interview was 30 minutes.

Participants were reached through various communication channels such as KHK platforms, individual relations and reference of the interviewees. We concentrated on female participants and it was questioned whether they had problems arising from being a woman after being dismissed and during the dismissal process. In addition, a special effort was made to reach disabled people with disabilities and a total of 3 disabled people were interviewed.

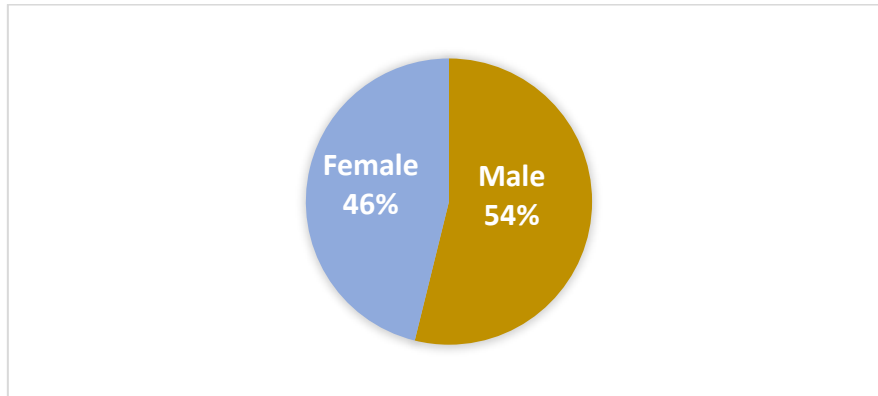
The information obtained as a result of the interviews was analyzed and reported to include both quantitative and qualitative findings.

We collected data by scanning various reports and news published regarding the state of emergency KHK for the report. In addition, the expert support provided by the Etkiniz EU Program was effectively used in the examination of these reports from a human rights perspective. In this context, in addition to other studies, the mentioned reports were also used in the preparation and revision of the questionnaire. Thus, objectivity of desk work has been achieved. The information needed to be taken from the reports was used by giving reference.

## 1.1 Participant profile

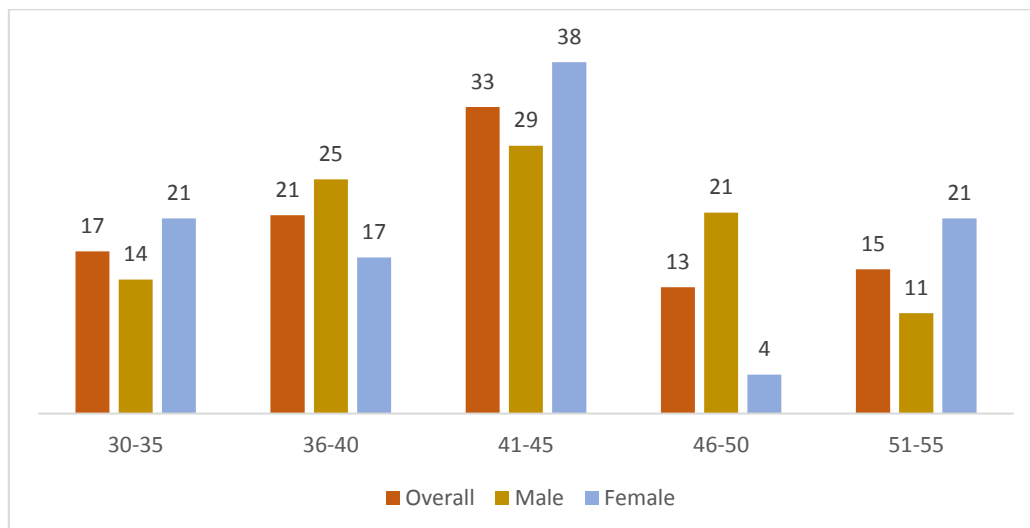
### 1.1.1 Gender

46% of the participants are women (24), 54% are men (28). According to official figures, 19% of those who were dismissed with KHK in the state of emergency were women and 81% were men across Turkey. Since we wanted to focus on women with KHK in our study, we made a special effort to increase the rate of female participants.



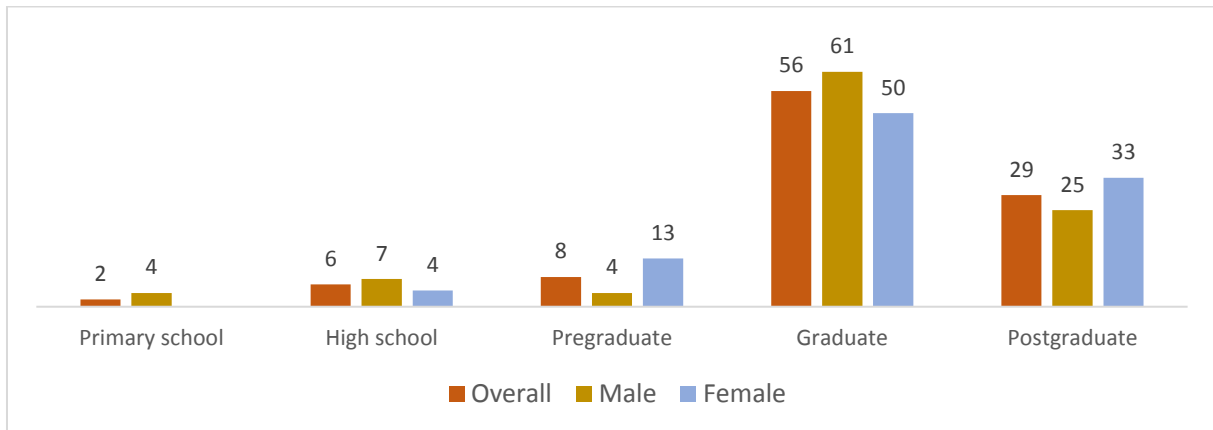
### 1.1.2 Age Distribution

The age distribution of the participants is given below. The average age was determined to be 43. Considering that the age of 43 is a very productive age in terms of knowledge, experience and working capacity, we can better see both the destructive impact on the lives of those who are dismissed and the loss of quality in public service.



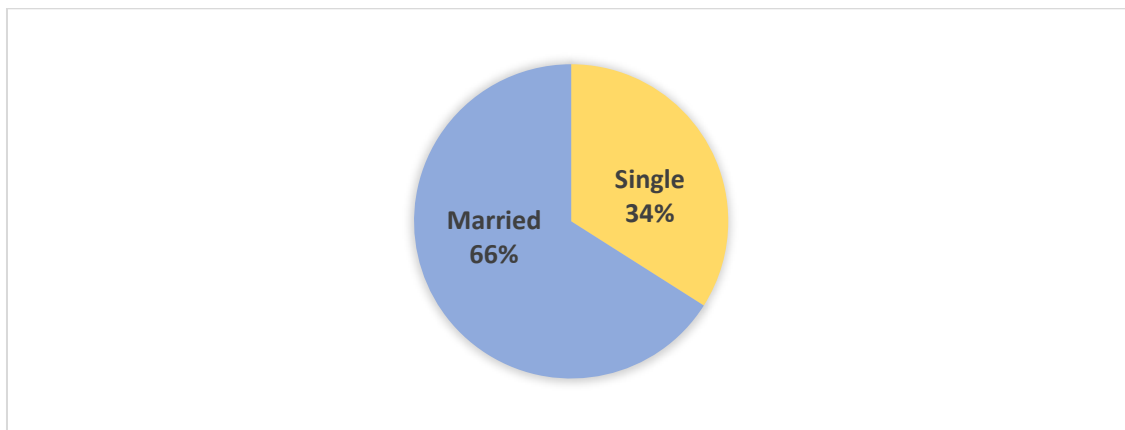
### 1.1.3 Education level

It is seen that 56% of the participants are university graduates and 29% have postgraduate education (master's, doctorate and above). According to Turkish Statistical Institute 2019 statistics, When the ratio of university graduates in Turkey generally considered to be 16%<sup>15</sup> It is better understood how high the education level of those who were dismissed with KHK and the negative effects of the loss of qualified labor force in terms of the quality of public services. Because there are academicians among our participants, we could not compare postgraduate education rates in Turkey.



### 1.1.4 Marital Status

As seen in the graphic below, 66% of the participants are married and 34% are single. 5 out of 8 participants emphasized that they got divorced after being dismissed. It shows that 62% of the divorces among the people with KHK within the scope of the study occurred after their dismissal. In other words, dismissals had heavy effects on family life as well.



71% of the participants have children. The average number of children is 2. Average child age is 14. The average number of children and their age are important in terms of showing the dependent children of KHK victims.

<sup>15</sup> [https://tuikweb.tuik.gov.tr/PreTablo.do?alt\\_id=1018](https://tuikweb.tuik.gov.tr/PreTablo.do?alt_id=1018)

### 1.1.5 Profession, seniority and trade union membership

The occupation distribution of the people with KHK participating in the survey is given in the table below. 8 out of 10 academics interviewed are peace academics.

	Overall		Male		Female	
	Number of people	%	Number of people	%	Number of people	%
Teacher	15	29	8	29	7	29
Academician	10	19	3	11	7	29
Municipal officer / manager	5	10	3	11	2	8
Health worker	5	10	4	14	1	4
Ministry expert, auditor, clerk	4	8	3	11	1	4
Police officer	4	8	3	11	1	4
Specialist in the public	3	6	1	4	2	8
Assistant Doctor	1	2	-	-	1	4
State theatre clerk	1	2	-	-	1	4
Imam	1	2	1	4	-	-
Public relations in private after school support	1	2	-	-	1	4
Union manager	1	2	1	4	-	-
Auditor in Turkish Armed Association	1	2	1	4	-	-
Total	52	100	28	100	24	100

The average duration of duty of the people participating in the survey before being expelled is 12 years. 73% of the participants have seniority over 5 years.

	Number of people	%
3 -5 year	12	27
6-10 year	8	18
11-15 year	9	21
16-20 year	12	27
20+ year	3	7
Total	44	100

69% of KHK victims we interviewed stated that they were union members in their jobs before their dismissal. This rate rises to 75% for men and decreases to 63% for women.

The data in question raise questions about the discriminatory practice against unionized public employees. This is contrary to the Convention ILO No. 111 which has been signed by Turkey.

	Overall	Male	Female
	%	%	%
I was a member of Union	69	75	63
I was not member of Union	31	25	38
Total %	100	100	100
Number of people	52	28	24



### **1.1.6 Provincial distribution**

When we examine the provincial distribution of the study, it is seen that 50% of them are from Ankara (27%) and Istanbul (23%) and 50% are from other provinces. Other provinces are Bursa (10%), İzmir (8%), Aydın (6%), Diyarbakır (6%), Adana (4%), Mersin (4%), Samsun (4%), Van (4%), Antalya (2%), Kocaeli (2%) and Konya (2%).

### **1.1.7 The date of KHK**

60% of the expulsion within the scope of our study took place in 2016, 31% in 2017 and 9% in 2018.

## **2. FINDINGS**

### **2.1 Findings of dismissal process**

#### **2.1.1 Have there been any investigation prior to dismissal**

Most of the participants (73%) stated that they did not have any investigation or punishment before dismissal. The rate of those who have been investigated before the dismissal is 23%, this rate rises to 70% due to the investigations opened for the peace declaration in academics. In other words, it can be stated that there is a longstanding policy of oppression towards Peace Academics. According to occupational groups the number of persons undergoing investigation is given in the table below.

	<b>Number of people investigated before dismissal</b>
Peace Academician	7
Ministry expert, auditor, clerk	2
Municipal officer / manager	2
Teacher	2
Health worker	1
Total	14

We can summarize the reasons for the investigation other than the peace academics investigations as follows:

- ✓ Salary deduction and banishment for participating in the 2-day strike due to the 10 October massacre.
- ✓ Suspension of promotion due to social media posts.
- ✓ Detention and imprisonment for being a member of KESK.
- ✓ Change of office due to criticism of the government.
- ✓ Dismissal from the head of department due to not working in harmony.

When asked whether there were any investigations or penalties prior to the dismissal, the participants generally mentioned their professional successes, promotions and recognition. Some of these expressions are listed below:

"I was doing the work that IT experts would do in information processing in the Ministry, I was a clerk. I received a lot of appreciation. I held this position for 5 years. I have always got a full registration note, I did not have even any traffic ticket, I did not even know the way to the police station, but I have experienced very heavy things in prison. " (Male, 51, ministry clerk, 5 years)

"I have a lot of appreciation for all the duties, all the operations I have done, these are the commendations signed by the Minister of Interior himself. I have been asked questions such as why you got so much appreciation and reward in the investigation. " (Male, 37, 15-year police officer)

"I continued my profession by having promotion every 6 years due to success." (Female, 51, 19-year teacher)

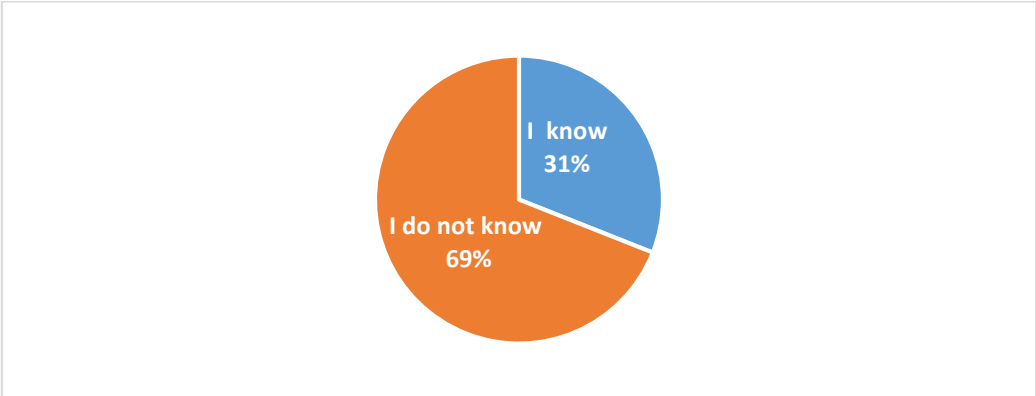
"I had a lot of thanks, certificates of appreciation, I threw them all away." (Male, 45, 16-year police officer)

From quotations above, it is understood that the approach towards some public employees has changed in parallel with the repressive policies applied more intensely during the state of emergency. Instead of opening an investigation based on suspicions of having committed crimes against individuals and operating a process in line with the principles of an independent, impartial and comprehensive, namely the right to a fair trial, their names were added to the lists of KHK and dismissed from their duties. The statements of the dismissed persons strengthen the suspicions that the dismissals target certain segments and that they are arbitrary.

**2.1.2 Have there been any known reason for dismissal**

Participants were asked if they knew the reason for dismissal when they were dismissed by KHK. Most of the holders of KHK (69%) stated that they do not know the real reason for dismissal. They only know the general justification for all dismissals in the official gazette. This state of uncertainty has led to labelling and later encountering obstacles in work life and consequently violations.

Only 31% of the participants know the real reason for dismissal, this rate rises to 60% for academics.



Those whose application to the State of Emergency Commission were rejected and the participants who were investigated were able to learn the reason for their dismissal. Those who did not go through any legal process and whose commission application was not concluded had no idea about this issue.

Grounds for dismissal, accessible to approximately one third of the participants; having an account in Bank Asya, getting a loan from the Bank Asya, union membership, the school where the children attend, the school where they are teaching, being associated with the Gülen community for various reasons and participating in various activities during student years.

Statements of some participants regarding the reason for dismissal are as follows:

"I am one of the rare persons with KHK who did able to learn the reason for dismissing. As soon as I was dismissed, I sued the administrative court. They didn't tell me an official reason for dismissing, as they didn't tell anyone. I also knew that would be the case. I also requested the file of the investigation conducted against me. Administrative courts used to give freer decisions than now. The post-coup atmosphere did not affect the law in such a negative sense. I was able to access my entire investigation process. One reason is that Fetullah Gülen Movement connection was tried to be established due to the articles I wrote, as is the case with everyone. The second reason is the notification of another academic about me, such as "There is a FGM member here, why don't you arrest him?" We had some problems in the past with that academic, so he was very angry with me."  
(Male, 50, academician)

"We could not get an answer from ministry of national education for a long time. When the schools were opened, I went to ministry of national education, they said I was sentenced and that I could not teach. I asked for an official document, they sent me to go to the provincial national education, and when I went there, an official said why do you want a document, do you want to take the state to the court. I could not even get a document, I got it after 2 years. There is no justification in the written document, it just says that my license has been cancelled."  
(Female, 41, 14-year teacher)

"We didn't know at first, we learned from the response to the state of emergency application, my union membership, having an account in Bank Asya, the school my children attend." (Female, 44, 16-year teacher)

"No, it was not reported, I never got any information, only my name on the list. They did not report that either. I was working one day before, and the next day I became a terrorist. " (Male, 45, 16-year police officer)

"It was never clarified, we were suspended first, and no statement was made when we were released. However, I found out that I was suspended one week later, I took my gun to the security, I returned my gun myself, an attempt was made to create a perception that I was running. We were victims not guilty and acted like that. We did not act with a guilt psychology while going through the judicial processes. " (Male, 37, 15-year police officer)

"No statement was made to us when we were dismissed. I later learned at the court that union membership and having an account in Bank Asya -with a total of 6 thousand lira- was the reason. Since it is an interest-free banking, I deposit it in Bank Asya, I would not use the money from interest. " (Male, 38, 10-year teacher)

"It was never officially reported, there are rumours, there are implications, I was left-wing when I was a student, I was detained when I was a student, so I think that is the reason." (Female, 44, architect in public, 3 years)

The fact that the reason for dismissing has not been notified to the victims of KHK in a timely and clear manner is contrary to Article 6 of the European Convention on Human Rights, which falls within the duties and powers of the Constitutional Court of Republic of Turkey: *"Everyone has the right to be informed in detail and in a language, he understands as soon as possible, of the nature and reason of the accusation against him".*<sup>16</sup>

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<sup>16</sup> [https://www.anayasa.gov.tr/media/3503/adil\\_yargilanma.pdf](https://www.anayasa.gov.tr/media/3503/adil_yargilanma.pdf), see page 11

### **2.1.3 Rights violations experienced by relatives**

25% of the participants stated that their spouse, children or siblings were also investigated, suspended, dismissed or experienced different grievances after their dismissal. This rate increases in women with KHK and rises to 33%.

One participant, who has been a health worker for 9 years, stated that his older brother, who had a 92% disability report, had his disability salary cut and all his applications were rejected. Another participant, who was dismissed from the Ministry of Justice, emphasized that his son was not accepted even though he earned his master's degree. A peace academic whose husband was also an academic stated that her husband's passport was cancelled after he was dismissed and that his wife could not obtain a passport for about 2 years.

Other expressions of the participants on the subject are given below.

"Twelve days after I was suspended, my wife was also suspended, she was not affiliated with a union or anything, and she did not have unofficial affiliation. I am 100% sure it was because of me, she was suspended, underwent administrative investigation, was reinstated after 5 months. They couldn't find anything except that she was my wife. " (Male, 41, 14-year teacher)

"My husband has been investigated because of me and has been in prison for 18 months, they could not even write an indictment, it has been 19 months and still has not been written." (Female, 44, 5-year teacher)

"Our social security lasts 100 days after being dismissed, but our families are cut off immediately. I have two children, we registered them on my wife, but my mother's social security was on me, we could not buy medicine for my mother, that day I felt that I was dismissed. " (Male, 38, peace academician, 8 years)

In the seventh paragraph of Article 38 of the Constitution, it is stated that criminal liability is personal. The personal nature of penalties is that nobody is punished for an act that he did not commit. In other words, nobody is held responsible for someone else's action.<sup>17</sup> As we have seen above, the relatives of the victims of KHK are faced with various grievances, which shows that the article of the constitution has been violated and the prevention of such violation falls under the duties and powers of the Constitutional Court.

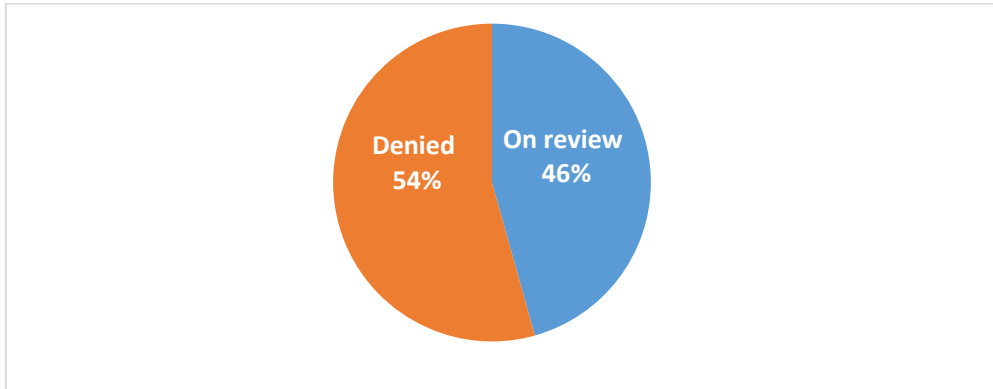
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<sup>17</sup> <https://www.resmigazete.gov.tr/eskiler/2007/03/20070322-16.htm#:~:text=Anayasa'n%C4%B1n%2038.%20maddesinin%20yedinci%20f%C4%B1kras%C4%B1nda%2C%20ceza%20sorumlulu%C4%9Funun%20C5%9Fahsi,i%C5%9Flemi%C4%9Fi%20bir%20fiilden%20dolay%C4%B1%20cezaland%C4%B1r%C4%B1lmamas%C4%B1d%C4%B1r.&text=463.%20madde%20ile%20hi%C3%A7%20kimse%2C%20ba%C5%9Fkas%C4%B1n%C4%B1n%20fiilinden%20sorumlu%20tutulmamaktad%C4%B1r.>

#### 2.1.4 State of Emergency Commission application results

Apart from 6 participants, all people with KHK applied to the State of Emergency commission. 2 of the participants who did not have the right to apply to the State of Emergency commission were dismissed due to security investigation, 3 were dismissed because the institution they worked for was closed, and one was dismissed because a trustee was appointed to the institution where they work. The right to a fair trial, which falls within the duties and powers of the Constitutional Court of Republic of Turkey, is violated for those who have no right to apply to the Commission.<sup>18</sup>

54% of the 46 participants who applied to the State of Emergency commission were rejected. 46% of applications are still under review. None of the participants have been reinstated.



It has been stated that the files that have not been finalized yet belong mostly to peace academics and KESK members. Of the 21 people whose application is under examination, 8 are peace academics, 5 are teachers, and 5 are public experts and auditors.

Participants emphasized that the Commission does not have any rules, criteria, makes decisions according to the current situation, is not transparent and in fact “functions like a mechanism that prevents access to justice”. It is understood that the State of Emergency Commission is not perceived as a judicial authority, generally an application is made to initiate the legal process. For those who cannot appeal to any legal mechanism other than the State of Emergency Commission, we can say that the dysfunction of the Commission has a traumatic effect. Some of the participant views about the Commission are as follows:

“The State of Emergency Commission itself is a discriminatory, ineffective mechanism, I am not telling it because I am hurt, the statistics reveal this, they have replied 116 thousand out of 126 thousand applications, only 7% of the responded applications are returned, 93% are rejected. The remaining applications are all peace signatories and KESK members, this is the majority of the profile. Hence, this is discrimination. There were many peace academics and KESK members in the first decrees, but they still haven't been looked after. ” (Male, 38, peace academician, 8 years)

“I have no expectations, there is no criteria, no settings, institutions decide according to the current situation. They will make a decision based on a brief petition; they ask the institution where we worked. I don't think they will answer positively either. ” (Male, 40, 10-year imam)

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<sup>18</sup> [https://www.echr.coe.int/documents/convention\\_tur.pdf](https://www.echr.coe.int/documents/convention_tur.pdf), see para. 9, article 6

"I do not expect anything, there are no rules, it is not transparent, our files are waiting, the files of the Education and Science Workers Union members are too many, they said the remaining files are very difficult, they cannot accuse us of a crime, because of that they have a hard time."(Female, 40, 12-year teacher)

"I think outcome will be 99% negative, I have been the union manager, I have always worked actively in the union, so I have no positive expectations." (Male, 51, 27-year teacher)

3.5 years have passed since the establishment of the State of Emergency Commission. We would like to draw attention to the fact that approximately 18 thousand KHK pending the file at the Commission have not yet reached any legal mechanism. This situation is a clear violation of the "right to a fair trial" included in the European Convention on Human Rights.<sup>19</sup>

It is clear that the reasons such as having an account in Bank Asya, union membership, the school they work or the school their children attend are also violations of the right to a fair trial.

## **2.2 Working life after dismissal**

### **2.2.1 Job seekers and non-seekers after being dismissed**

77% of the participants sought a job after being dismissed. Job search rate for women rises to 83%. 23% of the participants never looked for a job.

	Overall	Female	Male
	%	%	%
I looked for a job	77	83	71
I did not look for a job	23	17	29
Total %	100	100	100
Number of people	52	24	28

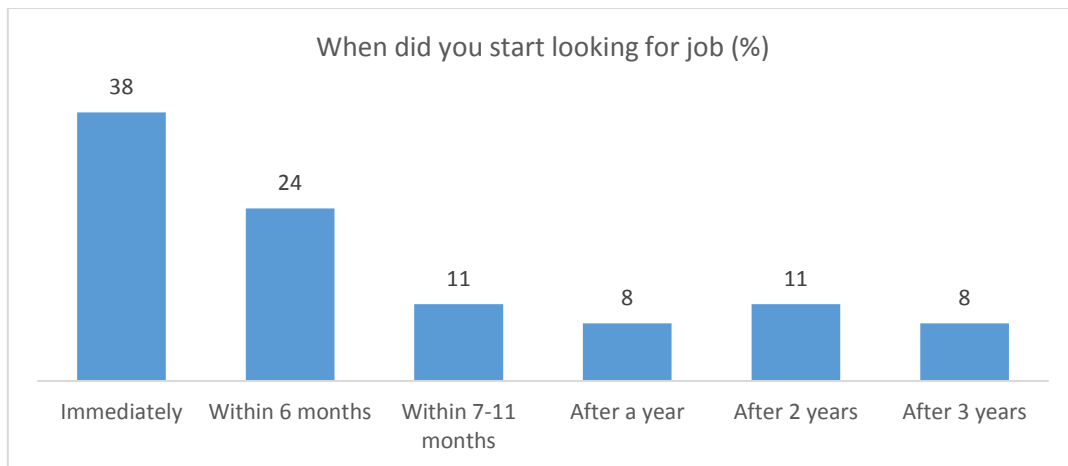
One of the main reasons for not looking for a job is the fact that those who are dismissed with KHK and looking for a job cannot find it. İŞKUR's refusal to accept the application of the people with KHK forced some participants to give up looking for a job altogether. Mostly lawyers and academics are not looking for a job. The jurist with KHK, whose rights to act as a lawyer were taken away, said "If I cannot work as a lawyer, what can I do?". Academicians on the other hand mostly chose to work with non-governmental organizations, to take part in academic projects and to advocate for rights.

There are a few people with KHK established their own business (only 5). They have been able to establish and continue their own business without ever going through a job search process. Details on this subject will be given in the following chapters.

38% of the participants stated that they started looking for a job immediately. A 36-year-old female participant, who is a civil servant in the municipality, stated that she immediately started looking for a job: "*I do not have the luxury not to work, I live alone, I have no savings, I cannot mourn about it, I expected this, they were already removing everyone with dissenting views.*"

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<sup>19</sup> [https://www.echr.coe.int/documents/convention\\_tur.pdf](https://www.echr.coe.int/documents/convention_tur.pdf), see page 9, article 6



38% of the participants were able to start looking for a job after 7 months or more. Some participants delayed their job search as they continued to resist the injustice. The 51-year-old male participant, who was a teacher before he was dismissed, emphasized that looking for a job would be accepting this situation: *“We tried to struggle against this, tried to make our voices heard, and together with the union and other KHK’s we initiated sit-ins, petition campaigns, creating street school protests. Actions lasted 1.5 years. Looking for a job would be accepting the situation, so we didn’t want to look for a job. We obtain this profession by our labour, we were dismissed due to our struggle in the union.”*

It took a long time for some of the participants to feel mentally able to seek a job. Other reasons that prevent job seeking are having a small child, illnesses, surgeries, and detention processes. Some statements on the subject are given below:

*“After 8 months I started looking for a job, my self-confidence was restored only then, before I could not find the courage in myself to look for a job, I had zero confidence. I was thinking that I would face a reaction, they saw everyone who were dismissed as coup plotter and many people also experienced this. People didn’t think very logically, people move with what’s pumped.”* (Male, 41, 9-year nurse)

*“I was detained for a long time, arrested, my husband was also arrested, I was shocked when he was arrested, then I came to stay with my family, I got psychological support. After 2.5 years, I was able to look for a job, I always waited for a miracle to happen, I waited for an apology. But a miracle did not happen, nothing changed. As soon as I recovered, I started looking for a job.”* (Female, 42, administrator at a private school, 13 years)

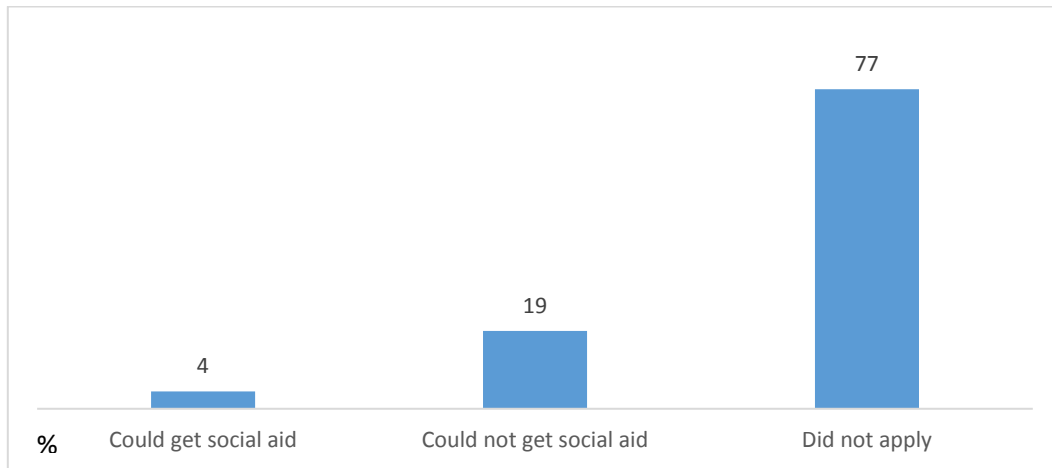
*“I spent one year crying, I couldn’t recover, then I felt very tired. I was a very busy teacher. I rested for a year, went to the courses, then I started looking for a job.”* (Female, 38, 11-year teacher)

*“In the first weeks, I was in shock, I thought that the mistake was recognized, and I would return to my job. After I was dismissed, I could not immediately start to look for a job due to severe sadness. For the first 6 months, I did not dare to look for a job due to the severity of social exclusion, then I looked for a job for two years.”* (Female, 55, academician for 3 years)

*“After I was dismissed, I went to my father in the village and helped my father in the field. I worked as a farmer in the village for 3 years, in Eskişehir. Then I started looking for a job. Now 3 years since I dismissed, I am looking for a job almost 2-3 months.”* (Male, 40, 10-year imam)

### 2.2.2 Those who received and did not receive social aid after being dismissed

The majority of the participants (77%) stated that they did not apply for social aid during the period of unemployment after dismissal. They stated that they "knew they could not get it" as the reason for not applying. 19% applied but could not get social aid, only 4% stated that they could get social aid. Some of these aids were realized during the pandemic.



Participants were asked how they made a living while they were unemployed. EGİTİM-SEN is the only institution that provides long-term support to its members in this process.

"EGİTİM-SEN immediately set up a solidarity fund. A fund was established for the dismissed academics, in which human rights activists, socialists and trade unionists in Izmir spearheaded. For example, an academician who finds a job also starts to contribute to that fund. It was such a wonderful thing." (Female, 34, peace academician, 7 years)

Some of the participants had support from their family, friends and immediate environment. A 50-year-old male disabled participant who had difficulty accepting the help of his elderly father expressed his feelings as follows: "My father is 82 years old, receives an old age pension, receives 650 Turkish lira salary, my father brought the money he saved and gave it to me. It was the first time that I did not refuse my father's money, I got money from my father for the first time, why should I need the old man's money."

Some of the participants who were single, divorced, or whose spouse was in prison moved with their families.

"I came to live with my father after I was dismissed. I broke up with my wife, I took my daughter and came, my father was giving me a pocket money. One feels like a burden, it's not nice to be hunched over others, most importantly, we are trying to protect our mental health right now." (Male, 33, 5-year teacher)

"I live with my family, my father is a worker and as we are seven people, there is a livelihood problem." (Female, 33, officer at the state theatre)

The statements of two female participants who can't get support from relatives is as follows when they were unemployed:

"I was going to starve to death and did not call anyone, I tried to manage by myself. My friends helped, but I was very afraid of hurting others." (Female, 53, civil servant, 11 years)



"I had some savings, but when I was going to buy something, I was visiting three grocery stores to find the cheapest, postponed a lot of my needs, I focused only to feed myself and paying my rent. If something broke, I couldn't get it repaired. There is no social life but loneliness, and everything happened very quickly. I used to be a person with economic freedom, I had a profession and identity. People realize this, now they look at you differently. You need both financial and moral support, when people can't cope with it, they move away" (Female, 44, architect in public, 3 years)

We understand from the above statements that being dismissed because of KHK is much more serious than losing job under normal circumstances. The victims of the KHK did not get benefit from any of the social state facilities (unemployment pension, social aid, İŞKUR, KOSGEB etc.).

The inability of the people with KHK to benefit from social aids is against the 1st and 2nd articles of the law no 3294 on promoting social assistance and solidarity.<sup>20</sup>

In addition, the inability to benefit from the services of institutions such as İŞKUR and KOSGEB is against the 2nd paragraph of Article 21 of the Universal Declaration of Human Rights.<sup>21</sup> This violation of rights experienced by thousands of victims of KHK is within the duty and authority of the Ministry of Family, Labour and Social Services.

### **2.2.3 Violations of rights and discrimination during the job search process**

"it was as if we were plague, everyone was running away from us, and they were afraid that when they approached us, they would also get infected. Today everybody afraid of the corona, at that time they were approaching the people with KHK with much greater fear." (Female, 36, civil servant, 5 years)

The red "objectionable" phrase that appears when the TR identity number is entered on the Internet summarizes very well the victimization and discrimination faced by people with KHK while looking for a job. Most of the participants did not receive any response to their numerous job applications, were not invited for interviews, even in areas where they were very experienced, and did not find the opportunity to express themselves.

Those who were ostensibly barred from working only in the public sector were also prevented from working in the private sector, and all doors were closed to their faces. A 48-year-old male lawyer specialized in the prime ministry expressed this issue as follows: *"If you search me on Google, you will see it immediately my name comes out with KHK. But if you are returned to work, it will not be shown anywhere. Your name would not be cleared, it is like stain it will stay forever. You will get just your salary. I have 17 years of service; I cannot be insured right now. I have to complete 25 years in order to retire, how do I retire? The private sector cannot free in Turkey, Europeans do not understand it. They say, so you can work in private sector. "*

A 43-year-old male lawyer academician stated that some of his friends applied to markets such as BİM and A101 out of despair and that store managers were called and threatened like saying "Are you aware of who you are hiring, are you sure you will recruit this person".

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<sup>20</sup> <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3294.pdf>

<sup>21</sup> Article 21/2: Everybody, have the right to benefit from public services in their country. Access: <https://www.ihd.org.tr/insan-haklari-evrensel-beyannames/>

Another participant, who stated that threats were also made to small businesses, summarized his experiences as follows: *"Our neighbour is an estate agent, we wanted to work in his business, they were threatened and scared in some way. We could not work there, some employers said, "if we employ you, the next day plain-clothes police officers will come and threaten us, even if you do not have an investigation, if we do not listen, they send the financier, if we do not listen, they appoint a trustee." (Male, 51, ministry clerk, 5 years)*

A participant who stated that she did not encounter an approach from anybody such as *"it is unfair they cannot prevent you to work in private sector"*, for against the door closing in private sector, summarizes her job search experience as follows: *"People were saying yes, we understand you were victimized but there is nothing we can do. As a psychologist, my field of work is wide, I can work in rehabilitation centres, private teaching institutions, schools, I applied there, in interview I mentioned that I was dismissed and they said that we are committed half and half to national education, so you cannot work with us because you are dismissed. I made 5-6 applications, then I did not continue, I got the same response from all." (Female, 31, expert in public sector, 5 years)*

Some of the participants tried to hide their dismissal in their job applications. When they were found out that they have been dismissed with KHK everything has changed and the employers stated that they were afraid of hiring them. A 44-year-old female police officer expressed this situation as follows: *"When you say, you are dismissed with KHK in the job application, they say I do not want to get in trouble. If you do not mention KHK you can get the job but after they found out they dismiss you."*

Some of them who have been dismissed with KHK started not applying due to the demoralization caused by not getting any response to their job applications. A 38-year-old peace academician with a degree in psychology summarized the negative effects of this as follows: *"When you receive negative feedback or no feedback at all, you stop applying. This is starting to have psychological effects, you end up not having any weekend, weekday, night and day concepts. As a result, you find yourself in much more severe condition than depression. "*

Some participants preferred to indicate that they have been dismissed with KHK in their applications or interviews. In this case, they emphasized that they mostly lost chances to get the job. In some cases, they noted at the time of application another working model was immediately proposed upon learning that they were dismissed; Like uninsured, low wages and long working hours.

Some of them who have witnessed and heard of inconclusive and weary job seeking experiences, without any attempt to look for a job, agreed to do jobs far below their qualifications.

Below are a few examples of striking situations that participants experienced in job search and application processes.

*"It was very depressing, they did not even give beads job to be done in the house, which brings 300 lira a month. I used to say in the job interviews that I have been dismissed with KHK. The interviews resulted negatively and even I was kicked out from the interview. " (Female, 53, civil servant, 11 years)*

*"There is a college in Izmir, I went to the school for a job, when they entered my TC number on the internet, a red exclamation mark was displayed saying "this staff cannot be assigned". I applied to the college around 20-25, and we had same result. (Female, 51, 19-year teacher)*

*"I was verbally abused in a job application. At the beginning interview was very positive, they said they could hire me, and conditions were good, I thought I could do it, but the person interviewed me clearly said that he could expect different things from me when I am with customer. He probably thought, "She is unemployed, desperate and alone, she cannot find any job." This is what we are against. (Female, 36, civil servant, 5 years)*

“They are afraid, everyone is afraid. Because they would come to inspect, put pressure about giving job to person who have been dismissed with KHK. The society has entered a horror vortex. Whoever annoyed with someone they accused them as terrorist as they wish. The old tradition of solidarity and tolerance has been abolished, the state would not make a mistake’. We were thrown into the streets overnight, condemned to eat tree roots. They imprisoned us, we can't save ourselves, I'm not hopeful at all, I don't think this problem will be solved easily” (Male, 54, 3-year health worker)

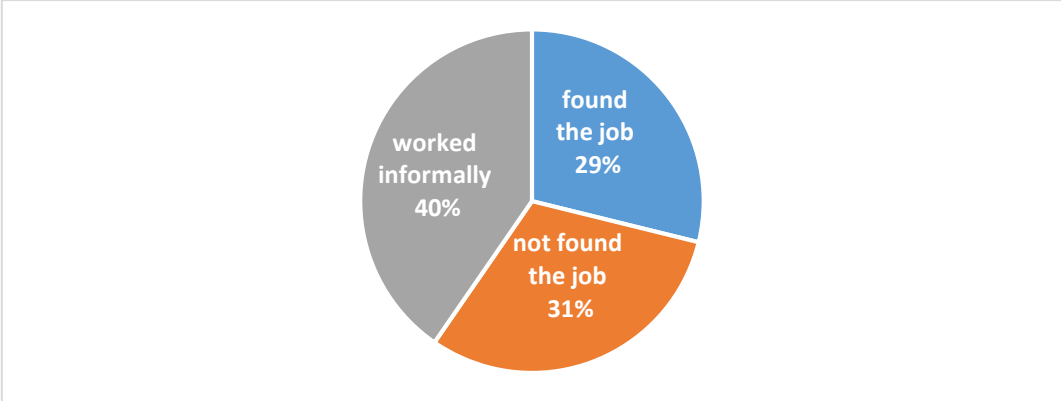
“I applied to corporate offices related to my field of profession over the Internet. I applied around 20-30 jobs. I had no answer at all, I was never called for an interview. In my CV I included my last job and the date of leaving the job so, they probably understand from my CV that I have dismissed with KHK. They know that I have been working in the public sector for 9.5 years. I felt that I was discriminated against because I could not get any response to all my applications. I am experienced in my field, I have a good command of programs and products, I have worked in a state hospital for 9.5 years. For instance, I applied for a job and they were looking for two years of experience, so I have 9.5 years experience, I don't get any answer, I think this is a discrimination. " (Male, 39, 10-years health worker)

“I applied to many places, at least 150 institutions. They make an investigation from my ID number and see that I have dismissed with KHK. Some people called for a meeting. There is a lot of need for experienced people in my field. I am 47% disabled, I have diabetes and blood pressure disabilities, they can take me in the disability quota, but I had no response. When I say that I will work no matter how much money you pay me, they look like I am some kind of bogymen. I understand they are afraid, but this is too much, what are we going to do? I'm still applying, no one has called for an interview in the last 1 year. " (Male, 50, union manager)

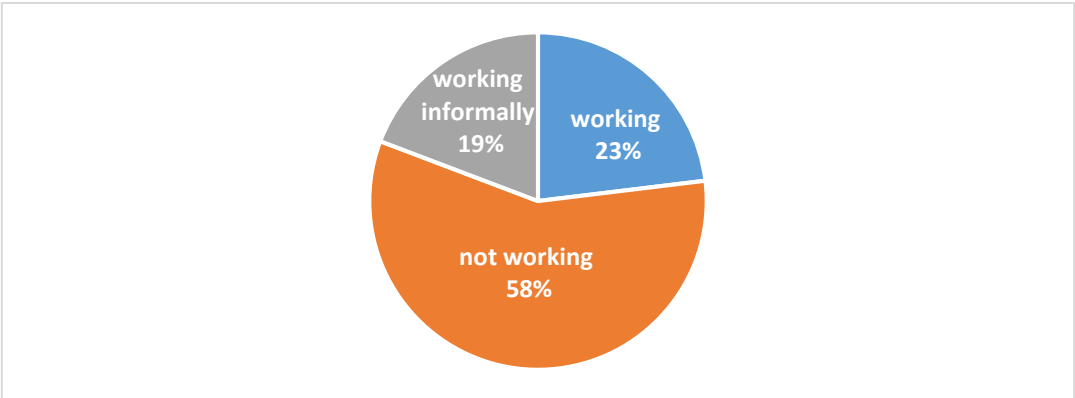
**2.2.4 Working life and social exclusion after dismissal**

“I worked as a taxi driver, grocery driver, photographer. I did pre-accountancy for 1.5 years. I also sell eggs and ice cream to my old students and acquaintances in the neighbourhood. If I wasn't a teacher, I would ask myself what job I would do, I couldn't find an answer. Now I live it live. " (Male, 45, 16-year teacher)

Since the date of dismissal, only 29% of the participants who are victims of KHK have been able to find a regular job with insurance. In this group, only 2 people can establish their own business. 40% worked in informal, uninsured, low paid, temporary jobs. 31% could not find a job or work at all.

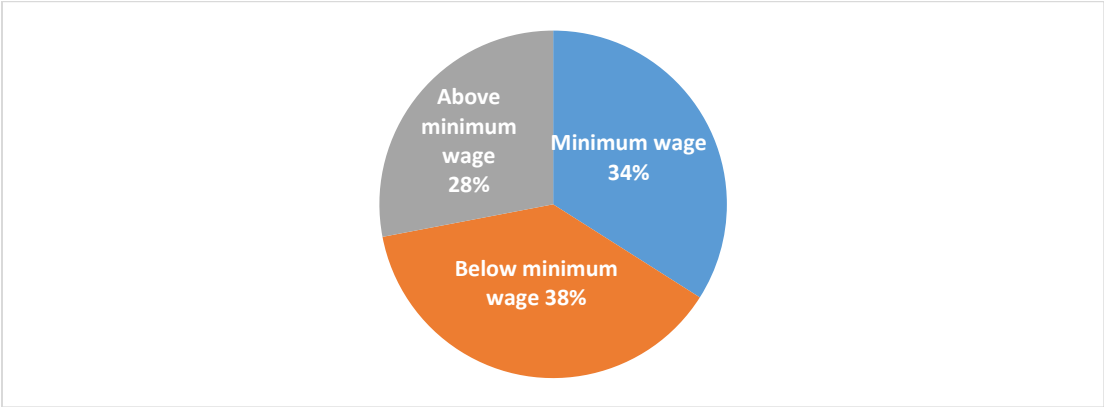


When we analyse the current situation at the time of our study, only 23% of them insured and had regular jobs. Considering the previous jobs and qualifications of the participants, it can be better understood how low the rate of working in a regular job is. On the other hand, the rate of those working informally is 19%. More than half of the participants (58%) are not currently employed.



The rate of unrecorded work, which is currently 19%, is 40% considering the period from the date of dismissal to the present day. We would like to draw attention that in addition to causing violations for the individual this situation have also other dimensions in the society, such as increased in informal employment and tax evasion.

For those who had to work in several jobs sometimes, working conditions were generally very harsh. 38% of the participants who can find a job stated that they get a wage below the minimum wage. While 34% receive the minimum wage, the rate of those who receive wages above the minimum wage is only 28%. (based on 32 people).



Conditions such as long working hours, usually up to 12 hours a day, 6-7 days a week, and doing the work alone which should be done more than one person are imposed on the people with KHK. In addition to all these, they worked precariously with no insurance and low wages.

In some cases, the participants themselves have particularly preferred to work without insurance. In many cases, they could not even claim to be insured in order not to lose their jobs. Here is a participant statement that strikingly demonstrates the above-mentioned heavy working conditions:

"Now I'm doing portage at a building that sells building materials. It's hard work, but there is no alternative. I work 12 hours a day, I work 6 days a week. They said "we can insure you" but I didn't want it, they know my situation, I told them. I did not want them to do it in case of being reinstated, they say the last remaining will return to their position. I thought it would be an obstacle to getting my rights. If it is seen that I am insured, I think they will not give my rights and would say "You are working in another job, you are insured". (Male 40, 10- years imam)

Participants stated that they had a very difficult time adapting to their jobs and environments. Participants, who had to hide their dismissals, underwent the heavy burden of considering un-lived and ignoring a large part of their lives. A 41 years old health worker expresses this situation as follows: *"I cannot talk anywhere about my life before 2016, as if I had never lived, this bothers me very much."*

A participant, who worked as an auditor at the Ministry of Foreign Affairs for 13 years, stated that he did not mention his past in the baker where he worked as a shop assistant because the owner of the workplace was anxious and the employees and customers regarded him strangely: *"I was reading the newspaper when there were no customers, it was regarded strangely, it was abusive environment, I speak very kindly to them, and the customers were also curious. So, you cannot talk about your past."*

A 48 years old teacher says that he is hiding his main job: *"I did not tell anyone that I was dismissed with KHK, but they guessed at the real estate agent I work with. They see that I am very different from the real estate agent profile on the market. When they asked me what job I was doing, I said I was a delivery man, I never said I was a teacher. I am confident, I think I will return to work one day, I wait patiently."*

The main reason people hide that they have been dismissed with KHK is not to lose the job they find. As a matter of fact, there are also participants who were dismissed immediately after they mentioned KHK. They summarize their experiences as follows:

*"Because I am graduate, they ask what job I have done before, when they learn that I am a teacher, they ask why I am not teaching. I was fired my previous job because they understood my situation. When they wanted to insure me in the next job, I told them and the company owner said, "I have so many employees, it would be risking them all." The day after I was unemployed."* (Female, 40, 16-year teacher)

*"They were looking for a waiter in the tea shop, in 2016, 50 TL per day, no insurance, I accepted it, I went to work in the morning, the owner of the place asked me about my previous job, I said I am a teacher, and I was dismissed. He said, "don't come near us, they would report me". I said you don't know me at all, I am a person who has been wronged and victimized, I will work and provide for my children."* (Male, 38, 10-year teacher)

The victims of KHK, who had been accustomed to desk work for years, suddenly suffered from various physical illnesses such as muscle rupture when they had to work hard, requiring physical strength. Since such ailments are caused by working conditions, they should be evaluated as occupational diseases or accidents in the workplace. One participant, who worked as a teacher for 17 years, stated that he had to work immediately after being dismissed and started work in markets then he had muscle tears in both arms due to heavy working conditions. Later, he had to terminate his cargo business with his own vehicle because his arms were very painful. Another example of serious discomfort due to heavy working conditions is given below:

*"I went to a house cleaning for about a year, 6 days a week. I had a desk job for 17 years; I am not used to hard work. I got up one morning and I could not use my arm at all.*  
(Female, 44, 17-year police officer)

The discrimination experienced by people with KHK is not limited to working without insurance, long working hours and heavy working conditions. Some of the participants stated they had low wages or got paid very late or never paid, considering that they were obliged to the job because of their situation.

"I worked as a service driver in a kindergarten, they did not pay my money for one month, they fired me, they said 'where are you going to go, you are a terrorist?' (Female, 44, 17-year police officer)

"It was a pre-accounting job, they paid the minimum wage, I worked for 3 months. They paid my salary for a month, then I did not get paid. I left there too, I had hard times without money, went to the mediator, he did not pay, I refer to court of bailiff. He says, "in the eyes of the state you are nothing, so do you think would state take any notice what you think?" (Female, 36, municipal officer, 5 year)

"I worked at the petrol station for a short time, I started doing the work of three people alone. They see that you are a hardworking and honest but also person with KHK; they know that you have to work there; they know that it is very difficult to find another job. And they make you do the work that supposed to be done by 3 people" (Male, 45, 16-year police officer)

"I applied many jobs, I was openly telling from the beginning that I was dismissed in that situation another working model was suggested, piecework, uninsured, low wage, and there were many times when I could not get my wages. I get piecework, they say, it will take one month, but it takes two months, but I get wage for one month only, unspoken things and extra burdens are added. There is already a precarious work in our sector, but our problems doubles because of KHK. I always have problems with money, it is not clear when I will receive my money, if I want my money when the job is done, it becomes a problem. They do not want to work with you again." (Female, 44, architect in public, 3 years)

"Somehow, they think I need them, I cannot leave the job. I am against how they use people with KHK, using their talents at the highest level and giving the lowest salary. I worked there for 4.5 years. Everything about the judiciary and legal issues was passed to me, I became the brain of the factory. Because of that, I said no more with the minimum wage. " (Male, 37, 15-year police officer)

It was not easy for the people with KHK to leave the city they lived in, to find a job in the new places and establish a new life. A participant who was dismissed from the municipality where he worked and could not find a job in his hometown stated that he returned to his hometown after working in Bodrum, agricultural labour in Aydın, dam construction in Erzurum and said, *"My home is here, I said I want to stay here, but I could not find a job in my hometown and came to Istanbul. I found a job in a tea garden, I was working 12-13 hours a day, the owner of the workplace was texting at 3 am, I had to go. I do not want my enemy to suffer this situation, I have experienced such bad things."* Another participant described his experience of city changing as follows:

"I didn't want to be where I last worked. We moved to a place in the Aegean, this was where I wanted to live, but after coming here, things were not that easy, we had nothing, our children need to go to school, we do not know which school they will go to, it is such a cursed process. My children do not have an answer to the question of what does your father do? how we will explain ourselves to people," (Male, 37, 15-year police officer)

It has been observed that academics are mostly not looked for a job in the private sector. They have chosen to work in areas such as translation, civil society projects, and advocacy. Two academic participants, who have devoted their lives to advocacy, summarized their post-dismissal experiences as follows:

"I never thought of working in the private sector, when you apply, you will probably be too qualified for that job, they will ask you why you applied for this job, you will tell them, when they hear, they will not want to hire you. I did not want to spend my energy with all these. I had other alternatives, but if these alternatives were not available, I would have sold simit, I am not offended by such things. Life goes on. I decided to be a rights defender as a student, and I knew this would happen to me someday. But it did hurt of course, it was also very painful, even if it hurts, we know how to stand up. We did nothing wrong; I have no regrets. " (Male, 43, 18-year academician)

"I have chosen an additional profession for myself all along since I never considered my university job as a profession but as a lifestyle. I was translating (book) and working in conferences as an interpreter. When they suspended me, I went to the publishing house. They always offered me a book to translate anyway so I took the book and started the translate. It was like I was continuing doing my job and I think I did not have any problems in this regard, except for the damage this situation caused to my inner world. So, I never looked for a job in a way, I have less income than I used to, but it is good that I am still working because I have many friends who do not have this opportunity. " (Male, 38, peace academician, 8 years)

The medical professor, a woman peace academician, was dismissed when she had one year to become a senior professor and had to work after a while, summarizing her first and last job application to a well-known private hospital as follows: *"They offered me a 2-month trial period. They said I need to go there and learn how to produce reports, see how to write a report. And I said, "who do you think you are talking to? I said sorry, I am a person who has issued thousands of reports, have you seen my reports, whose report I will look at, what are you talking about. You are exploiting people and I will not let you exploit me. I would not accept these conditions and prefer to live with my dignity."*

All these reports explain that the social exclusion encountered in the working life in the post-dismissal period is intensely seen - except for one or two exceptional persons. Considering the jobs and qualifications of the victims of KHK before their dismissal, it is seen that the unlawful and arbitrary practices they were subjected to were continued and used by the private sector.

The discrimination that the victims of KHK are exposed to while looking for a job and while working is an example of the "direct discrimination" defined in the ECHR and EU law. In the European Non-Discrimination Law Handbook, direct discrimination is defined as follows: *"The focus of direct discrimination is that an individual is subject to different treatment. Hence, the first feature of direct discrimination is evidence of unwanted treatment. Examples of cases referred to in this Handbook are: denial to a restaurant or shop; lower pensions or lower wages; verbal abuse or violence; denial of entry at a checkpoint; being subject to a later or earlier retirement age; not being recruited into a particular profession; inability to claim inheritance rights; exclusion from the general education system; deportation; it is not allowed to carry religious symbols; being deprived of social security payments or being subject to their cancellation. "*<sup>22</sup>

The rights violations faced by the people with KHK during the job search process, and in the working life, are also against the 23rd and 24th Articles of the Universal Declaration of Human Rights on the "right to work", which is one of the basic human rights and is under the obligations of the Ministry of Family, Labour and Social Services.

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<sup>22</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/1510-FRA-CASE-LAW-HANDBOOK\\_TR.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/1510-FRA-CASE-LAW-HANDBOOK_TR.pdf) (see page 22-23)

As KESK emphasized in its article dated 17 November 2014, "The contract includes not being forced to work or being forced to do a job in any way, as well as having access to a protection system that guarantees everyone's access to a job, as well as not being unfairly deprived of work."<sup>23</sup>

#### **2.2.4.1 Those who are thinking of starting their own business, those who can.**

After being dismissed most of the participants (69%) never thought of starting their own business while they were unemployed. 31% thought of starting their own business, but most of those in this group did not do so. Only two of the participants have established a company and they can earn their living from their own business. All three people provide psychological counselling in their own home or by sharing someone else's office.

The experiences and opinions of the participants who can or have thought of establishing a business are listed below.

"I cannot open an office right now, I could officially, but they will come after three months. My friends are psychologists, they opened an office. They also supported the children of people with KHK. Their offices closed and they've been on trial and sentenced because they were helping children whose parents with KHK." (Male 50, union manager/psychologist)

"We work together with three brothers in a consultancy company I founded, we earn our living somehow. I can be an expert in many fields, I can do it in all fields of contract law, civil engineering, forensic and informatics. But I can't do any of these, right now. People with KHK cannot do any of these. In January 2018, I received no prosecution, but since then I have not received any of my rights. My lawyer license was also revoked. People work anxiously while working with me, I do what someone else does for 5 liras for 1 lira" (Male, 43, auditor in the armed forces, 16 years)

"We took over stationery, as someone who had never worked as a tradesman, I did not know the trade. We worked very hard; we had a customer portfolio. But I could not go to schools, I was hesitating. This is the psychology of people with KHK. One of our clients said that everyone in the teachers' room was looking for each other's deficit, so he was afraid to come and shop from us." (Male, 43, internal auditor at the Ministry, 13 years)

"I started my own business after two months. There was no exclusion or discrimination in the place where I lived. I did not have any problems in government offices. I had some money, I took a big risk, I got into a job I had never known. I have been doing this job for 3.5 years, my earnings are good. It was a painful process after the dismissal, a 3-month-old baby, home mortgaged; our lives are almost under mortgage, even the lives of babies who were not born were mortgaged. We did everything by borrowing money. I am recruiting people with KHK "(Male, 35, specialist in municipality, 5 years)

The people with KHK, as we can see, also faced extremely serious obstacles in establishing their own businesses. They could not use their expertise because of the prohibition of their ability to be an expert witness, the revocation of their attorney licenses. In addition, being someone with KHK brings along risks such as the obligation to do things much cheaper than the market and working with very few customers.

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<sup>23</sup> <https://kesk.org.tr/2014/11/17/calisma-hakki-temel-insan-haklarindandir/>



On the other hand, the difficulty in obtaining loans from the bank, not getting support from KOSGEB, and the loss of their social circle are preventing them from establishing their own businesses. 75% of those who are thinking of starting a business have not thought of getting a loan from any bank. It is only 3 people who can get a loan.

### ***2.3 Putting measures on assets and bank accounts***

12% of the participants stated that their assets were imposed or their money in the bank was blocked. One participant stated that the foreign currency account in the bank was blocked for two years, when it was first blocked, the money was converted to TL and in this respect, he lost money.

After dismissal, another participant stated that his money in the bank was blocked for 10 months. He said, he was unable to make the loan payments and eventually he has been taking to court, paying too much default interest.

A female participant, whose husband was in prison, emphasized that both her husband's and her own accounts in Bank Asya were still blocked and that they could not make any legal struggle on this issue.

A participant said that they imposed an interim injunction on his car and house for three months. Beside that his credit card was also cancelled. When the insurance, which lasted 100 days after the dismissal, was expired, he requested an income test to benefit from health services and wanted to make monthly payments, but this application was not accepted. The participant also emphasized that there is an inconclusive green card application.

One of the female participants, whose husband with KHK, stated that they have paid all of the loan instalments, but their houses are still mortgaged, and that the Ministry of Justice's approval is expected for the removal of the mortgage.

All participants with credit cards during the shopping they learned that their credit cards were closed for use without notifying them.

In a system where the rule of law is respected, even for crimes determined by the judiciary, the sanction is limited to the person concerned and the relevant act. However, the experiences conveyed by the participants indicate that their experiences violate this universal rule.

## **2.4 Being both a woman and with KHK**

Some of the female participants emphasized that by losing their economic independence and status, they felt more social pressure on and lost their freedom. Their families and their immediate surroundings expected them to return to their full female roles.

*"When I was getting ready on my first job, I got lost, I am the only woman at work, and what my neighbours say, I am a divorced woman. I searched for long skirts in the wardrobe, searched for my longest hijab, I did not wear makeup, I asked my daughter, if I looked like a tea-maker, I realized after a while that I was very upset, I am not that old, I am still a woman. I was always like this in this workplace. But later I thought that I do not have to prove to anyone that I am an honest woman" (40, 16-year teacher)*

A female participant who emphasized that she received more respect while working: *"Now I am their bride who cannot act independently, who only has to take care of children, but I do not listen."* (40, 12-year teacher)

Another female participant stated that her family could exert pressure to protect her and demanded her to live with them: *"This is actually one reason I cannot ask them for money. Living alone becomes like a luxury, we offer you something, it can be perceived as if you want more."* (44, architect in public, 3 years)

A participant who emphasized that there is a barrier no matter how much they make a voice their opinion as women they should make 10 times more effort than men, summarized the issue as follows: *"Even in associations and non-governmental organizations, men do their best to suppress our voices, we can only exist in society by making much more effort."* (44, peace academician)

A peace academic who stated that when professional life is over, routine work takes up a large part of women's lives, said: *"If I were not a woman, I might have spent this period more efficiently. When your professional life is over, these routine works take a great part of your life. You do not make a great effort to expand your field, to deepen it. This is about social roles of course, but we, as women, adopt this very easily and limit our professional life more and more."* (55, peace academician, 5 years)

Emphasizing that she transformed from a teacher to an aunt for the caretaker after her dismissal, a peace academician summarized her experiences as follows: *"You are at home, have a child, do more housework, learn how to make stuffed vine leaves, but women can continue their academic career even from outside. I had such a small trauma while living with my ex-husband, I was always called teacher before that, one day I saw that the caretaker called me aunt and I felt very bad. You turn from teacher to aunt. But the male academician with KHK never loses his teaching position, on the contrary, he emphasizes and highlights it more. Even if the man looks after the child, it is not a loss of status for him, it is a plus, but for the woman it means completely returning to the roles of women."* (34, peace academician, 7 years).

In some of the cities in Turkey, living alone and finding a job is very difficult says one of our participants and when her husband put in prison, she said she could not live alone and moved into her family with her children, *"I did not even tell my next-door neighbour neither about my situation nor my husband was under arrest. I could not tell my landlord, I said my husband is abroad, I did not tell anyone anything about myself, my children are the same. If it wasn't for July 15, I would be able to continue my own life as a woman. But our whole life was turned upside down. There is a complete lynching culture here. It was the hardest thing I have experienced as a woman."*

After dismissal, women participants were subjected to mobbing and harassment in job interviews or in the places where they work. Participants emphasized that employers thought they had no other choice but work:

“I could not tell that I was dismissed at the job interview, I sent an e-mail later, there was no reply, after two months the person interviewed me called and said that “let's see what we can do for you, I will come and pick you up in the evening.” These things happened more than one. This is only one example. He uses me because he thinks I cannot find any other job and cannot say anything. I come across this kind of things very often. So, with this disadvantage we cannot express ourselves. We become quite weak and not able to establish normal work relationship. “

“They think that if a woman was dismissed from her job and lives alone, if she cannot find a job in a decent place, she can earn a living in different ways. I found a job at a school, I was verbally abused by my friend, who was a reference for me to get job but then he got me fired. Then I had a very serious depression. Then I thought, I am a cultured person, I know where to speak, I am a labourer, I do my job properly, but despite this I could not get a job at that school myself, and I was kicked out with that man's word. You study for a master's degree; you have a good command of both literatures. But nothing is as valuable as a man's words, this is the system.”

It is known that the situation regarding women's rights is already severe in our country. Reports<sup>24</sup> on violence, murder and abuse against women reveal the gravity of the situation. This situation has more severe consequences for women who are arbitrarily removed from working life and therefore lose their economic power and social status. In fact, the personal experiences of the female participants point to only a small part of the devastating effects of KHK in terms of women's rights and gender.

According to article 11 of the CEDAW Convention women right to "social security, work under safe conditions, freely choose one's occupation, to progress in the profession" and according to Article 3 of CEDAW "women's right to be equal with men in order to ensure their full development and advancement» has been violated.<sup>25</sup>

In the context of such violations of rights.

- 4th article of the Istanbul Convention, which prohibits all kinds of discrimination against women,
- Article 2 of the CEDAW Convention on the prevention of discrimination against women,
- Article 40 of the Istanbul Convention, which imposes legal sanctions on verbal or physical harassment, has been violated. All of these contracts were signed by Turkey.

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<sup>24</sup> <http://bianet.org/bianet/bianet/133354-bianet-siddet-taciz-tecavuz-cetelesi-tutuyor>; <https://www.ihd.org.tr/pandemi-doneminde-kadin/>; <https://morcati.org.tr/kadina-yonelik-siddet-nedir/#>

<sup>25</sup> <https://www.ihd.org.tr/kadinlara-kar-her-tlayrimcilin-lenmesuluslararasi-slees/>, see article 3, article 11

## **2.5 Opinions and comments on understanding the other and discrimination**

Article 1 of the Universal Declaration of Human Rights states the following: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”<sup>26</sup> All kinds of discrimination and ill-treatment are against human dignity.

The discrimination and social exclusion they experienced enabled people especially from conservative background with KHK to understand better those who have marginalized and exposed to discrimination for many years. Below are views and comments on understanding the other, social exclusion and "civil death".

“I want to give my own self-criticism. I have volunteered in associations for years, and I highly appreciated women going to school and study. But I always supported like-minded people in my neighbourhood. I did nothing for the marginalized people. We met friends from KESK on the platforms, I met socialists, atheists, friends who did not think like me but who struggled for me and for us. In this process, when I was marginalized, I understood others, for the first time I am more open to others who are not like me. I want to raise my children with same perspective. I'm angry with myself for realizing this too late. I hope our country will be more democratic, everyone can live with their own identity without shame or fear, especially women.” (Female, 42, Manager in private school, 13 years)

“After all, I had two slogans that stuck in my mind in my life, "as long as you keep silent your turn will come" and "No salvation alone, all together, or none of us". When we started our career as a police officer, we were trained as if we are the owner of this state. You know, in Yeşilçam movies, when something hits the head of a blind person, he suddenly starts to see it, and that's what happened to me. ” (Male, 45, 16-year police officer)

“First of all, it is very painful that you are question your belonging to their country, this is the most important thing for me, I understood what it means to be a second-class citizen, to be other. There have always been people who have been marginalized in this country, but we did not understand them, and we always found an excuse, and we took refuge in excuses as if he did this and that. Now I identify with them, that's the biggest gain for me.” (Female, 40, 16-year teacher)

“You know what this process taught me? I wish I had not been impartial in Gezi; it is very difficult to be a good person in this geography. You are constantly suffering, we are ruled by people who have not received their share from the law, it is very painful.” (Female, 51, 19-year teacher)

“One of the most important things we have noticed in this process is that even if you disagree with the other, not have the same worldview and not belong to the same religion, not of the same race, we must stand by the truth, the righteous. I think maybe we should do what we call empathy more often (Male, 45, 16-year teacher)

“I was never desperate, first my husband was suspended, five days later I was suspended. One day this tyranny will end. This tyranny happened before in Dersim, it was done against the Armenians, it was done against the Kurds, and now it happened to us, I understand them now, I learn a lot, we marginalized people. We understood them now because similar things happened to us. There'll be good days, maybe we can't see it, but I have no doubt.” (Female, 44, 18-year health worker)

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<sup>26</sup> <https://www.ihd.org.tr/insan-haklari-evrensel-beyannames/>

"Before I left the academy, I wanted to talk to assistants, say goodbye, they were the ones who were binding me to the academy anyway, I had such a hard time talking with them, I cried but they did not react at all. But I know our relationship was really good. According to what I learned later, an order was given by the head of the department, do not go, do not talk to her, do not do this, do not do that. You might say that they are adults too, don't they have their own thoughts, feelings. Well yes they do not." (Female, 53, peace academician, 22 years)

"The doors were closed from all sides, our working life was blocked from all sides, we were excluded by family and friends, they blocked us from all sides, all doors were closed. My friends excluded me too, when I was detained, all my numbers were erased from my phone. I had a friend I love very much, I memorized his number, my friend of 15 years. I searched and found him, he was so quiet, uneasy, he never asked what you are doing. But during this period, I made many valuable friends with KHK. " (Male, 33, 5-year teacher)

"As people with KHK, we are introverted in the places we work, we cannot be ourselves, we cannot express ourselves well. I have experienced many things that we said it is not possible, I was exposed to insults. This is a sociological disaster; I was psychologically down at one point. You have to erase your past, cut off your relationship with the people you love because you do not want them to get hurt because of you. " (Male, 37, 15-year police officer)

"As for the issue of exclusion, you exclude yourself first. You don't call anyone, nobody is calling you, even your relatives are afraid. I couldn't even reach my very sincere friend by phone. The police had raided his house. "(Male, 48, expert at the Prime Ministry, 17 years).

"Security investigations and KHK's are genocides, we call them economic and social genocides, they are heavy enough to drive the weak to suicide. To fix this, the assembly needs to act, I want justice. I don't want my job back, I'm ashamed, mothers want their children bones. " (Male, 42, 17-year health worker)

"There are thousands of people who are not hired due to the security investigation, none of us know that. For example, any person who attended a demonstration, if there is any slightest question about you, you cannot get a job in public, you have such a risky position. It is like being slave. " (Male, 48, expert at the Prime Ministry, 17 years)

"Before my dismissal, I received acceptance from a university in the Netherlands and then from a university in Belfast for my doctoral thesis, but I could not go. This discrimination affects me at the micro level but at the macro level, it affects both the people I serve and, for generations, the people I cannot serve today, the people I will not be able to serve for the next 25-30 years. It is actually a very heavy discrimination." (Male, 38, peace academician, 8 years)

## **2.6 Recommendations**

In order to compensate the serious violations of rights suffered by the victims of the 2016-2018 State of Emergency,

Our call to the Constitutional Court of Republic of Turkey, Republic of Turkey Ministry of Family, Labour and Social Services and the Ministry of Justice:

- Impartial, independent and effective mechanisms should be established to ensure that those dismissed with KHK can return to their jobs as soon as possible. In the formation of these mechanisms, the opinions of relevant stakeholders such as trade unions and professional organizations should be taken, and their participation should be ensured in a meaningful way. The process to be established should be transparent, participatory and accountable.
- Practices that cause violations (labelling, stigmatization, etc.) experienced by those dismissed through KHK should be terminated. Allegations of infringement should be investigated quickly and effectively; Effective investigations into violations should be conducted; the perpetrators and those responsible should be made accountable.

Our call to the UN Human Rights Council, the UN Committee on Economic, Social and Cultural Rights, the International Labour Organization, the Council of Europe Commissioner for Human Rights and the Venice Commission:

- Keeping the status of those dismissed by KHK on their agenda, they should continue to closely monitor the effects of this process.
- Violations in this field should be included in their regular reports, new special reports should be prepared regarding the status of the issues with KHK, when necessary, and a statement should be published.
- Non-governmental organizations operating in this field should be supported.
- Violations experienced by those who were dismissed by KHK in areas such as working life, social life and gender should be monitored by UN and Council of Europe human rights units. And in this context visits must be arranged to Turkey.
- They should give constructive suggestions and recommendations during talks with officials in Turkey and monitoring the implementation of these suggestions.

Our call for civil society.

- Teams of lawyers who can provide voluntary service by bar associations should be established for the victims of KHK, who have to fight in several areas legally.
- Campaigns (through social activities such as arts, sports, etc.) should be organized for those who suffer from serious financial difficulties.
- Psychological support should be provided to the victims of the emergency decree and their family members by voluntary therapists, through group therapy or individual therapy.
- Specific support programs and activities for women should be organized, taking into account the specific problem areas and violations they experience.
- Studies and monitoring should be carried out on the impact of KHK on gender equality.
- Media and media organizations should be more sensitive to the violations suffered by the victims of KHK and should include more of these violations.