

**HUMAN RIGHTS IN TURKEY: A COMPARATIVE STUDY OF İHD AND  
MAZLUM-DER**

by

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MAZLUM-DER**

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## **ABSTRACT**

The current popularity of civil society as “the icon of the global trend of democratization” and related discussions on civil society in Turkey are the starting points of this study. The civil society concept highly penetrated into political discourse in the last two decades. This has been largely due to the collapse of communist regimes in the Eastern and Central Europe in which civil society has been promoted and portrayed as the corner stone of the democratization process. Similar to the global trend, especially in the post-1980 period, civil society has been largely associated with the consolidation of democracy and related to this the lack of an autonomous civil society became the central issues of political discourse in Turkey.

An important part of the increasing debates about the civil society in Turkey has been the human rights issue. The repressive attitudes of Turkish state dominated human rights movements in the pre-1980 period. In the post-1980 era with the impact of large number of prisoners of 1980 military coup and torture and violence against these prisoners, the issues related to human rights challenged Turkish state and its actions more often. Moreover, the failures of Turkey on human rights, and the reports published by several international and national organizations and media have increased the pressure on the national government.

In the light of these discussions, the aim of this thesis is to have an understanding of two prominent human rights organizations, İHD (Human Rights Association) and Mazlum-Der (Association for Human Rights and Solidarity for the Oppressed People), which are mainly descendants of debates related to violations against Kurdish population and political Islam. The analysis of the developments of these organizations, their

discourses and interest in contemporary human rights violations would enable a further discussion related to the development regarding both civil society and human rights organizations in Turkey in the post-1980 period. In addition, a brief evaluation of the civil society concept and its historical developments in political sphere provides significant tools to understand why human rights movements revitalized post-1980 period.

This study provides a content analysis of two prominent human rights organizations in Turkey and their area of interests with a detailed focus on divergences and convergences between them. According to the analysis, Turkish state is indicated as the main obstacle in the issue of human rights in Turkey by İHD and Mazlum-Der. Secondly, the majority of human rights violations are related to Kurdish issue. Finally, İHD and Mazlum-Der have different approaches to human rights that differentiate them and limit their activities in some occasions. Furthermore, through identification of convergences and divergences, the data enables a further discussion about the contemporary debates on Turkish civil society, its position vis-à-vis the state mechanisms and the role of human rights organizations within these dimensions. This study is important because it provides a systematic understanding of the role of human rights organizations in dealing with human rights violations persecuted by the state and at the same time explicates on their contribution to the debate on the relation between state and civil society and whether human rights organizations focus on state or society level violations. This study also forms a preliminary work for further study on this relation and it brings in conceptual tools for further inquiry on this relation.

# TÜRKİYE’DE İNSAN HAKLARI: İHD VE MAZLUM-DER’İN KARŞILAŞTIRMALI ÇALIŞMASI

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## ÖZET

Sivil toplumun küresel olarak demokratikleşmenin “ikonu” haline gelmesi ve Türkiye’de sivil toplum ile ilgili benzer tartışmalar bu çalışmanın başlangıç noktası olmuştur. Sivil toplum kavramı, son yirmi yılda politik söyleme önemli ölçüde dâhil oldu. Bunun nedeni ise, komünist rejimlerin yıkıldığı Doğu ve Orta Avrupa’da sivil toplumun demokratikleşmenin mihenk taşı olarak gösterilmesidir. Benzer bir şekilde Türkiye’de, sivil toplum, özellikle 1980 sonrası dönemde demokratikleşme çabaları ile özdeşleşti ve Türkiye’de bağımsız bir sivil toplumun eksikliği politik söylemin ana konularından biri haline geldi.

Türkiye’de sivil toplum tartışmalarının önemli bir parçasını, insan hakları konusu oluşturuyor. Türkiye’de insan haklarının gelişimine baktığımız zaman, devletin baskıcı tutumu, 1980 öncesi dönemde insan hakları hareketlerini kontrol altında tutmuştur. 1980 sonrası dönemde ise, askeri darbe ile hapse atılan çok sayıda kişinin olmasının ve bu mahkûmlara yönelik yapılan işkence ve şiddet olaylarının etkisiyle insan hakları konusu devleti daha zor durumlara sokmuş ve üstündeki baskıyı artırmıştır. Ayrıca, Türkiye’nin insan hakları konusundaki kötü sicili, birçok ulusal ve uluslararası örgütler ve medya tarafından yayımlanan raporlar hükümetin üstünde önemli bir baskı unsuru oluşturmuştur.

Bu tezin amacı, Türkiye’deki iki önemli insan hakları örgütünü yani İHD ve Mazlum-Der’i incelemektir. Bu iki örgütün insan hakları mücadelesinin gelişmesinde sırasıyla Kürt nüfusu ve siyasal İslam ile ilgili alanlardaki insan hakları ihlalleri mühim bir yere sahiptir. Bu örgütlerin gelişimlerinin, politik söylemlerinin ve güncel insan hakları ihlallerine bakışlarının analizi, Türkiye’deki sivil toplum ve insan hakları örgütlerinin 1980 sonrası gelişimi ile ilgili çalışmalara yeni bir boyut kazandırmaktadır. Bu noktada sivil toplum kavramının kısa tarihçesi, niçin insan hakları hareketinin 1980 sonrası dönemde canlandığını anlamamıza yardımcı olacaktır.

Bu çalışma, Türkiye’deki iki önemli insan hakları örgütünü içerik analizi metodunu kullanarak incelemekte ve ikisini, çalışma alanlarının benzeştikleri ve farklılaştıkları noktalara yoğunlaşmak kaydıyla araştırmaktadır. Araştırmanın bulgularına göre, iki örgütte devleti, insan hakları konusundaki ana engel olarak değerlendirmektedir. İkinci olarak, Türkiye’deki insan haklarının ihlallerinin büyük bir çoğunluğu Kürt meselesi ile ilgilidir. Son olarak ise, İHD ve Mazlum-Der’in birbirlerinden ayrışmalarına neden olan ve bazı noktalarda hareketlerini kısıtlayan insan hakları ile ilgili farklı görüşleri mevcuttur. Bunlara ek olarak, iki örgütün ayrışma ve benzeşme noktaları, Türkiye’de sivil toplum, sivil toplumun devlet mekanizmaları karşısındaki pozisyonu ve bu bağlamlarda insan hakları örgütlerinin rolü ile ilgili yeni tartışmaların yapılmasına imkân sağlamaktadır. Bu araştırma, bir yandan devlet tarafından gerçekleştirilen insan hakları ihlallerinin üstesinden gelme konusunda insan hakları örgütlerinin rolleri konusunda sistematik bir analiz ortaya çıkardığı; öteki taraftan ise devlet ve sivil toplum arasındaki ilişki ile ilgili tartışmalara katkı sağladığı için önemlidir. Ayrıca, insan hakları örgütlerinin devlet ya da toplum seviyesinde gerçekleşen insan hakları ihlallerinden hangisine yoğunlaştığını araştırdığı için de literatür için faydalıdır. Son olarak ise, bu çalışma, devlet ve sivil toplum ilişkisi üzerine yapılacak ileriki çalışmalar için ön bir hazırlık oluşturmakta ve kavramsal araçlar sunmaktadır.

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## TABLE OF CONTENTS

<b>Chapter One</b> .....	<b>1</b>
I. Introduction .....	<b>Error! Bookmark not defined.</b>
II. The Focus of the Study.....	5
III. Method .....	<b>Error! Bookmark not defined.</b>
The period analyzed.....	<b>Error! Bookmark not defined.</b>
Coding Units .....	8
Meta-Frames/Frames .....	8
List of Meta-Frames/Frames.....	10
Limitations .....	21
<b>Chapter Two: Civil Society and Its Manifestations in Turkey</b> .....	<b>23</b>
I. Development of Civil Society .....	23
II. Turkish State .....	29
III. Civil Society in Turkey.....	31
Pre-1980 Period .....	31
Post-1980 Period.....	32
IV. Human Rights in Turkey .....	37
Historical Perspective .....	37
İHD .....	42
Mazlum-Der.....	46
<b>Chapter Three: Findings of the Analysis: İHD and Mazlum-Der Compared</b> .....	<b>51</b>
I. Results .....	51
II. Summary .....	71
<b>Chapter Four: Conclusions</b> .....	<b>73</b>
I. Convergences between İHD and Mazlum-Der.....	73
II. Divergences between İHD and Mazlum-Der .....	75
III. Recommendations for Further Studies.....	77
<b>Bibliography</b> .....	<b>78</b>
<b>Appendix</b> .....	<b>83</b>

## CHAPTER ONE

### I. INTRODUCTION

The current popularity of civil society as “the icon of the global trend of democratization”<sup>1</sup> and related discussions on civil society in Turkey are the starting points of this study. The civil society concept highly penetrated into political discourse in the last two decades in relation to its increasing conception as “the *sine qua non* of democracy”.<sup>2</sup> This has been largely due to the collapse of communist regimes in the Eastern and Central Europe in which civil society has been promoted and portrayed as the corner stone of the democratization process. Similar to the global trend, especially in the post-1980 period, civil society has been largely associated with the consolidation of democracy and the lack of an autonomous civil society related with consolidation of democracy became the central issues of political discourse in Turkey.<sup>3</sup>

In pre-1980 period the attempts to form civil society organizations were challenged as being detrimental for the unifying national identity by the statist elites who had the understanding of Turkish society as classless and homogenous society in which all differences are melted under Turkish nationality.<sup>4</sup> This solidaristic and corporatist understanding rendered an omnipotent state that functions in all spheres, and prioritizes common good and public over individual rights and freedoms. In this sense, for the state elites to accept having civil society organizations meant to accept that state could not function well enough and there is the necessity of other organizations to fulfill the gap. Thus, in the eyes of the state elites, there is no need for alternative organizations formed by the society. This dominance of state over public and political arena even intensified

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<sup>1</sup> R. Augustus Norton (1996). *Civil Society in the Middle East*. Vol. 2. E.J. Brill. Leiden, New York, Köln. p 6.

<sup>2</sup> Ayşe Kadioğlu, “Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations” in *The Muslim World*, Vol. 95, January, (2005),p. 23

<sup>3</sup> Binnaz Toprak, “Civil Society in Turkey”, in *Civil Society in the Middle East Vol. 2* ed. by A, Richard Norton, (Leiden, New York, Köln: E.J. Brill, 1996),p.92

<sup>4</sup> Hasan B. Kahraman, *Postmodernite ile Modernite arasında Türkiye (1980 Sonrası Zihinsel, Toplumsal, Siyasal Dönüşüm)*, (İstanbul: Everest Yayınları, 2002), p.102

with the 1980 military coup which led a significant rupture in political, economic and societal life in Turkey with the strong restrictive legislations of military regime. Especially as a result of the severe restrictions for the political activities of individuals that came with the 1982 Constitution, a significant de-politicization process had taken place.

Globalization and liberal economic policies have impacted political landscape of Turkey in the early 1980s. Civil society organizations gained political power and autonomy from the state. They have begun to challenge the central and authoritarian state tradition of Turkey. Furthermore, the developments in the information and communication technologies such as the increasing number of private television and radio channels and increasing level of interactions among individuals has significantly initiated the liberalization of politics, expansion of the idea of individualism and challenging of dominant Atatürkist ideology of the state. Within this process, by also taking into consideration the examples from post-communist states and third world countries, civil society has been increasingly viewed as a vehicle to democracy by politicians, intellectuals and scholars.<sup>5</sup>

An important part of the increasing debates about the civil society in Turkey has been the human rights issue. Similar to the civil society, the omnipotent state was the main actor in human rights issue and oppressed human rights movements in pre-1980. In the post-1980 era with the impact of large number of prisoners of 1980 military coup and torture and violence against these prisoners, the issues related to human rights challenged Turkish state and its actions more often. Moreover, the failures of Turkey on human rights, and the reports published by several international and national organizations and media have gained more significant place on the agenda of the government. Human rights issue has caused a lot more international pressure on the national government because Turkey's relationships with the European Union began to dominate the agenda of Turkish government in the post-1980 era more, and the membership issue is very much related to human rights. The discussion of human rights as an external pressure is not a recent

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<sup>5</sup> Ali Y. Sarıbay, *Postmodernite, Sivil Toplum ve İslam*, (İstanbul: Alfa Yayınları, 2001), p.131

phenomenon in Turkey. Until 1980 we cannot see the survival of any national human rights organization. The only long-lived organization was Amnesty International which could not be very active in the pre-1980 era.

In order to have a better understanding of the developments related to both civil society and human rights, a new element of shifting political space in the post-1980, namely, the “revitalization of the language of difference” should be analyzed in detail.<sup>6</sup> After 1980 Atatürkist modern and totalizing identity of the state has been challenged and the expressions of various social and cultural identities by different groups have been experienced. Rights versus left and communist versus conservative dualities of pre-1980 period were replaced by the discussions of daily issues such as environmental problems, women’s rights and human rights. Civil society and its relationship with state began to dominate the political discourse. The discussions mainly concentrated on limitations of the role of state and creation of an autonomous space for individuals.<sup>7</sup> In the post-1980 period there was a struggle to escape from hegemony of the state in every level and in this struggle the intellectuals perceived civil society as a space for the compromise of different identities and ideologies and stand against the hegemonic character of the state.<sup>8</sup> Similarly, Fuat Keyman argues that with the impacts of neo-liberal economic policies and globalization after 1980, Atatürkist modernist ideology faced with a serious identity crisis during which modernity would not provide sufficient imagination for the political community. Alternative identities, subjectivities and understandings of modernity began to challenge unifying national identity.<sup>9</sup> Thus, the possibility of thinking political community outside of Kemalist terrain was realized.

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<sup>6</sup> Fuat E. Keyman, “Globalization, Civil Society and Islam: The Question of Democracy in Turkey” in *Globalizing Institutions: Case Studies in Regulation and Innovation* ed. by Jane Jenson & B. De Sousa Santos, (Hampshire: Ashgate Publishing, 2000), p.224

<sup>7</sup> Sarıbay, *Postmodernite, Sivil Toplum ve İslam*, p.125

<sup>8</sup> *Ibid*, p. 126

<sup>9</sup> Fuat E. Keyman, “Globalization, Civil Society and Islam”, p.225

<sup>11</sup> Zehra F. Kabasakal Arat, “Collisions and Crossroads: Introducing Human Rights in Turkey” in *Human Rights in Turkey* ed. by Zehra F. Kabasakal Arat, (Philadelphia, University of Pennsylvania Press, 2007), p.8.

During the rise of alternative subjectivities to the Atatürkist unifying identity, Kurdish ethnic nationalism and political Islam revitalized as two main opposition movements. These issues have reflected areas where most of the human rights abuses in Turkey have occurred after 1980. In the 1990s there was rise of Kurdish nationalism which conducted by PKK (Workers' Party of Kurdistan) with an armed struggle against state security forces. The measures implemented by the state to combat PKK and terrorist activities of PKK caused severe human rights violations, especially in the southeastern parts of Turkey. In addition, Islamist groups criticized state's policies on religious freedom which are implemented to protect secularism. Some of the criticisms especially for the ban of wearing headscarves in public places claim that state policies violate the right to religious freedom. As a response, state tried to suppress these movements and perceived them as anti-secular and separatist movements.<sup>11</sup> In this sense, the brief evaluation of the civil society concept and its historical developments in political sphere provide significant tools to understand why human rights movements revitalized post-1980 period and why the scope of the human rights issue in Turkey mainly focuses on Kurdish issue and political Islam.

Thus the aim of this thesis is to have an understanding of two prominent human rights organizations, İHD (Human Rights Association) and Mazlum-Der (Association for Human Rights and Solidarity for the Oppressed People), which are mainly descendants of debates related to violations against Kurdish population and political Islam. The analysis of the developments of these organizations, their discourses and interest in contemporary human rights violations would enable a further discussion related to the development regarding both civil society and human rights organizations in Turkey in the post-1980 period.

## II. THE FOCUS OF THE STUDY

This study analyzes the two prominent human rights organizations in Turkey, İHD (Human Rights Association) and Mazlum-Der (Association for Human Rights and Solidarity for the Oppressed People). With content analysis of the monthly reports of two organizations and interviews with three of their high ranking officials, this study aims to provide an introductory analysis to the civil society in Turkey, its relation to the Turkish state via the human rights organizations, its development, its dynamics and discourses in the contemporary social and political spaces.

The main research questions of this study are: “Do these organizations exclusively focus on the issues against the state? Or are they interested in human rights violations at the society level? Are there any significant differences between the two organizations in their area of interests and their conception of human rights as well as civil society?”

With this aim in mind, monthly reports for the year of 2006 of both İHD and Mazlum-Der are subject to content analysis. Additionally, three interviews with the high ranking officials of each organization were conducted and foundation principles are analyzed. Analyzing reports of both organizations is preferred instead of making interviews with members because the implementations of an organization might contradict with the expressions of the members. In addition, the reports provide first hand and specific knowledge about the interest areas of the organizations. During interviews members may basically list the interest areas and give only general information about the activities. Reports enable us to check whether there is a gap or contradiction between the expressions of the members and the activities of the organization. Therefore, analysis of monthly reports is determined as the main method whereas interviews provide additional information and enable me to check the results of the analysis.

This study applies a two step approach to the study of the monthly reports of İHD and Mazlum-Der. Initially, the focus is on the cases that are presented in these reports

with an analysis of salience of specific issues within the analyzed period and of the relative weight given to these specific issues.

More importantly, in the second part, the specific positions of the two organizations will be analyzed. By identifying convergence and divergence of cases within the same period between two human rights organizations, the link between state and human rights violations is questioned. Additionally, the interviews, which provide data about the internal logic of the organizations, guide the study towards understanding the link between their discourse and their involvement in human rights violations. Lastly, the data as well as the interviews, enables a further discussion about the contemporary debates on Turkish civil society, its position vis-à-vis the state mechanisms and the role of human rights organizations within these dimensions.

Despite the increasing debate on state's role in human rights violations in Turkey, there is a lack of systematic understanding of the role of human rights organizations in dealing with this problem and at the same time their contribution to the debate on the relation between state and civil society. This study forms a preliminary work for further study on this relation and it brings in conceptual tools for further inquiry on this relation. Thus an initial step is on the reports of human rights organizations, to which kind of cases they report in a relatively higher weight and how they frame their relation vis-à-vis the state mechanisms.

Consequently, this study should be interpreted neither as an analysis of all the human rights violations in Turkey nor the analysis of full account of the contemporary debates regarding the triangle between human rights, civil society and state in Turkey, but as a study with the limited objective of questioning the emphasis of İHD and Mazlum-Der on either state or society-level based human rights violations.

### III. METHOD

Content analysis is defined as "any technique for making inferences by objectively and systematically identifying specified characteristics of messages".<sup>12</sup> In this study content analysis method is used to define the meta-frame and frame categories that enable the definition and categorization of human rights violation cases in the monthly reports of Mazlum-Der and İHD.

#### **The Period Analyzed & Unit of Analysis**

The period analyzed in this thesis is between 1 February 2006 and 31 December 2006 for İHD, and between 1 January 2006 and 31 December 2006 for Mazlum-Der's reports. There are 11 reports for İHD and 12 reports for Mazlum-Der in the year of 2006. The period and numbers of cases vary for both organizations. İHD's reports include 559 cases whereas Mazlum-Der's reports are composed of 948 cases. N is 1507 because the unit of analysis is a case and in total there are 1507 cases. The number cases reported by İHD is less than Mazlum-Der and the reason might be their method of reporting and sources. Mazlum-Der's reports are composed of articles from the newspapers whereas İHD's reports include individual applications in addition to the small number of cases expressed in the media. Since Mazlum-Der prepares its reports from a broader pool of cases compared to İHD, the number of cases in Mazlum-Der's reports is higher than İHD's reports.

2006 violation reports are chosen for this study because they are İHD's most recent and accurate reports that include explanations for each case. In addition to violation reports, İHD publishes annual human rights violation statements and special reports. Annual statements indicate total numbers of violations under general categories that do not signify the reasons of violations but show under which circumstances the violations occur such as custody, torture, prisons and deportation. Special reports are not

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<sup>12</sup> Ole Holsti, *Content Analysis for the Social Sciences and Humanities*. Reading, MA: Addison-Wesley. 1969,

suitable for comparison with Mazlum-Der because both İHD and Mazlum-Der focus on different issues in their special reports. Moreover, violation reports are composed of almost the same general categories with a few extra ones for both organizations and they express each violation case in detail including the reasons behind it.

Mazlum-Der has two types of reports; special reports and periodical reports. Special reports focus on certain issues like the ones in İHD. Periodical reports are composed of three categories; violations, evaluations and statements. Evaluations include general statements of Mazlum-Der about human rights violations. The evaluations do not have details of the violations; instead reflect the judgments of Mazlum-Der. There are three versions of evaluation reports, namely annual, semiannual, and monthly reports. Statements are published on a monthly basis. They have a similar structure with İHD's annual statements and they only express the numbers of violations under general categories such as custody, torture, prisons and deportation, without giving detailed information. Thus, İHD's and Mazlum-Der's human rights violation reports of 2006 are the most suitable reports for this study.

### **Coding Units**

In this study, I focus on the framing of the human rights violations by İHD and Mazlum-Der. The frames are defined as concept categories that are composed of words and phrases which signify whether the cases in the reports are related to certain group(s) and/or issue(s).

### **Meta-Frames/ Frames**

As mentioned above, human rights violations reports of İHD and Mazlum-Der are composed of cases that are put under general headings. In order to scrutinize the focus of

both organizations further categorization apart from the general headings of İHD and Mazlum-Der is made. In doing so, meta-frames and frames distinction is used and mainly the results of frames are utilized for answering research questions.

- a) Meta-frames: are general categories that give general information about violations without including specific knowledge regarding identity or group affiliations of the victim. This differentiation is important in order to understand political landscapes of both human rights organizations and the issues that they operate in detail. Meta-frames are also established in parallel with the headings of İHD and Mazlum-Der. They. These include categories such as custody, torture, prisons, and trials.
- b) Frames: are established in order to understand the group identity and/ or focus of the issue of the violations. They are sub-headings of meta-frames and a frame may exist within more than one meta-frame. For instance, both custody and torture/ mistreatment meta-frames contain “worker” frame. In the former “worker” frame signifies cases in which workers are put in custody while in the latter cases in which workers are tortured and/ or mistreated.
- c) The frames are established through dictionaries. Dictionaries are the words or phrases that define a particular frame. For instance, “Kurdish issue” frame is composed of the words, “Kurd”, “newroz”, “internal displacement”, “PKK”, and “Democratic Society Party (DTP)”.
- d) Each human rights violation case is categorized under a frame that is located under a meta-frame and counted once even though same case is mentioned more than once. For instance, a large number of people who were taken into custody during the celebration of newroz is categorized within Kurdish issue frame located under custody meta-frame.

## List of Meta-Frames and Frames

- a) Custody: Custody meta-frame involves the issues in which a group of people or certain individuals are taken into custody by security forces. If a custody case includes certain clues-words that indicate a particular frame, it will fall into the category of that particular frame. For instance, the custody case of an individual, who is a member of DTP, is classified at first under the meta-frame of custody since it is a custody case, and then it is assigned to the frame of Kurdish issue which is one of the frames within custody meta-frame. Custody meta-frame has eighteen frames as sub-categories. These are;

Illegal organization: This frame involves custodies related to the actions of illegal organizations such as El Kaide, Hizbullah, DHKP-C and İBDA-C on the one hand; and PKK on the other. This differentiation is meaningful due to PKK's association with Kurdish issue. A full list of the names of the illegal organization is in the appendix.

Kurdish issue: This frame involves all the custody issues related to Kurdish issue ranging from Democratic Society Party (DTP) to internal displacement, newroz and social and political rights.

Self-identified leftist organizations: This frame involves the custodies related to organizations which are defined within the leftist ideological camp such as Temel Haklar ve Özgürlükler Cephesi, Özgür Halk Dergisi, and 78'liler Vakfı and which includes clues-words that helps them to locate within the leftist camp such as "socialist" and "communist". These organizations identify themselves with leftist ideology by resisting capitalism, working for the development and spread of socialism or communism, and struggling for the rights of workers, poor and oppressed groups within the society. Some of them focus on workers' rights whereas some others organize activities for the youth. There are journals, associations and

foundations in this category and a complete list of leftist organizations is in the appendix.

Student: This involves the custodies involving student activities and rights.

Hunger strike: This frame involves the cases that are related to individuals who pursue hunger strike as well as protests and activities in support of them.

F Type: This frame includes all the cases and incidents related to the individuals who are placed in F Type prisons as well as protests and activities in support of them. One detail related to this frame is that, if the “hunger strike” is reported in relation to F Type prisons, that kind of cases are considered under the heading of F Type.

Prison: This frame includes all the cases and incidents related to the individuals who are placed in prisons except F Types as well as protests and activities in support of them.

Worker- labor union: This frame involves custody cases related to activities, protests and declarations of labor unions as well as discriminations against the workers due to their membership to these unions.

Women rights: This frame includes custody cases of women rights activists. They were put under custody participating to a meeting or a protest. The number of these cases is very small and inclusive to İHD.

Self-identified rightist groups: This frame involves all of the custodies related to nationalist rightist groups or the cases in which the clues-words that can be associated with rightist groups such as “ülküçü” and “Alperen Ocakları” exist.

Middle East: Custody cases related to activities, protests and declarations about Israel-Palestine conflict, American intervention to Iraq or any incident involving mainly a Middle Eastern country are defined under this frame.

Refugee: This frame includes the cases of refugees that are arrested or caught while illegally trying to pass through Turkish territory.

Religion: This frame is similar to religious meta-frame but is related to the cases that are considered under different meta-frames than religious freedom such as an individual who is taken into custody during the “caricature” protests. Religion frame implies a broad range of issues and in order to understand the nature of issues associated with religion in detail, five subcategories are determined: 1) Alevis 2) headscarf 3) caricature protests 4) clothes 5) other issues. The first four subcategories have more than one case related with them whereas the subcategory of “other issues” is designed to group various issues which can not be categorized within one particular subcategory.

Journalist/Lawyer: This frame involves custodies of lawyers and journalists which can not be linked to any ideational or identity related issue.

İHD (Human Rights Association): This frame involves the cases in which the İHD and/or its employees or supporters are put under custody.

Environment: This frame involves custody cases of environmental activists. They were put under custody participating to a meeting or a protest. The number of these cases is very small.

Individual: Individual frame includes all the cases of which the subjects are only individuals and the cases that can not be linked to any ideational, social or identity related group.

Other: Other frame includes all the cases which do not contain any relevant information related to the victim, the issue that led to the custody of the individual(s) or group(s). The number of cases in this frame is very small and inclusive to İHD. For instance, a group of people was taken into custody by the police in May 2006. Only the number of people and where the incident occurred are mentioned in the report of İHD. Therefore, this case is classified into the frame of other which is a subcategory of custody meta-frame.

**b) Torture and Mistreatment:** This category involves the mistreatment or torture of a group of people or certain individuals by security forces or unknown individuals. This meta-frame does not include any cases of custody but only references to the instances of torture and mistreatment. It has thirteen frames as subcategories. Some of the frames have same names with the ones within custody meta-frame and they are not re-explained in detail. Only new frames, which do not exist under custody meta-frame, are explained elaborately. There are frames within torture and mistreatment meta-frame.

Illegal organization: This frame involves the cases of torture and mistreatment related to the actions illegal organizations.

Kurdish issue: This frame involves all torture and mistreatment cases related to Kurdish issue.

Leftist organization: This frame involves torture and mistreatment cases related to organizations which are defined within the leftist ideological camp.

Student: This involves torture and mistreatment cases against students either by security forces or teachers.

F Type: This frame includes all the cases and incidents against individual(s) or group(s) who protest and make activities in support of F type prisons. One detail

related to this frame is that, torture and mistreatment cases within F type prisons are considered under prisons meta-frame.

Worker- labor union: This frame involves cases against workers and/ or representatives of labor union.

Women's rights: This frame includes cases against women rights activists. The number of these cases is very small and inclusive to IHD.

Children's Rights: This frame includes cases of mistreatment against children who are under the protection of the Social Services and Child Protection Agency.

Middle East: The cases related to activities and protests about Israel-Palestine conflict are within this frame.

Individual: Individual frame includes all torture and mistreatment cases of which the victims are only individuals and the cases that can not be linked to any ideational, social or identity related group. This frame is divided into two categories; police-soldier and other. These sub-groups indicate the identity of the persecutor(s). Out of fifty-two individual cases, in only four cases the persecutors are unknown individual(s), the rest of them are the members of security forces.

Sexual Preference: This frame is the cases of individuals who are tortured or mistreated due to their sexual preferences. All of these cases are individual cases.

Journalist/Lawyer: This frame involves cases of torture and mistreatment against lawyers and journalists which can not be linked to any ideational or identity related issue.

Other: Other frame includes all the cases which do not contain any relevant information related to the victim or attacker. The number of cases in this frame is very small and inclusive to İHD.

c) Prisons: Prison meta-frame involves the inclusion of cases related to prisoners. This category has three frames; one being the “F Type” prison; the other being all the other prisons; and third one being hunger strike. A differentiation between F type prisons and other ones is done because the number of cases related with F type prisons is large enough to make a category of its own.

Hunger strike: This frame involves the cases that are related to prisoners who pursue hunger strike as well as protests and activities in support of them.

F Type: This frame includes all human rights violation cases and incidents within F type prisons. This frame is divided into three categories; torture-mistreatment, illegal organization, and Kurdish issue. Torture-mistreatment involves the mistreatment or torture against the prisoners in F type prisons. Illegal organization indicates the identity of the individual(s) who were put into F type prisons or prisoners who were tortured or mistreated. Kurdish issue involves all torture and mistreatment cases related to Kurdish issue ranging from celebration of newroz to speaking Kurdish in F type prisons.

Other Prisons: This frame includes all human rights violation cases and incidents in other prisons than F type. This frame is divided into six subcategories; torture-mistreatment, illegal organization, Kurdish issue, worker-labor union, women rights and other issues. The first three subcategories are defined in the same way with F type. Worker-labor union indicates the identity of the prisoner(s). Women rights category includes cases of women rights activists who were put in prison. Other involves all the cases which do not contain any relevant information related to the prisoner or reasons of imprisonment.

**d) Raid:** Raid meta-frame includes the security forces raid operations to certain foundations, center of media offices, associations or individual's houses. The cases that are categorized under this meta-frame are only raids that are not resulted in custody or the reports do not present further information. This frame is divided into three subcategories; Kurdish issue, media offices-associations, and other. Kurdish issue is for raid cases related to Kurdish issue and there is only case in which the police raided a district of DTP. Media offices-associations category involves raids of security forces upon media offices or associations and this category is inclusive to İHD. Media offices and associations are subcategorized under three headings according to their area of interest; women rights, leftist and worker.

**e) Incident:** Incident meta-frame is the cases of incidents such as bombings and attacks, and penalizing or banning of the activities of certain media organizations. This category does not involve any custody, torture-mistreatment cases. There are seven frames within this meta-frame.

**Bombing- attacks- deaths:** This frame involves all the incidents such as bombings, attacks to individuals or groups as well as deaths. This frame is divided into twelve subcategories; illegal organization, hunger strike, F type, Kurdish issue, rightist group, leftist group, worker- labor union, student, media, security forces, religion, individual, AKP, and other. AKP indicates bombings of AKP offices.

**Women's rights:** This frame includes the incidents that violate women rights such as domestic violence, rape, honor killings and/ or any type of attack or threat against women.

**Children's rights:** This frame is the cases that call attention for children rights and the cases that involve abuses against children.

**Disabled people:** This frame involves the cases related to the rights of disabled people as well as the cases in which disabled people are the victims.

Social- economic rights: This frame involves the cases of the violations related to socio-economic rights of certain individuals that can not be linked to any ideational, social or identity related group. All of the cases are individual cases. This frame is divided into four subcategories; worker, police-municipality, sexual preferences, and education right. Worker involves cases in which workers rights were violated by their employers such as dismissing and not paying the salaries of workers. In these cases there is no reference to labor unions and each case is an individual one between the employer and worker(s). Police-municipality indicates cases of individuals whose houses or work places are damaged by police or municipality officers. Sexual preferences category is for the cases of individuals who are discriminated due to their sexual preferences. Education right involves cases of individuals whose education rights are violated.

Freedom of association: This frame involves cases of individuals whose attempts to organize a meeting or demonstration was prevented by security forces.

Other: Other frame includes all the cases which do not contain any relevant information related to the victim or the issue of the incident.

f) Trial: Trial meta-frame involves the reporting of the trials, in the sense that regarding a court decision or ongoing trials. In majority of the trials journalists, authors, and party members were accused for their articles, books, or speeches.

Insulting Turkishness/ Atatürk: This frame includes all the trials which are on the basis of insulting Turkishness and/or Atatürk. It is divided into three subcategories; Kurdish issue, religious organization, and individual. Kurdish issue is for the cases of individual(s) whose article(s), book(s) or speech(es) is related to Kurdish issue. Religious organization indicates that the defendant(s) is member of a religious organization. Individual involves the cases that can not be linked to any ideational, social or identity related group.

Military: This frame includes all the trials which are on the basis of insulting military institutions and officials.

Illegal organization: This frame involves trials in which defendant(s) are accused of being member or supporter of illegal organizations. This frame is divided into two subcategories; PKK and other organizations.

Kurdish issue: This frame involves trials related to Kurdish issue.

Leftist organization: This frame involves trials related to organizations which are defined within the leftist ideological camp.

Student: This involves trials in which students are either defendant or prosecutor.

F Type: This frame includes trials of individual(s) who protest and make activities in support of F type prisons.

Armenian issue: This includes trials related to Armenian identity, individuals or community such as the trial of Hrant Dink and trial of journalists of Armenian newsletter-Agos.

Middle East: This frame involves trials associated with activities, protests and declarations about Israel-Palestine conflict, American intervention to Iraq or any incident involving mainly a Middle Eastern country are defined under this frame.

Women rights: This frame involves trials related to activities, protests and declarations on women rights. This frame is inclusive to Mazlum-Der.

Religion: This frame involves trials related to religious issues. It is divided into three subcategories; Alevis, headscarf, and other issues.

İHD: This frame includes cases in which members or volunteers of İHD are defendants in trials on issues related to women rights, insulting public officer-police, and DTP. This frame is inclusive to İHD.

Individual: This frame involves the cases that can not be linked to any ideational, social or identity related group. It is divided into two subcategories; assault and sexual preferences. The former includes trials in which defendants are accused of insulting certain individuals whereas latter involves cases in which prosecutors are discriminated due to their sexual preferences.

European Court of Human Rights: This frame involves all the trials about Turkey in European Court of Human Rights (ECHR). This category is inclusive to Mazlum-Der. This frame is divided into thirteen subcategories; mistreatment, freedom of expression, freedom of association, right to a fair trial, insulting Turkishness/ Atatürk, Kurdish issue, PKK, military, headscarf, student, leftist group, environment, and other.

**g) Deportation:** Deportation meta-frame involves the deportation of foreigners from Turkey or Turkish citizens from foreign countries. It is divided into four frames; Kurdish issue, illegal organizations, political reasons, social rights.

Kurdish issue is for deportation of individuals whose application reasons for asylum or deportation reasons related to Kurdish issue.

Illegal organizations include cases in which individual(s) were deported because of their relations with illegal organizations such as being a member of El-Kaide.

Political reasons frame involves all deportation cases in which individual(s) seek asylum for political reasons and this is only relevant information that is mentioned in the reports.

Social rights frame involves cases in which with deportation individual(s)' social rights such as freedom of movement, and right to family reunification were violated. All of the cases in this frame are individual cases.

**h)** Health: Health meta-frame involves the cases of individuals who are medically abused but not mistreated or tortured by security forces or state officers. This category includes generally individual cases related social security system in Turkey as well as worker incidents. This meta-frame has three frames; military service, hospital problems, and worker.

Military: This frame involves health cases of individual(s) who were injured during their military service.

Health system: This frame involves cases related to health problems caused by negligence of doctors and/or executives of hospitals. All of the cases in this frame are individual cases.

Worker: This frame involves cases of workers who suffered from accidents in workplace.

**i)** Statement: Statement meta-frame involves the cases of public speeches, statements made by individuals, non governmental organizations, state officials as well as own declarations of İHD and Mazlum-Der. This meta-frame has ten frames; religion, Turkish Penal Code-article 301, freedom of speech, fight with terrorism, torture, F type, student, women rights, children rights and other. Statements are categorized into frames according to the issues of the speeches. Only religion frame is divided into subcategories; headscarf, caricature, and other. Moreover, student frame involves statements about Higher Education Council (YÖK).

- j) Religious Freedom: Religious freedom meta-frame is the cases associated with religious freedoms such as wearing of headscarf in the public arena as well as incident involving Alevis. This meta-frame has two frames; headscarf and Alevis and it is inclusive to Mazlum-Der.

Headscarf: This frame involves violations of religious freedom related to headscarf. It is divided into two subcategories; public space, and university.

## **Limitations**

Using frames as a mean for the analysis has its limitations. The reports are composed of violation cases with detailed information about the incident. Categorizing each case into certain frames has some difficulties. For instance, a case may be categorized under two different frames such as custody of DTP member during a protest about workers rights. This limitation tries to be eliminated by focusing on the identity of victim. Similarly, for some trial cases there is not enough information either about the identity of the defendant or about reason of the charges. For these cases further research about the trials was made and then categorization of the cases is accomplished.

The other limitation is the availability of same period of violation reports of İHD and Mazlum-Der. In order to have a reliable comparative study, it was necessary to have the reports for the same period. İHD's most recent available violation reports are for the year of 2006 whereas Mazlum-Der publishes violation reports for the year 2007 and some months of 2008. In order to maintain compatibility of issues that each organization focuses, both organizations' reports for year of 2006 are analyzed.

In addition, central office of İHD does not publish monthly violation reports but İstanbul branch does. For Mazlum-Der, on the other hand, İstanbul branch does not publish monthly violation reports but the central office does. The difference between the reports of central office and İstanbul branch is the location of the violation. İstanbul branches report violation cases that occur in the Marmara region whereas central offices

report all the violation cases in Turkey. In order to eliminate this limitation the reports of İHD's İstanbul branch and among the reports of Mazlum-Der's central office the cases occurred in Marmara region are chosen. All of ECHR cases and statements in the reports of Mazlum-Der are included also in the analysis since they are location free. Moreover, separate frames for ECHR and statements are established.

Finally, individual applications made to Mazlum-Der are not available because Mazlum-Der does not publicize them. Unavailability of individual applications of seems as a limitation in understanding the position of Mazlum-Der. However, the content of Mazlum-Der's reports indicates Mazlum-Der's human rights approach because the selection of newspapers and the cases in the reports are results of a conscious selection.

## **CHAPTER TWO**

### **CIVIL SOCIETY AND ITS MANIFESTATIONS IN TURKEY**

The aim of this chapter is to analyze civil society and its manifestations in Turkey. In doing so, how the political sphere in Turkey has changed, how the map of civil society has developed during this process, and where human rights organizations have stayed in the map of civil society are important questions. In order to answer these questions, first of all, the development of civil society in political science literature will be analyzed. Secondly, the state and its relationship with civil society in Turkey will be explained in two periods, pre-1980 and post-1980 periods. Thirdly, human rights activism and its historical role in the development of civil society will be explained. Finally, how İHD and Mazlum-Der operate in and how their activities guide us to understand the issue of civil society will be elaborated.

#### **I. THE DEVELOPMENT OF CIVIL SOCIETY**

The concept of “civil society” has been a focal point of discussion for a very long time among the political thinkers. Despite the fact that the concept can be traced back to Aristotle, it is a modern concept. There are several studies and discussions in order to understand and define the concept. However, it is not possible to come up with a single definition or use of the concept due to the fact that it has taken different forms and has been defined in various ways in political and social theory. Several political thinkers, including Adam B. Seligman, Augustus R. Norton, and Jean L. Cohen and Andrew Arato, indicated the ambiguity of the definition of civil society.<sup>14</sup> However, in the studies about civil society, it is often emphasized that civil society has become very popular in the last three decades and the importance that is attached to it has increased gradually. Adam Seligman argues that the idea of civil society is sometimes overly used and has

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<sup>14</sup> Sudipta Kaviraj & Sunil Khilnani, *Civil Society History and Possibilities*, (Cambridge, UK: Cambridge University Press, 2001); Adam B. Seligman, *The Idea of Civil Society*, (Princeton, New Jersey: Princeton University Press, 1995); Augustus R. Norton, *Civil Society in the Middle East*, (1995); and Jean L. Cohen & Andrew Arato, *Civil Society and Political Theory*, (Massachusetts, U.S: The MIT Press, 1994).

been applied as an analytical tool in various settings. For instance, in the 1980s, in Eastern Europe it was seen as one of the main tools against totalitarian state structure. Additionally, in the 1990s in Western Europe and the United States, civil society has been used to analyze and criticize democracy “at home.”<sup>15</sup>

Especially within the political science literature, the existence of these various approaches and attempts can easily be observed. Initially, the boundaries and the elements of civil society are discussed and the question of what constitutes civil society remains as one of the central questions. For instance, one general concern about the civil society is on the question of whether civil society is composed of voluntary organizations or whether it includes business corporations, labor unions and political parties.<sup>16</sup>

The modern usage of civil society started with social contractual thinkers, including Thomas Hobbes and John Locke. They did not differentiate civil society from the state. Civil society is a society regulated by laws and every individual is subject to the laws. It was established as a result of social contract among the individuals living in the society.<sup>17</sup> However, this does not mean that they use civil society interchangeably with state. Social contract enables societies to establish states and move to civil society from state of nature. Within this state the state’s authority is necessary in order to maintain civic interaction among individuals.<sup>18</sup> Social contractual thinkers constructed a complementary relationship between civil society and state rather than an antagonistic one.

Georg Wilhelm Friedrich Hegel conceptualizes civil society as a separate sphere outside the state. It is a “territory of mediation where there is a free play for every idiosyncrasy... [and] regulated only by reason glinting through them.”<sup>19</sup> Civil society is

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<sup>15</sup> Adam B. Seligman, “Civil Society as Idea and Ideal,” in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, (Princeton, New Jersey: Princeton University Press, 2002), p. 13-34.

<sup>16</sup> Simone Chambers and Will Kymlicka, *Alternative Conceptions of Civil Society*, (Princeton, New Jersey: Princeton University Press, 2002)

<sup>17</sup> Mary Kaldor, “The Idea of Global Civil Society”, *International Affairs*, Vol 79, No. 3, (2003), p.584.

<sup>18</sup> Ayhan Akman, “Beyond the Objectivist Conception of Civil Society: Social Actors, Civility and Self-Limitation”, *Political Studies*, (forthcoming article in 2009), p.11.

<sup>19</sup> Kaldor, *The Idea of Global Civil Society*, p.584.

the sphere between the state and family including corporations, social classes and market economy. Hegel's conceptualization of civil society led the discussions to a new way in which the relationship between these two is emphasized. Furthermore, he is crucial in the development of anti-state discourse of civil society and the dominant view in the political science literature which is to define civil society as a realm between the state and family.<sup>20</sup>

Until twentieth century civil society was considered as an intermediary sphere between state and family. With the works of Antonio Gramsci the focus of discussions changed from the state to hegemony of ideas. Gramsci focused on the cultural aspect and ideological relations within civil society and examined how manufacturing of ideas lead bourgeoisie class to dominate civil society. In his perspective, "civil society is seen as a system of ideas, values, ideologies, and interests". With the impact of Gramsci's conceptualization several thinkers define "civil society as a sphere of identity formation, social integration, and cultural reproduction, and although economic relations and the state play a part in these functions, their roles are, or ought to be, supporting, not leading."<sup>21</sup> However, the dominant view within the literature still focuses on state-civil society relations.

After Gramsci, civil society lost its popularity and the discussions regarding it almost disappeared from Western political science literature until the 1970s. In the 1970s the concept has revealed and "became a rallying cry for many, on both sides of the Iron Curtain, who were opposed to state socialism."<sup>22</sup> As mentioned above, the opposition movements against authoritarian and totalitarian state structure in Eastern Europe and Latin America are analyzed with civil society.

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<sup>20</sup> Adam B. Seligman, "Civil Society as Idea and Ideal," in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, (Princeton, New Jersey: Princeton University Press, 2002), p. 27

<sup>21</sup> Simone Chambers, "A Critical Theory of Civil Society", in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, (Princeton, New Jersey: Princeton University Press, 2002), p. 91

<sup>22</sup> John A. Hall, "In Search of Civil Society", in *Civil Society, Theory, History, Comparison* ed. by John A. Hall, (Oxford, UK: Polity Press, 1995), p. 1.

Civil society has revealed in political discourse in the 1970s in relation with its relationship with consolidation of democracy and state. It was used against authoritative states in Eastern Europe and Latin America. The argument was to promote reconstruction of civil society which provides autonomization and self-organization of individuals, and consequently limits the power of the state. In these discussions civil society was considered as a remedy for authoritarian state regimes and a significant tool in transition to democracy.

After the collapse of Soviet Union in 1989, democracy and liberal economic model were considered as cure for restructuring of post-socialist societies. In these discussions, civil society had a significant role since it was used as it promises democracy, autonomy for individuals and as a mean to exercise them.<sup>23</sup> It became an attractive idea to balance political relationship between oppressed societies and overbearing state. The discussions centered on the dichotomy between state and civil society. The encompassing role of the state in political, social and economic levels was severely criticized and the importance of having a strong and autonomous civil society to limit state power has been emphasized. It is argued that civil society can change the balance of power between society and state in favor of the society through various associations. These associations can be a bridge between society and state, and allow transmission of the demands of individuals to the state.<sup>24</sup>

Contemporary usage of civil society mainly refers to the dichotomy between state and civil society. It is viewed with its role in defining, controlling and legitimating state power and promoting democracy.<sup>25</sup>

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<sup>23</sup> Sunil Khilnani, "Development of Civil Society", in *Civil Society, History and Possibilities*, p. 12.

<sup>24</sup> Gordon White, "Civil Society, Democratization and Development: Clearing the Analytical Ground", in *Civil Society in Democratization*, ed. by Peter Burnell and Peter Calvet, (London, England: Frank Cass and Company Limited), p 13

<sup>25</sup> Gordon White, "Civil Society, Democratization and Development: Clearing the Analytical Ground", in *Civil Society in Democratization*, ed. by Peter Burnell and Peter Calvet, (London, England: Frank Cass and Company Limited), p 13

The theoretical model of Jean L. Cohen and Andrew Arato<sup>26</sup> has brought a new dimension to the conceptualization of civil society and moved the discussions to a new level. They suggest analyzing civil society not only from state- civil society dichotomy but also from a tripartite model which is a revised version of Gramsci's three part model of state-society-economy. In their model they differentiate civil society, political society and economic society and "formulate an approach which protects civil society from penetration from both state and economy while also maintaining the autonomy of all three spheres."<sup>27</sup> They also use civil society in analyzing new social movements (environmental, feminist, and local movements) and changed the focus from anti-statism to associations within civil society. Another significant part of civil society in Cohen and Arato is the role of it in expansion of particular values. Civil society promotes an egalitarian, non-sexist and open sphere, where individual rights, democratic participation in associations and public sphere are emphasized, and it avoids the utopian or anti-modernist elements.<sup>28</sup> Thus, the work of Cohen and Arato is crucial for changing the focus of discussions from state-civil society dichotomy, emphasizing values aspect of civil society, and motivations of social actors.

The issue of values of civil society has a significant place in the contemporary debates of civil society. In this sense, several political thinkers, including John A. Hall, Michael Walzer and Larry Diamond, oppose the idea of reducing civil society into mere social activism and argue the importance of values of civil society.<sup>29</sup> Civil society is viewed as a school where values of civility are learned. The individuals learn tolerance and competitive coexistence of different ideas and beliefs in civil society which is a

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<sup>26</sup> Jean L. Cohen & Andrew Arato, *Civil Society and Political Theory*, (Massachusetts, U.S: The MIT Press, 1994).

<sup>27</sup> Mark R. Weaver, "Reviewed work(s): Civil Society and Political Theory. by Jean L. Cohen; Andrew Arato", *The Journal of Politics*, Vol. 55, No. 2, (May, 1993), p. 543.

<sup>28</sup> Jean L. Cohen, "Interpreting the Notion of Civil Society", in *Toward A Global Society* ed. by Michael Walzer, (Oxford, UK: Berghahn Books, 1995), p. 37

<sup>29</sup> John A. Hall, "Genealogies of Civility" in *Democratic Civility: The History and Cross-Cultural Possibility of a Modern Ideal*, ed. by Robert W. Hefner, (New Brunswick: Transaction Publishers, 1998), p. 54; Michael Walzer, "Equality and Civil Society", in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, (Princeton, New Jersey: Princeton University Press, 2002), p. 37; and Larry Diamond, "Rethinking Civil Society, Toward Democratic Consolidation", *Journal of Democracy*, Vol. 5, No. 3, (1994), p. 8.

“realm of difference and fragmentation.”<sup>30</sup> Various competitive groups learn to live together in civil society. For the expansion of tolerance in civil society, the state should assure that the values of civility are sustained and none of the groups defeat the other group(s). Thus, the state should be democratic, act like an arbitrator and watch out whether the game is played accordingly.<sup>31</sup> In this sense, the role of state in maintenance and protection of civil society is emphasized.

In sum, civil society has revived in the 1970s and gained significant popularity in the political science literature. The popularity of civil society does not remain confined within Western political thought but it has spread to the various countries in the world. Its spread has gained new understandings and interpretations to civil society. However, as a common point, studies mainly concentrate on dualistic relationship between civil society and state. This approach is criticized within political science literature because it conceptualizes civil society in relation with state. This approach focuses heavily on the relationship between civil society and state, which is considered as a “zero-sum game,” and misses uncivil aspects of civil society.<sup>32</sup> Several scholars such as Chambers and Kopstein, Fiorina, and Kopecky<sup>33</sup> emphasize authoritative behaviors of social actors within civil society. Similarly, civil society discussions about non-Western world mainly concentrate on state structures in these societies and development of civil society and its relations with state dominate the studies including the ones in Turkey. In this regard, civil society in Turkey will be explained in the following part.

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<sup>30</sup> Walzer, *Equality and Civil Society*, p. 37.

<sup>31</sup> *Ibid*, p. 39

<sup>32</sup> Akman, *Beyond the Objectivist Conception of Civil Society: Social Actors, Civility and Self-Limitation*, p.7

<sup>33</sup> Simone Chambers and Jeffery Kopstein, “Bad Civil Society”, *Political Theory*, Vol. 29, No. 6 (2001); Morris Fiorina, “Extreme Voices: A Dark Side of Civic Engagement” in *Civic Engagement in American Democracy* ed. by Theda Skocpol and Morris P. Fiorina, (Washington D.C: Brookings Institution Press, 1999); Petr Kopecky, “Civil Society, Uncivil Society and Contentious Politics in Post-Communist Europe”, in *Uncivil Society? Contentious Politics in Post-Communist Europe* ed. by Petr Kopecky and Cas Mudde, (London: Routledge, 2003).

## II. TURKISH STATE

Turkey has a patrimonial state tradition in which the “society could not be organized against the center and, therefore, could not pose any countervailing power.”<sup>34</sup> Turkish state structure has been investigated by several scholars like Metin Heper, Şerif Mardin, Halil İnalcık, and Fuat Keyman<sup>35</sup>. They analyze different aspects of Turkish patrimonial state and the impacts of this tradition on political life, democracy and civil society in Turkey. For instances, Heper explains Turkey’s transition to democracy and its political crisis that led to military intervention in 1960, 1971 and 1980 with patrimonial state tradition and the intolerance of state elites towards the periphery. Secondly, Mardin uses his historical analysis of the Ottoman Empire in explaining the Turkish state structure. He argues that Ottoman Empire is mainly composed of a center and a periphery. At the center there was patrimonial state authority and in the periphery there were the people. The center did not allow formation of alternative forces in the periphery.

After the establishment of Turkish Republic, similarly the state and political elites were not tolerant towards the periphery.<sup>36</sup> In the political sphere the state was the central actor and there was little room for independent activities of social groups. Even though there were some non-governmental organizations, which tried to force the state to make changes or modifications on some of its policies, they were under state pressure. The bureaucratic, political and military elites mainly hold the political power in their hands between 1923 and 1980. They considered Atatürkism as the only legitimate type of political action. In this period Turkey experienced three military interventions when autonomization movements of social and political groups from state’s authority were perceived as a shift from the principles of Atatürkism in the eyes of the military elites.<sup>37</sup>

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<sup>34</sup> Metin Heper, “State and Society in Turkish Political Experience”, in *State, Democracy and the Military Turkey in the 1980s*, p.3

<sup>35</sup> Ibid; İnalcık, *Tarihsel Bağlamda Sivil Toplum ve Tarikatlar*; and Fuat E. Keyman and Ahmet İçduygu, “Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses”, *Citizenship Studies*, Vol. 7, No. 2, (2003).

<sup>36</sup> Şerif Mardin, “Freedom in an Ottoman Perspective”, in *State, Democracy and the Military Turkey in the 1980s* ed by Metin Heper and Ahmet Evin, (New York: Walter De Gruyter), p. 28-29.

<sup>37</sup> Metin Heper, “Transition to Democracy in Turkey”, in *Politics in Third Turkish Republic*, (Boulder: Westview Pres, 1994), p. 19.

In sum, between 1923 and 1980 lack of civil society is the main characteristic of Turkish politics which was shaped by “the elites [who] for their part were not ready to give a breathing spell”<sup>38</sup> to civil society organizations and Turkish state which was the most powerful political, economic and social actor.

However, 1980 military intervention has changed the political landscape of Turkey because military intervention greatly eliminated the power of the civil bureaucratic elite. There was rise of new state elite which was different from post-1923 period. Different ideas and thoughts were spread among the state elite and Atatürkist thought was no more the mere source of their ideas<sup>39</sup> which have positively influenced the development of civil society.

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<sup>38</sup> Mardin, *Freedom in an Ottoman Perspective*, p.28-29.

<sup>39</sup> Mardin, *Freedom in an Ottoman Perspective*, p.28-29.

### III. CIVIL SOCIETY IN TURKEY

#### Pre-1980 Period

After the establishment of Turkish Republic in 1923, the associations, which were established after 1876 in the Ottoman Empire, were shut down and neither new associations nor new political parties experienced long term activities. In 1946, Turkey passed to multi-party period in which opposition groups could involve in politics legally. Between 1950 and 1980 there were non-governmental organizations which were strictly controlled by the state authority.<sup>40</sup> Binnaz Toprak defines this period as a period of “struggle to institutionalize party politics, establish democratic procedures, guarantee civil rights, and legitimize civil associations.”<sup>41</sup>

Between 1960 and 1980 civil society organizations were very active and there were various associations ranging from interest groups and professional associations to trade unions and student organizations. Associational activity was ideologically separated between left wing and right wing politics and civil society was overly politicized especially in the 1970s. There was armed conflict between these two political ideologies which denied existing political order and offered alternative regime types. One of the main characteristics of pre-1980 civil society in Turkey is totalitarian behaviors of social actors as well as Turkish state. Social actors supported totalizing ideologies that does not leave any space for different ideas and there was no “self-limitation of goals”<sup>42</sup> which is very important for the development of civil society. Binnaz Toprak defines civil society in the pre-1980 period as being “civil only in terms of autonomy from the state.” She points out lack of tolerance, consensuality and consequently interaction among social actors.<sup>43</sup>

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<sup>40</sup> Civil Society Index Team at Tusev, “Civil Society in Turkey: An Era of Transition,” *Civicus Civil Society Index Report for Turkey*, (Civicus, World Alliance for Citizen Participation, 2005), p.27.

<sup>41</sup> Binnaz Toprak, “Civil Society in Turkey”, in *Civil Society in the Middle East Vol. 2* ed. by A, Richard Norton, (Leiden, New York, Köln: E.J. Brill, 1996), p. 90.

<sup>42</sup> Nilüfer Göle, “Authoritarian Secularism and Islamist Politics,” in *Civil Society in the Middle East Vol.2* ed. by Augustus Richard Norton, (Leiden, New York and Köln: E.J. Brill, 1996), p.37.

<sup>43</sup> Toprak, *Civil Society in Turkey*, p.94

As a response to ongoing armed conflict within civil society, Turkish military intervened into politics in 1980. The military dissolved the parliament and ended the struggle between opposition groups which are perceived as a threat against solidarity and harmonious structure of the society. This intervention signified Turkish state's reaction to the autonomization of opposition groups and organizational activity of different social and political groups.<sup>44</sup>

As a result of authoritative and totalitarian behaviors of Turkish state and social actors, civil society in Turkey was mainly identical with associational life which was also under the control of the state until the 1980s.

### **Post-1980 Period**

As mentioned above in the late 1980s civil society concept has revived in the political science literature and it has become the corner stone for the societies on the road to democracy. Departing especially from Eastern European countries, civil society is offered as a mean to establish democracy for the countries in transition to democracy. The usage of civil society for the question of consolidation of democracy in post-communist and third world societies has influenced the efforts to prevent continuous military intervention into politics and to consolidate democracy in Turkey after the 1980 military coup. In this process the place and role of the state in the society was severely discussed.<sup>46</sup> Parallel to the elimination of statism and declining economic role of the state, limitation of the power of state and bureaucracy became dominant topics in politics. In this regard, the concept of civil society became very popular. The lack of an autonomous civil society related with consolidation of democracy became a central issue and the civil society concept has been discussed as one of the main needs of Turkish democracy. Thus, the concept penetrated into political discourse in the last two decades and it has been widely used by politicians, intellectuals and scholars.<sup>47</sup>

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<sup>44</sup> Göle, *Authoritarian Secularism and Islamist Politics*, p.36.

<sup>46</sup> Ali Y. Sarıbay, *Postmodernite, Sivil Toplum ve İslam*, (İstanbul: Alfa Yayınları, 2001), p.119.

<sup>47</sup> Ibid, p.131; and Toprak, *Civil Society in Turkey*, p.92-95.

1980 has been a turning point because of both external and internal events.<sup>48</sup> 1980 military coup led significant changes in politics, economics and societal life in Turkey. In the political arena, under the strong restrictive legislations of military regime, between 1980 and 1983 a significant de-politicization process occurred. This process continued after the transition to the civil rule with Motherland Party (MP) since MP government argued that it represents all political groups in Turkey and stated that “all ideologies are dead now.”<sup>49</sup> Similarly, 1982 constitution includes severe restrictions for the political activities of individuals. Politics has become a sphere for mainly politicians.<sup>50</sup> MP tried to focus the agenda of the society on economics which was widely accepted by the public that had experienced three coups in two decades and suffered from armed conflict among individuals who supported different political ideologies..

In terms of economics, MP government introduced various economic policies in order to liberalize Turkish economy and involve in globalization process. Economic liberalization through opening of Turkish economy to the global market and capital, and economic privatization led to significant developments in political, cultural and societal life. Pre-1980 period’s economic policies were criticized due to extensive involvement and state’s control on economics. Starting with economics the necessity of having autonomy from the state were often discussed at both state and society level. In addition to the impacts of globalization in economics, cultural impacts of globalization, as a result of the developments in the information and communication technologies such as private television and radio channels, and spread of internet, have led increasing level of interactions among individuals. The criticisms of state intervention in economics and expansion of interaction among individuals have significant impact on liberalization of

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<sup>48</sup> Göle, *Toward an Autonomization of Politics and Civil Society in Turkey*; Ayşe Kadioğlu, “Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations” in *The Muslim World*, Vol. 95, January, (2005), p. 23-41; Hasan B. Kahraman, *Postmodernite ile Modernite arasında Türkiye (1980 Sonrası Zihinsel, Toplumsal, Siyasal Dönüşüm)*, (İstanbul: Everest Yayınları, 2002); Fuat E. Keyman, “Globalization, Civil Society and Islam: The Question of Democracy in Turkey” in *Globalizing Institutions: Case Studies in Regulation and Innovation* ed. by Jane Jenson & B. De Sousa Santos, (Hampshire: Ashgate Publishing, 2000); and Sarıbay, *Postmodernite, Sivil Toplum ve İslam*.

<sup>49</sup> Hasan B. Kahraman, *Türk Sağı ve AKP*, (İstanbul: Agora Kitaplığı, 2007), p.114.

<sup>50</sup> Ibid.

politics, expansion of the idea of individualism, challenging of dominant Ataturkist ideology, and consequently development of civil society.<sup>51</sup>

Even though liberalism became popular in the political discourse and neo-liberal economic policies have become the reinforcing elements for challenging the ideology and power of the state,<sup>52</sup> the emphasis was on termination of statist economic policies of Republican era and separation of realm of economics from politics. High popularity of liberalism in 1980s promoted pragmatic values of market economy rather than “the idea of liberty in a more general sense, [and] the autonomy of the self in Kant’s sense of the ‘self-determining’ individual.”<sup>53</sup>

In addition to the changing power balances in the state- society relations, there was a significant shift in the political discourse from confrontation to tolerance in the 1980s and 1990s. The focus of the political agenda changed from ideological concerns of the 1960s and 1970s to more daily and micro issues including domestic violence, pollution, female identity, problems of transsexuals, public health, torture and ban on headscarf. This shift led to the establishment of dialogues between proponents of different ideologies with the rise of political and social pluralism, and autonomization of political and social spheres. “For the first time Islamists, leftists, and liberals debated around the same table.”<sup>54</sup> Mazlum-Der and İHD are also an example of this dialogue since both of them were established with different political tendencies, Islamists and leftist, and have organized several alliances on the issue of human rights in Turkey. The changing nature of relationship among social actors, and the shift in the agenda of civil society organizations have positively influenced the development of civil society. Various civil society organizations, which had had ideological orientations, changed their focus to daily issues that necessitate specific policies instead of questioning the prevailing political order, and several issue oriented new organizations were established.

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<sup>51</sup> Binnaz Toprak, “Islam and Democracy in Turkey” in *Turkish Studies*, Vol.6. No:2, (June 2005).

<sup>52</sup> Keyman, *Globalization, Civil Society and Islam: The Question of Democracy in Turkey*, p.225.

<sup>53</sup> Göle, *Toward an Autonomization of Politics and Civil Society in Turkey*, p. 218

<sup>54</sup> *Ibid*, p.214.

A new element of shifting political space in the post-1980 era is the “revitalization of the language of difference.”<sup>55</sup> In this period Atatürkist identity of the state has been challenged and various social, cultural, and political identities are expressed by different groups. such as Islamic and Kurdish identity In addition to revealing of various and alternative identities, the agenda of politics shifted from right versus left, and communist versus conservative dualities to the discussions of civil society and state. The necessity of limiting the role of state and creating an autonomous space for individuals are the main issues of these discussions. According to Ali Y. Sarıbay, the situation in post-1980 is a struggle to escape from hegemony of the state in every level and in this escape the intellectuals perceive civil society as a place for the compromise of different identities and ideologies and stand against the hegemonic character of the state.<sup>56</sup>

Expansion of liberal economic policies, tolerance among social actors and civil society organizations, emergence of various political and cultural identities and rise of issue oriented civil society organizations in the post-1980 period have reinforced discussions regarding limitation encompassing role of Turkish state, the necessity of consolidated democracy, and autonomous and tolerant civil society in the public and among the intellectuals. In addition, the number of civil society organizations has significantly increased in this period, especially in the 1990s and this has led to a shift of political practice from state to society.<sup>57</sup>

The increasing number of civil society organizations does not necessarily tell us whether the political power of civil society may influence and determine policies of the state more. What kind of issues that these organizations operate in is also important in order to see the political power of civil society. In Turkey “solidarity associations such as beautification organizations, regional solidarity organizations and mosque building societies” have significant amount of members whereas membership to advocacy groups such human rights organizations remains limited. Membership to the former may provide social capital which brings financial and personal benefits such as finding jobs and may

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<sup>55</sup> Keyman, *Globalization, Civil Society and Islam: The Question of Democracy in Turkey*, p.224.

<sup>56</sup> Sarıbay, *Postmodernite, Sivil Toplum ve İslam*, p.125-126.

<sup>57</sup> Keyman and İçduygu, *Globalization, Civil Society and Citizenship in Turkey*, p.227.

not necessarily lead to challenge the state. Membership to the latter, on the other hand, may call for active participation into politics including criticizing activities of state severely. Advocacy groups focus on the issues that challenge the authority of the state and dominant state ideology, and they call for limiting state's power<sup>58</sup> and in return, they may face with repressive actions of the state.

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<sup>58</sup> Ersin Kalaycıoğlu, "Civil Society in Turkey Continuity or Change?," in *Turkish Transformation New Century- New Challenges* ed. by Brian Beeley, (Huntingdon, The Eothen Press, 2002), p.60.

## IV. HUMAN RIGHTS IN TURKEY

### Historical Perspective

Related to civil society concept and rise of political pluralism in the public sphere, human rights issue began to be discussed more often in the post-1980 era. The failures of Turkey on human rights, and the reports published by several international and national organizations and media have gained a more significant place on the agenda of the government. Since Turkey's relationships with the European Union began to dominate the agenda of Turkish government in the post-1980 era and the membership issue is very much related with human rights, human rights issue has caused a lot more international pressure on the agenda of the national government.

For the human rights issue, the state has an ambiguous role. On the one hand, it is the legal guarantor of it whereas on the other hand, it is historically the main violator of it. Human rights have been developed to protect the individuals against the state.

“In the classical definition of the work of human rights organizations, the demand that human rights be upheld is directed toward the state. It can relate to state interference in the rights of its citizens or, in other circumstances, to the failure of the state to take action, thereby neglecting its duty to protect its citizens.”<sup>59</sup>

This does not mean that the discussions of human rights are relevant if the violation is persecuted by the state. Human rights can also be violated by the society.<sup>60</sup> However, violations conducted by the state have more weight in the literature. The reason might be that today states are the main violators of human rights and international conventions impose states the responsible for protection of the rights of individuals within their territories.<sup>61</sup>

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<sup>59</sup> Gottfried Plagemann: “Human Rights Organizations: Defending the Particular or the Universal?” in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Günter Seufert & Karin Vorhoff, (İstanbul: Ergon, 2000), p.443.

<sup>60</sup> Katerina Dalacoura, *Islam, Liberalism and Human Rights*, London, New York: I. B. Tauris & Co. Ltd., 2003), p. 9.

<sup>61</sup> Yasemin N. Soysal, “Toward a Postnational Model of Membership” in *The Citizenship Debates: A Reader* ed. by Gershon Shafir, (Minneapolis: University of Minnesota Press, 1998), p.196.

Contemporary debates about human rights are connected with citizenship issue. In parallel with establishment of international conventions on human rights, after the World War II the notion of citizenship has gained a new understanding. This new understanding requires reconstruction of classical nation state bounded citizenship with a post-national one which is based on “universal personhood” and human rights.<sup>62</sup> Universal human rights become the source of post-national citizenship and it is also argued that the notion of citizenship should be supplemented with human rights. The reason is that human rights more universal compared to national citizenship because its source is being human rather than a member.<sup>63</sup>

As a result of the linkage between citizenship and human rights, human rights discourse highly penetrated into the agendas of states. They are under pressure of supra-national organizations, and local and international non-governmental organizations to respect for human rights of individuals within their territories in terms of legislatures, policies, and actions. In addition, through international conventions national states become the protectors for the rights of all individuals living within their territories regardless of their citizenship status. Thus, nation states have become the most significant actor on the issue of human rights either as the protector or as the violator.

The role of the state in human rights has been greatly emphasized in the studies of human rights in Turkey. Human rights activism was limited in the pre-1980 period. Authoritative behavior of Turkish state in pre-1980 period against civil society organizations and opposition movements has similar implications for human rights organizations in Turkey. The human rights issue was controlled and monopolized under the state authority as a reflection of institutional monism framework of Turkish state. The authoritarian and hegemonic statism, which is stemmed by Kemalist ideology, dominated human rights issue because there was an omnipotent state structure in political, economic and social spheres in the pre-1980 era. Turkish state as the active agent that shapes and leads its nation in order to make them contemporaries of Western civilizations did not

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<sup>62</sup> Ibid, p.190.

<sup>63</sup> Bryan Turner, “Outline of a Theory of Human Rights,” in *Citizenship and Social Theory* ed. by Bryan Turner, (London, Newbury Park, and New Delhi: Sage Publications, 1993), p.178.

leave space for other agents to regulate political or social relations. Thus, before 1980, we cannot see the survival of any national human rights organization. The only long-lived organization was Amnesty International which existed in the pre-1980 era but could not be very active.<sup>65</sup>

In relation to authoritative policy implementations of Turkish state against society based movements, human rights issues in Turkey are very much related with its relationships with international and supranational institutions. Turkey's first attempts on human rights issues were done initially as a result of becoming a member of United Nations with signing of Universal Declaration of Human Rights on 6 April 1949. Then, as part of Turkey's attempts for the membership of European Union, Turkey signed European Convention of Human Rights in 1950.<sup>66</sup> In this regard, it can be said that the recognition of human rights at the state level started as a result of Turkish state's relationships with international and supranational organizations. However, this does not mean that at the domestic level there was not any human rights activism.

Local human rights activism did not start in the 1980s and there were some local attempts to form human rights organizations before the 1980s. These organizations could not survive for a long time and gained an autonomous space from the state. They were banned by the state since they were perceived as a threat for unifying national identity of the state. The first attempt to form a human rights organization was established by Ali Fuat Başgil in 1945. However, it was closed after a short period of time. Secondly, Fevzi Çakmak who was the former Chief of General Staff formed a Human Rights Association in 1946. This association was also closed after three months from its opening because of having leftist tendencies. The founders of both organizations had strong affiliations with two powerful political parties, Republican People Party (CHP) and Democrat Party (DP), respectively. Başgil was the member of CHP which was the ruling party when he established the Associations for Human Rights and Fundamental Rights. Çakmak, on the

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<sup>65</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal?*, p.443-444.

<sup>66</sup> Ramazan Yelken, "Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)," in *İnsan Hakları Araştırmaları*, Year 5, Issue 8 (2007), p.15.

other hand, was high ranking general of War of Independence and was an important political figure with his conservative political tendencies. Çakmak established Association for the Protection of Human Rights when a conservative party formed the government. It is important that the first two human rights organizations in Turkey were established right after Turkey signed two significant international conventions on human rights and the founders had strong affiliations with the government. Whether the motivation behind forming human rights organizations is international or domestic demands is crucial to understand autonomy of human rights organizations in Turkey. The both organizations were closed by the state authority. As the third attempt, in 1962 another organization was established by the leader of the Worker's Party of Turkey, Mehmet Ali Aybar, and it survived only two months. Until 1980, only Amnesty International survived as the mere human rights organization and conducted limited activities.<sup>67</sup>

The state elites were suspicious against human rights issue and the organizations that operate in this area. For them to accept having human rights organizations might mean to accept that there are human rights violations and state could not function well enough. Therefore, there is the necessity of other organizations to fulfill this gap. In this regard, Turkish state discouraged formation of human rights organizations in the pre-1980 period and approached the attempts with suspicion. In this period, only Amnesty International (AI) could continue its activities but limitedly and after the 1980 coup AI was challenged with the bans of the military government, and then suspended itself.<sup>69</sup>

As indicated in "Civil Society in Turkey" part of this chapter, between 1960 and 1980 there were significant civil society activism in Turkey. Even though the pressure of the state over civil society, which was over politicized by social actors, continued in this period, human rights activism remained at low levels. The reason is that human rights issue was not a popular issue where grand political ideologies dominated political and civil society. Turkish left pursued its struggle at class level and search for social justice

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<sup>67</sup> Ibid.

<sup>69</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal?* p.434.

through revolutionary transformation of the society. In this regard, leftists considered the rhetoric of human rights inefficient to reach their goals because human rights do not call for systemic transformation but minimum standards for all. Additionally, leftists considered human rights as a mean of bourgeois to divert the attentions of third world countries from crucial issues. For the right wing, human rights issue is not a relevant topic. The rightists mainly focused on protecting their nation and religion from the leftists' attempts to establish a socialist system.<sup>70</sup>

After the 1980 coup, with influence of liberalization movements and globalization, decline of role of the state, challenges of totalizing state identity, withering away of grand political ideologies, and rise of discussions about having an autonomous civil society, political and social actors, human rights organizations could find support and a space to survive for themselves. In the era of speaking of language of differences and rise of opposition movements against the state, significant numbers of human rights organizations that are active both nationally and internationally were formed. However, the state became uneasy by the foundations of various human rights organizations and perceived them as part of an activity that would lead to “subversive agitation”.<sup>71</sup>

In this period Human Rights Association (İHD) the Association for Human Rights and Solidarity for Oppressed People (Mazlum-Der), which are two prominent human rights organizations in Turkey and internationally recognized, were founded. These two organizations were established with ideological concerns that correspond to two ideological arenas that have challenged Turkish state at most and where main human rights violations have been done in the 1980s and 1990s. The former was founded with leftist ideology whereas the latter with political Islam. They have developed different understandings and principles of human rights.<sup>72</sup>

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<sup>70</sup> Başak Çalı, “Human Rights Discourse and Domestic NGOs,” in *Human Rights in Turkey* ed. by Zehra Arat, (Philadelphia: University of Pennsylvania Press, 2007), p.220-221.

<sup>71</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal?*, p.435.

<sup>72</sup> Yelken, *Türkiye’de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)*, p.25.

## İHD

Human Rights Association (İHD) was founded on 17 July 1986 in order to help the leftist prisoners of 1980 military coup. There were many leftist intellectuals, lawyers, journalists and academicians among the founders of İHD. This association was established by mainly the friends and relatives of the prisoners of the coup and it became the place where the relatives and friends of the imprisoned leftists, and radical leftists incorporated in order to display and fight against the human rights violations being done in the prisons. It also became the mere organization of the large number of the leftists including the ones that had preferred independent policies.<sup>73</sup>

İHD founded several branches in different regions of Turkey. In 1989 it had 85 branches. Currently, it has 29 branches, 3 representative offices and over 10.000 members and activists. 38 percent of the members are women, 55 percent of the members are between 25 and 40 years old, and 50 percent of the members graduated from universities.<sup>74</sup> The members are mainly from medium and low socio-economic status groups and they state that they have leftist and secular political tendencies.<sup>75</sup>

The principles of İHD are as follows:

1. İHD is a non-governmental and voluntary organization.
2. İHD is not a body of any States, Governments and political parties.
3. İHD upholds the principle that the human rights are universal in nature and indivisible.
4. İHD struggles against any kinds of discrimination based on language, religion, colour, gender, political thought and etc...
5. İHD is against the death penalty at regardless of geographical location and circumstances.
6. İHD is against torture regardless of the individual, the geographical location and circumstance.
7. İHD upholds right to a fair trial and right of defence for everyone, in everywhere and under any conditions.

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<sup>73</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal* ,p.437.

<sup>74</sup> <http://www.ihd.org.tr/>

<sup>75</sup> Öndül, Hüsnü, “İnsan Haklarını Korumak (İHD Pratiği),” in L. Sanlı, *Toplumsal Hareketler Konuşuyor*, (İstanbul: Alan Yayıncılık, 2003), p.243

8. İHD is against war and militarism in everywhere and in all time but defences right to peace.
9. İHD defends unconditionally and without any restriction the right to freedom of expression.
10. İHD considers freedom of thought and belief as an untouchable right and defends unconditionally and limitless.
11. İHD defends right to freedom of association.
12. İHD stands up for the oppressed individual, people, nation, sex and class.
13. İHD upholds right of nations to self determination.
14. İHD defends humanitarian law.

Human Rights Association accepts and defends personal, political, economic, social and cultural rights and solidarity rights as a whole.<sup>76</sup>

İHD has conducted activities on the issues of minorities, Kurds, women, children, environment, working conditions, prisons, torture, migration and refugees through various commissions. İHD has established several symposiums, conferences, demonstrations and human rights education programs for the public. Moreover, it has published more than 30 books on the issue of human rights and human rights reports on monthly and yearly basis.<sup>77</sup> In 2000 İHD established a business enterprise in order to publish its bulletins and books. In the same year, Human Rights Research Center was founded to make theoretical researches.<sup>78</sup>

The number of İHD's branches decreased in 20 years. The reason might be the changes that İHD has experienced in its area of interest and political landscape. İHD's political landscape has significantly changed through time. In 1980s İHD mainly emphasized the issues related to the prisoners and torture and fought for a general amnesty and then, with the recession of the military from the politics after 1983 elections and release of prisoners of the coup, İHD entered a new era in which both the focus and organizational structure of İHD has transformed.<sup>79</sup>

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<sup>76</sup> <http://www.ihd.org.tr/eindex.html>

<sup>77</sup> Öndül, "İnsan Haklarını Korumak (İHD Pratiği)", p.247

<sup>78</sup> <http://www.ihd.org.tr/eindex.html>

<sup>79</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal*, p.437.

After the release of the leftist prisoners of the coup in 1991, there was a discussion in order to determine the future position of the association. The question is whether to continue to the protests and activities in the street or to become more of an observer and maintain impartiality. In this respect, several discussions on the issue of hunger-strike were done among the members. It was rigorously discussed that whether it is suitable for the members of İHD to make hunger-strike against the laws and implications of the state institutions or does it endanger the independent position of İHD and hinder its efficient functioning. Similarly, there was another debate on the position of İHD against the Kurdish issue. Kurdish question is one of the main arenas where human rights abuses have been severely done in Turkey. However, it has been a taboo in the Turkish society and has contained significant risks for İHD as a field to struggle in. human rights violations related to Kurdish issue caused new discussions about the position of İHD within the organization. Some members demanded mere reporting of the violations but not actively participating in demonstrations and remaining neutral while some other disagreed.<sup>80</sup> After the general meeting of İHD in October 1990, the human rights violations regarding Kurdish issue became one of the main concerns of İHD and some members withdrew from active membership. For instance, in 24 October 1992 regarding the Geneva Convention İHD demanded the protection of the civilian population accordingly to the Geneva Convention from both Turkish state and PKK.<sup>81</sup> In addition to the Kurdish issue, İHD shifted its focus to the new issues including, rights of women, homosexuals and the condemnation of the environment. Thus, İHD has expanded its scope from single-issue to multiple issues.

Human rights organizations do not condemn every act of human rights abuses, including terrorist attacks or Mafia activities unless violations are persecuted by the state.<sup>82</sup> Similarly, İHD protested Turkish state and remained silent for the violations persecuted by organized segments of the society including terrorist attacks of PKK. However, it organized demonstrations regarding Turkish state for its violent actions against supporters of PKK and radical political organizations. Then, İHD began to take

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<sup>80</sup> Ibid, p.437.

<sup>81</sup> Çalı, *Human Rights Discourse and Domestic NGOs*, p.223.

<sup>82</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal*, p.443

criticisms for only being on the side of the criminals and terrorists especially from the media. These criticisms led significant transformation of İHD's approach to society based human rights violations. İHD condemned some of the activities of PKK as a response for the criticisms. In the mid 1990s, İHD included the political murders by unknown parties in its human rights reports of Turkey and condemned armed political organizations such as PKK and Islamic Great Eastern Raiders Front (İBDA-C). However, İHD is still being criticized with not including non-political murders in its reports and having a limited scope.<sup>83</sup>

The membership to İHD was mainly based on voluntarism. The founders and the doers were mostly the victims or close observers of human rights abuses. Moreover, İHD, itself, was a victim of human rights violations since it was founded. Many of the branches of İHD experienced several police raids and arrests during which the members were exposed to torture. According to the report of İHD, which published in its 10<sup>th</sup> year anniversary, over 100 trials were launched against several members, 25 branches were shut down and 12 members were murdered. Currently 23 members were murdered. Therefore, among the members, there is significant sensitivity for their struggle; and consequently the members have not found the idea of professionalism in the organizational structure very attractive. Whenever the issue of professionalism rises, the question of independence and financing comes to the agenda. İHD has financed itself with donations and membership dues. It does not accept financial aids from political parties and governments. The members are sensitive on the issue of financial aids since it affects the independent structure of the association.<sup>84</sup>

In addition to the professionalism issue, in the 1990s the principles of human rights and the position of İHD on this issue were also discussed within İHD. Marxist criticisms of liberal understanding of human rights were supported by the members who argued that the struggle should be done on the side of oppressed classes and people against the class based structure. On the other hand, within İHD there was a demand to be

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<sup>83</sup> Ibid, p.444.

<sup>84</sup> Yelken, , *Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği* , p.33.

an organization that struggles for the freedom of the individuals and for a liberated society with a universal understanding of human rights.

Secularism is another ideological position of İHD. The current president of İHD, Hüsni Öndül, states in one of his articles that human rights have secular basis and these rights could not be maintained on a religious basis.<sup>85</sup> İHD also criticizes Turkish state as not being distanced from any religious belief and group. It argues that the state should not intervene into religious affairs and stop to maintain religious education, to abolish bans on dervish orders, monasteries, and wearing of religious clothes, and to eliminate the Directorate of Religious Affairs. Similarly, İHD fights for Alevi communities in order them to gain same status with Sunni communities. There are a lot of Alevi members within İHD. However, the relationship of İHD with Mazlum-Der has led to tensions with Alevi members. For instance, many Alevi organizations denied participating in some meetings that Mazlum-Der was invited. Moreover, the relationship of İHD with Muslim community is limited. İHD does not intervene in cases related with Islamic identity and there are fewer appeals for the aid of İHD by the victims.<sup>86</sup>

### **Mazlum-Der**

On 28 January 1991, the Association for Human Rights and Solidarity for Oppressed People (Mazlum-Der) was founded by large number of people, 54 people. The head office of Mazlum-Der is in Ankara. It has conducted its activities through 5 executive councils, 6 commissions, various committees depending on the commissions and 20 branches located in various cities of Turkey. The committees mainly work on the issues of right of life, liberties, justice, asylum, minorities, education; economic, social, political and cultural rights; and freedom of speech, religion and press. It publishes reports on human rights abuses in Turkey and in the world regularly, organizes meetings, symposium, and issues the journal of Human Rights Researches monthly. The members

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<sup>85</sup> Öndül, "İnsan Haklarını Korumak (İHD Pratiği), p.243

<sup>86</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal*, p.466.

of Mazlum-Der are mainly university graduates, who have conservative and religious tendencies.

Mazlum-Der states its principles and mission as follows:

- 1) Mazlum-Der is not the voice of any particular ideology. It struggles for the expression and organization of all kinds of ideas.
- 2) Mazlum-Der supports every activity that is done for human rights and freedom of individuals regardless of the characteristics of the doers.
- 3) Mazlum-Der opposes every activity that violates human rights regardless of the characteristics of the doers.
- 4) Mazlum-Der protects its human rights understanding that exceeds the conjecture and conditions, and be determined to maintain its position.
- 5) Mazlum-Der establishes its all national and international dialogues in order to develop human rights and freedom; and to put an end to the violations.
- 6) Mazlum-Der opposes the usage of human rights issue as a mean of political gain by states.
- 7) Mazlum-Der perceives individual rights and freedoms above the states and international pacts.
- 8) Mazlum-Der disapproves the consideration of usage of universal human rights related with political gains, and adds correction of this distortion to its activities.<sup>87</sup>

Mission:

- 1) To gain responsibility and morality to the existing human rights understanding.
- 2) To work for put an end to all kinds of oppression and injustice in the world; to ascertain, expose and display oppression to the public.
- 3) To help and guide the oppressed.
- 4) To warn and guide the authority against violations, and to make oral, written and actual struggle.
- 5) To oppose all kind of unjust treatment without considering the characteristics of the doer and subject by being impartial, and to have impartial struggle of human rights.
- 6) To make contributions for the establishment of a human rights understanding that has a moral basis and can decrease the differences between existing human rights theories and their applications, and to struggle for this understanding.
- 7) To reach a certain level of knowledge and consciousness on the issue of human rights in Turkey and in the world.
- 8) To manufacture public opinion on the importance and indispensability of human rights and consequently to impede human rights violations.
- 9) To work a just world where there is deference to human rights.<sup>88</sup>

Mazlum-Der tries to reach international standards and fights against both national and international human rights violations. It has also developed an alternative human rights understanding that emphasizes the necessity of morality on human rights issue. The

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<sup>87</sup> <http://www.mazlumder.org/ana.php?konu=hakkimizda&biz=ilke&lang=tr>

<sup>88</sup> <http://www.mazlumder.org/ana.php?konu=hakkimizda&biz=misyon&lang=tr>

morality concern of Mazlum-Der is a particular characteristic that differentiates it from İHD. Ayşe Kadioğlu argues that Mazlum-Der forms an attitude of moralism that can limit its actions and uses a statement of the then-president of Mazlum-Der on the rights of homosexuals and transvestites. He expresses that an attempt to fight for the rights of homosexuals and transvestites might constitute a source of criticism on the part of its members and founders.<sup>89</sup> Thus, the morality issue on the one hand becomes detrimental in human rights understanding of the organization; on the other hand it can limit the activities of the organization. Mazlum-Der is sensitive on the continuity of morality in Turkish society even though it does not struggle for the spread of it.

The founding members of the association include former members of right-wing organizations including Nationalist Action Party, and individuals from Islamic circles and revolutionary Islamic organizations.<sup>90</sup> The founding chair of Mazlum-Der, Mehmet Pamak, had been the co-editor of an ultra nationalist newspaper (*Ülkücüler*) and then he distanced himself from those activities, and turned to “true Islam” in mid-1980s.<sup>91</sup>

Mazlum-Der was founded as a reaction for the ban of usage of headscarf in the public places and with a claim to fulfill a gap by defending human rights related with Islamic issues. It criticized İHD as not being respondent for the rights of Muslim people since headscarf issue was not welcome by İHD.<sup>92</sup> Similarly, Mehmet Pamak explained the reason behind the foundation of the association with the inability of western organizations in defending human rights of Muslims. Instead, western organizations try to protect the human rights of a privileged group. He and some of its early members “stress the universalism in theory and parochialism in practice in the West.”<sup>93</sup> In this regard, Mazlum-Der can also be analyzed from the angle of the struggle between Islamists and secularist state within Turkey. The foundation of Mazlum-Der carries the

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<sup>89</sup> Kadioğlu, “Civil Society, Islam and Democracy in Turkey”, p.36.

<sup>90</sup> *Ibid*, p. 34

<sup>91</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal*, p. 452

<sup>92</sup> Kadioğlu, , “Civil Society, Islam and Democracy in Turkey”, p.34

<sup>93</sup> Hakan Yavuz (2000) “Vernacularization of Human Rights Discourse: The Case of Mazlumder in Turkey”. Presented *Human Rights and Globalization: When Transnational Civil Society Networks Hit the Ground*, 1-3 December, UC-Santa Cruz, p.9

dichotomy between secularist state and Islamist groups on a different agenda. This does not mean Mazlum-Der is an Islamic organization. Even though it has developed an Islamic identity, and its understanding of human rights is based on divine law and particularly Islam, Mazlum-Der is also interested in human rights issues outside of Islam such as Kurdish and Armenian issues.

Genesis understanding stays at the center of human rights understanding of Mazlum-Der. Since every individual is created by God as human beings, everybody has particular rights. Gods makes no discrimination among his subjects. Everybody regardless of race, ethnicity, gender and religion has the rights of life, private property and expression of idea and religion.<sup>94</sup>

The position of Mazlum-Der has changed throughout time as in the case of İHD. After the replacement of the founding president, it experienced some organizational changes. In addition to the headscarf issue, it has expanded its scope and become interested in other issues such as the Kurdish issue. Ayhan Bilgen states that even though like many people in Turkey Mazlum-Der evaluate human rights issue through categories and ideologies, in later periods Mazlum-Der is interested in violations related to leftists and Kurdish people.<sup>95</sup> On the other hand, the attempts to expand the scope of Mazlum-Der took some criticisms from its members and Islamic circles. It was stated that Mazlum-Der implements double standards and ignores the problems of Muslims, especially the headscarf issue. In this respect, the founding president, Mehmet Pamak, argues that Mazlum-Der does not remain as a Muslim organization and he issued a proclamation about his criticisms at December 1998.<sup>96</sup> As a response to these criticisms, the former president of Mazlum-Der, Yılmaz Ensaroğlu, claimed that they are not interested in the redefinition of human rights in the context of Islam; instead they would like to participate in the debate about the development of human rights by adopting the international definition of human rights which has been developed in the West.

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<sup>94</sup> Yelken, *Türkiye’de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)*, p.34

<sup>95</sup> Ayhan Bilgen, 2007: 36

<sup>96</sup> Yelken, *Türkiye’de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)*, p.36

Mazlum-Der is interested in violations related to the Kurdish issue but it does not approach to the issue from the angle of the paradigm of nationalism. Without giving references to Kurdish ethnic nationalism, Mazlum-Der tries to limit its scope on violations against right to live such as village evacuations and burnings. In recent years Mazlum-Der's interest in Kurdish issue has been estimated as 15 percent and become close to İHD's interest which is 20 percent. On this point, Mazlum-Der has faced with criticisms as being a fan of Kurds (Kürtçü) by some of the newspapers with Islamic orientations such as *Vakit* and *Milli Gazete*.<sup>97</sup>

İHD and Mazlum-Der has developed significant alliances in time. Both of them have organized several common activities and are involved in the formation Human Rights Joint Platform. As a reaction to this alliance, both organizations were criticized by their members. İHD is being criticized for promoting activities that threatens secular state system, for tolerating retrogressive movements; whereas Mazlum-Der is being criticized as being ignorant for the rights of Muslims.<sup>98</sup> There is an ongoing tension between identities of İHD/Mazlum-Der that were shaped by “absolute, polarized and compartmentalized ideological climate of Turkey” in post-1980 era and the attempts of both organizations to embrace all kinds of human rights violations.<sup>99</sup>

In the light of above discussions, İHD and Mazlum-Der can be described as the products of the same historical processes and conjecture. However, they experienced this process differently and developed different political approaches. The founding members and supporters of each organization have different identities. These identities do not determine the topics that each organization has become active; but they have become influential in determining the priorities of each group (Yelken, 2007: 36).

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<sup>97</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal*, p.437

<sup>98</sup> Yelken, *Türkiye’de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)*, p. 41

<sup>99</sup> Kadioğlu, “Civil Society, Islam and Democracy in Turkey “, p.37

## **CHAPTER THREE**

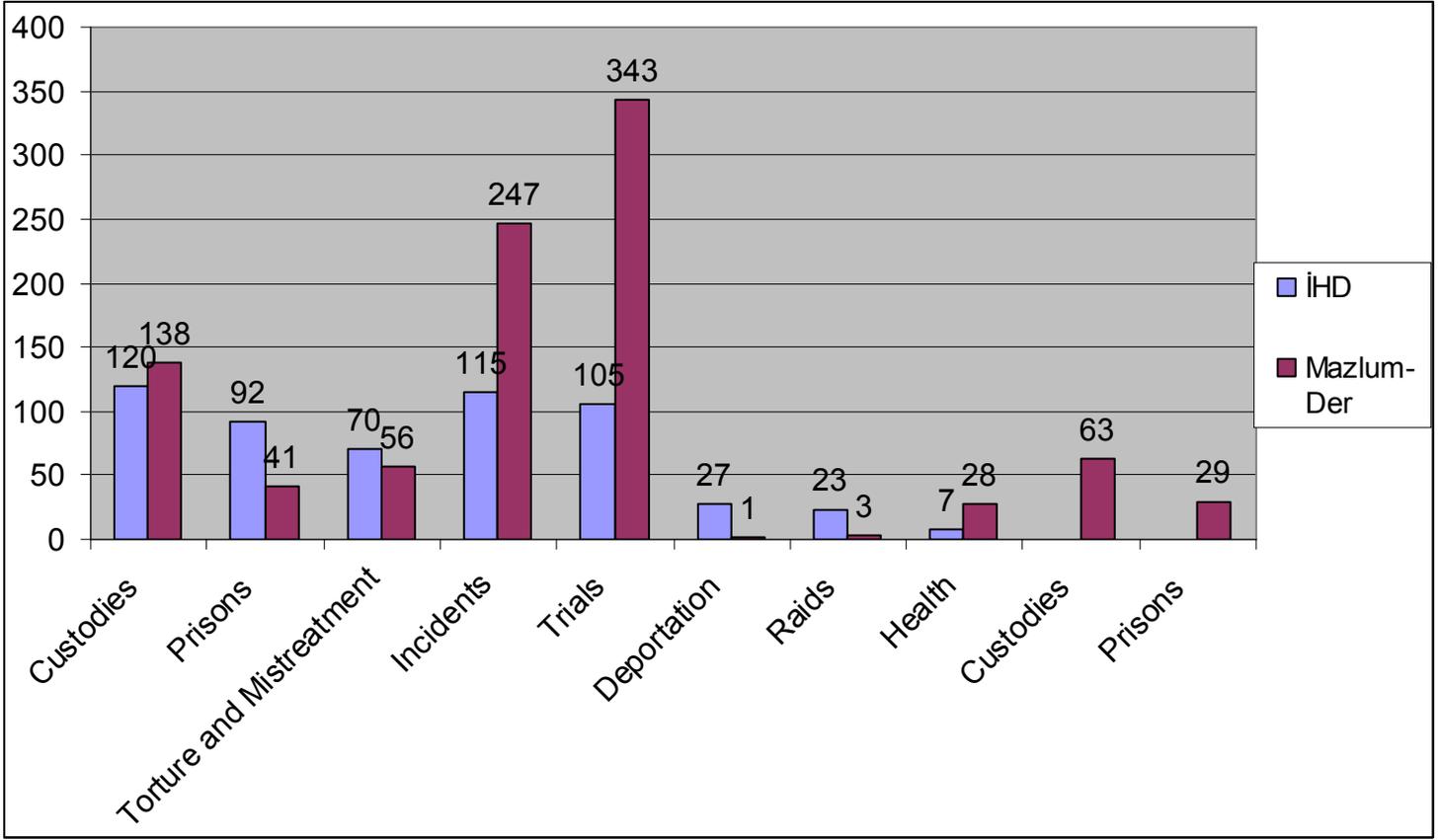
### **FINDINGS OF THE ANALYSIS: İHD AND MAZLUM-DER COMPARED**

#### **I. RESULTS**

The period analyzed in this thesis is between 1 February 2006 and 31 December 2006 for İHD, and between 1 January 2006 and 31 December 2006 for Mazlum-Der's reports. There are 11 reports for İHD and 12 reports for Mazlum-Der in the year of 2006. The period and numbers of cases vary for both organizations. İHD reports include 559 cases whereas Mazlum-Der reports are composed of 948 cases. In this period 559 cases are reported by İHD whereas 948 cases are reported by Mazlum-Der. N is 1507 because the unit of analysis is a case and there are 1507 cases in the reports.

As explained in the method part; the cases are categorized in two main groups; meta-frames and frames. Meta-frames are general headings and there are 10 meta-frames; custodies, torture and mistreatment, prisons, raids, incidents, trials, deportation, health, religious freedom and statements. Frames show or imply the identity of the victims or attackers and there are 23 of them. Moreover, 6 interviews with the members of both organizations were made. For İHD, an interview was made with the chairman of İstanbul branch, another one with board member of İstanbul branch, and the last one with vice chairman of central office. For Mazlum-Der one interview was made with board member of İstanbul branch, second one with vice chairman of central office, and third one with member of İstanbul branch.

In the following part, the results of the analysis of reports of İHD and Mazlum-Der, and the interviews will be explained.



**Figure 1: Distribution of Meta-Frames of İHD and Mazlum-Der in the year of 2006**

İHD

There are 120 custody, 92 prison, 72 torture and mistreatment, 115 incident (88 of them are death, and attack cases), 105 trial, 27 deportation, 23 raid, and 7 health cases. These meta-frames indicate the focuses of İHD and human rights violations in Turkey. The majority of the violations (custody, prison, torture and mistreatment, raid) reported by İHD are done by security forces with 307 cases. Since security forces represent the state, it can be said that İHD pursue its struggle mainly against the state. Among trial cases significant number of them can be presented as an indicator of İHD’s struggle against the state. 66 trial cases are about insulting Turkishness, Atatürk, military or police, and related to Kurdish issue.

## Mazlum-Der

There are 138 custody, 41 prison, 56 torture and mistreatment, 247 incident (167 of them are death, and attack cases), 343 trial, 1 deportation, 3 raids, 28 health, 63 statement, and 28 religious freedom cases. These meta-frames indicate the focuses of Mazlum-Der and human rights violations in Turkey. Significant part of the violations (custody, prison, torture and mistreatment, raid) reported by Mazlum-Der are done by security forces with 238 cases. However, the ratio of these cases is much lower than the ratio in İHD. In the reports of İHD the violation cases done by security forces is more than half of the cases whereas for Mazlum-Der one quarter of all violation cases are done by security forces. Because security forces represent the state, it can be said that Mazlum-Der pursues important part of its struggle against the state. For trial cases, significant number of them, 94 trial cases, is about insulting Turkishness, Atatürk, military, wearing headscarf in the public place and related to Kurdish issue. Moreover, trials on European Courts of Human Rights are another sign of whether Mazlum-Der's struggle is at the state level or not and there are 131 trials on ECHR which are against Turkish state. When the cases of custody, prison, torture and mistreatment, and raid are analyzed together with trials in which Turkish state is defendant or prosecutor, the number of cases becomes 463 which is almost half of the whole cases in the reports. This ratio indicates that Mazlum-Der involves broader variety of cases of human rights and it gives greater weight to violations occurred at the society level. Similar to İHD, in reports of Mazlum-Der, Turkish state is presented as a significant barrier for human rights issue in Turkey.

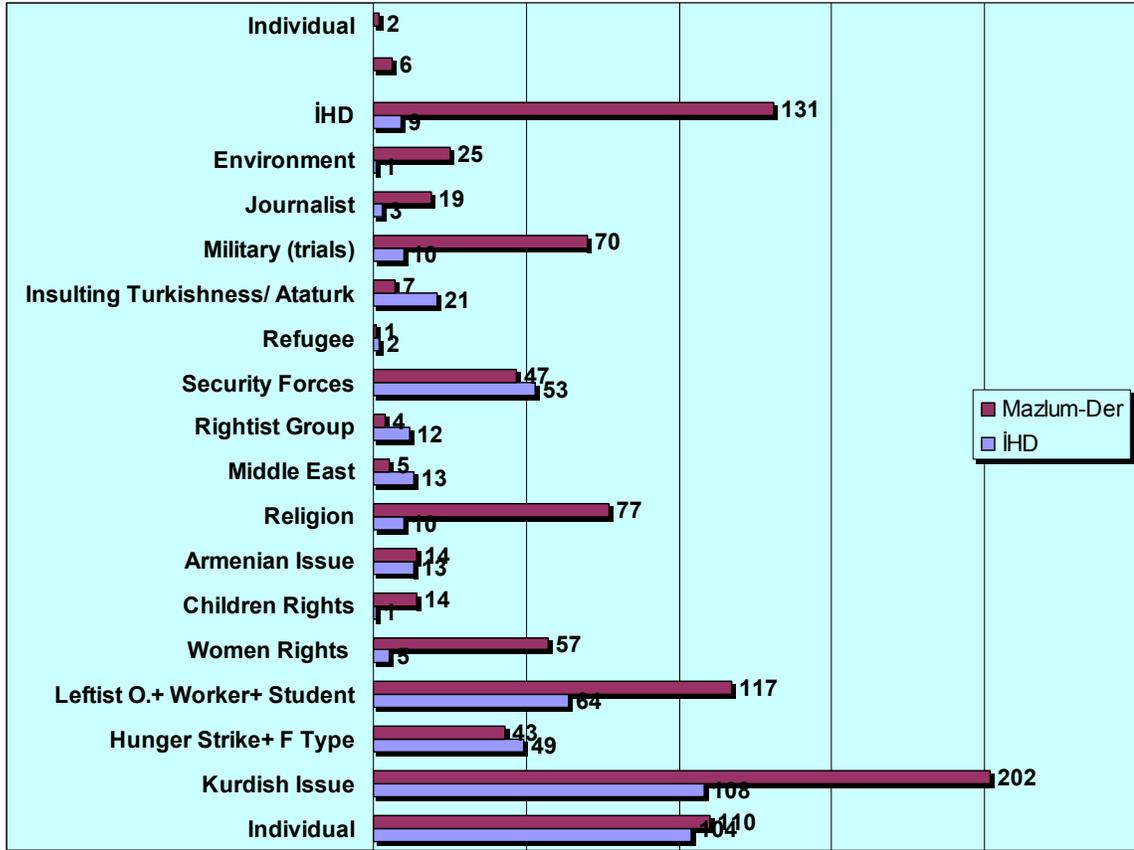


Figure 2: Distribution of Frames of İHD and Mazlum-Der in the year of 2006

### İHD

Among 21 frames there are individual (104), Kurdish issue (108), hunger strike (15), F type prisons (34), leftist organizations (35), students (7), workers and labor unions (22), women rights (5), children rights (1), Armenian issue (13), religion (10), Middle East (13), rightist organizations (12), security forces (53), refugees (2), journalists (3), insulting Turkishness and Atatürk (21), military trials (10), İHD (9), and environment (1) related cases.

### Mazlum-Der

Among 23 frames there are individual (110), Kurdish issue (202), hunger strike (3), F type prisons (40), leftist organizations (23), students (31), workers and labor unions

(63), women rights (57), children rights (14), Armenian issue (14), religion (83), Middle East (5), rightist organizations (4), security forces (47), refugees (1), journalists (5), lawyer (2), insulting Turkishness and Atatürk (70), military trials (19), freedom of expression(25), European Court of Human Rights (131), İHD (6), and environment (2) related cases.

## **Kurdish Issue**

### *İHD*

According to the reports, Kurdish issue is the main focus of İHD in the year 2006. Since the reports of İHD are mainly prepared in according to the applications of individuals, this result indicates us that in the year 2006 the majority of human rights violations reported to İHD are on Kurdish issue. During the interviews when the reason of why the number of cases related to Kurdish issue is high was asked to the members of İHD, they explained that the agenda of İHD is determined in parallel with the ratio of human rights violations in Turkey and in Turkey the majority of human rights violations are related to Kurdish issue since 1990s.

In the brochure of İHD it is stated that “without defending the rights of nations, it is impossible to defend human rights and therefore ‘equal rights for all languages and nations’ [is adopted] as a basic principle.” According to this statement, İHD does not approach Kurdish issue from individual human rights perspective; additionally it supports nationalist struggle of Kurdish people.

### *Mazlum-Der*

The data also shows that the majority of human rights violations in 2006 were related to Kurdish issue. This finding is in consistent with the arguments of İHD that violations related to Kurdish issue ranks the highest among all human rights violations in Turkey. As explained in the method part, the cases in Mazlum-Der’s reports are collected

from the news on the media, and this indicates that in the media human rights violations related to Kurdish issue are presented by the media more often compared to other issues.

In addition to the results of the data, during the interviews, Mazlum-Der's stance for Kurdish issue and whether it supports nationalistic demands of Kurdish people was asked. Two members explain that Mazlum-Der does not approach any issue from nationalist perspective, it is only interested in human rights dimension of it. Thus, İHD and Mazlum-Der have different positions for Kurdish issue. The former argues that human rights of Kurdish people is inalienable from their collective rights as Kurdish nation whereas the latter opposes this idea and remains indifferent to the collective rights part of the issue.

The different approaches of Mazlum-Der and İHD on the issue of collective rights are important in the sense that there is a similar discussion in the literature of human rights. The discussion is about whether collective rights should be considered as a new layer for human rights or not. Human rights are criticized as being individualistic and not responding to the problems of oppressed groups. As a response, the necessity of group human rights as a separate category is argued. However, this argument is also criticized as being ineffective.<sup>100</sup> It is argued that recognized individual rights such as rights to political participation, freedom of speech and association permit individuals to participate in their collective activity. Human rights cannot encompass everything and considering group rights as an additional category of human rights does not provide new benefits different than recognized individual human rights do. "Other civil and political rights allow public action on behalf of the distinctive public preferences" and what people need is respect for individuals' rights completely by the state and other organized groups.<sup>101</sup> In this regard, İHD's criticism of individual human rights activism as not providing sufficient tools for the rights of oppressed groups by itself and its emphasis on the necessity of group human rights support the arguments of the scholars who favor group human rights. Mazlum-Der's approach and how they struggle for human rights violations

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<sup>100</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice (Second Edition)*, (Ithaca and London: Cornell University Press, 2003), p.204.

<sup>101</sup> Ibid, p.218-222.

against Kurdish people from individual rights perspective, on the other hand, may provide significant field knowledge for the effectiveness of individual human rights to protect the rights of oppressed groups.

Approaches of human rights organizations in Turkey to Kurdish issue in the framework of group versus individual human rights can be a starting for future studies. Studying this issue in detail may provide sufficient analyzing tools for the discussions regarding the relevance of group rights in the framework of human rights.

### **F Type Prisons and Hunger Strike**

#### *İHD*

F type prisons and hunger strikes issues are important for İHD and with 49 cases the frame appears as the fifth most important category. As another indicator of İHD's interest on the issue it has a permanent commission that reports human rights violations in prisons and significant number people who pursue hunger strikes are members of İHD.

#### *Mazlum-Der*

Mazlum-Der is less interested in the issue of prisons and F type prisons compared to İHD. Even though the number of cases in F type frame is not different between the reports of İHD and Mazlum-Der, F type cases ranks at the bottom of the list among the issues of Mazlum-Der. However, during the interviews two member of Mazlum-Der states that Mazlum-Der annually publishes prison reports and established a report on F type prison because F type prisons and their conditions were heavily discussed in the public. According to both organizations' reports violations related to prisons, especially F type prisons occurred often in Turkey.

## Self-identified Leftist Organizations, Students and Workers and Labor Unions

### İHD

The cases in the frames of leftist organizations, students and workers and labor unions can be analyzed as one group because of their relationships with leftist political ideologies. The cases of students also include cases related to leftist students. The number of the cases in İHD's reports is 64 which is the third biggest group. In addition, İHD has a commission of working life. This indicates on the one hand, İHD receives significant number of statement of complaints from leftists groups and individuals; and on the other hand İHD may be close to leftist ideological camp.

In this sense, whether İHD has specific relationships with leftist groups can be questioned historically. According to Gottfried Plagemann, the founders of İHD were mainly leftist intellectuals, and families and relatives of leftist prisoners who were put into prisons with 1980 military coup and it became the place where the relatives and friends of the imprisoned leftists, and radical leftists incorporated in order to display and fight against the human rights violations being done in the prisons. In this period, İHD also became the mere organization of the large number of the leftists including the ones that had preferred independent policies.<sup>102</sup> After releasing of leftists prisoners of military coup in 1991, İHD has focused more on the other issues than human rights violations in the prisons. Furthermore, about the profile of members of İHD Hüsni Öndül states that İHD's members have leftist and secular political tendencies.<sup>103</sup> According to the data, İHD has preserved its relationships with leftist groups and been interested in the issues related to them.

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<sup>102</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal?*, p.437.

<sup>103</sup> Öndül, *İnsan Haklarını Korumak (İHD Pratiği)*, p. 243.

## Mazlum-Der

In the reports the cases related to leftist organizations, students and workers and labor unions are also third biggest group. With 63 cases worker and labor union frame involves most of the cases in this group and many cases in this frame are about dismissed individuals. Violations related to leftist organizations, students, and workers and labor unions has significant place in the agenda of Mazlum-Der. However, there is not any separate commission for workers related issues in Mazlum-Der as it is in İHD. This high number may be a reflection of media's interest on issues related to workers and labor unions.

### **Self-identified Rightist Organizations**

In none of the cases in rightist organization frame in the reports of İHD and Mazlum-Der, the members of rightist organizations are victims; the members of rightist organizations are reported as attackers especially against the members of leftist students. During the interviews with members of İHD it is asked why there is no violation case of the members of rightist groups. A member answers that members of rights organizations (ülküçüler, ve Alperen Ocakları) apply them for human rights violations very rarely. He says that there are two main reasons for these. At first, human rights of rightist organizations' are violated less because of their close relationships with state and state institutions. In general the ideologies of rightist groups do not challenge dominant state ideology and they have developed organic relationship with state. As a result of this close relationship between state and rightist organizations, the members of them do not experience human rights violations often. Secondly, even if the rights of rightist organizations' members are violated, they do not use democratic ways of dealing with these violations such as making complaint applications to human rights organizations or any other competent units or institutions.

In addition, the ratio of the cases in Mazlum-Der to the cases in İHD is one to third. Even though for both organizations the number of cases is small, the difference

between them signifies İHD's interest to the issues related to leftists. However, more detailed study is needed to support this linkage between İHD and leftists camp in addition to the number of attacks of rightist organizations.

## **Women's and Children's Rights**

### İHD

Among the reports, small number of cases is related to women and children rights. There is no domestic violence or honor killings case for both of them. All the violations are done by the state institutions such as custody cases during protests and children rights abuses in the Social Services and Child Protection Agency. Even though during the interviews women and children rights are mentioned among the issues that İHD focus on and it has two permanent commissions for women and children rights, there are few cases on these issues. The reason of this may be in 2006 few women and children rights violations occurred or few applications were made to İHD offices. Especially in relation to women rights, there are organizations that specifically focus on women rights such as Kadın Dayanışma Vakfı (Foundation for Women's Solidarity) and Mor Çatı Kadın Sığınağı Vakfı (Purple Roof Women's Shelter and Foundation). During the interviews a member of İHD stated that İHD may direct women, who suffered from domestic violence or rape, to other related women rights organizations and because of this, these cases may not be explained in the reports.

### Mazlum-Der

The number of women and children rights violations is much more than the ones reported by İHD. Compared to İHD, there is more variation among the cases with inclusion of violations done at the society level such as domestic violence and honor killings. Women and children rights issues have significant places on the agenda of Mazlum-Der. In addition to the cases in its reports, on its website Mazlum-Der prepares a section named as "the rights of women and children" under the heading of "your rights".

Mazlum-Der's interest on women rights may be linked with its interest on religious freedom and headscarf issue. Women are directly affected by ban on wearing headscarf in the public places and this issue is one of the most prominent issues for Mazlum-Der. Additionally, during the interviews it is stated that half of all registered members and two to third of all active members of Mazlum-Der are women. Thus, high ratio of women members may lead to popularity of women rights abuses in Mazlum-Der.

During the interviews a member mentioned a probable relationship between honor killings and the ban on headscarf in schools. She argues that one of the main reasons of honor killings is that girls' low level of education. In many parts of Anatolia girls could not go to schools because their parents do not allow them to go to school without wearing headscarves. It is interesting that she does not say anything about the roles of traditions or society in honor killings. Similarly, another member of Mazlum-Der did not mention traditions on the issue of honor killings at all. They presented honor killings as a consequence of illiteracy, *cehalet*.

## **Environment**

### *İHD*

Similar to women's and children's rights issues, the number of cases related to environment is very few. In İHD's brochure on itself, it is stated that İHD's interest in environmental issues has begun in the recent years and organized several activities and protests related to environmental degradation. There was also a permanent commission of environment. Moreover, the members states that İHD concerns with environmental issues. One reason of less representation of environmental issues on the reports of İHD may be that there were few cases in the year of 2006. Secondly, because İHD's struggle on human rights violations is mainly based on complaint applications of individuals, it may be rare having an individual to apply to İHD for environmental issues instead of reporting it to other organizations which specifically focus on environment such as

Greenpeace. Even if this is the case, İHD may be informed about the cases related to environment through media or its network of non-governmental organizations.

Even though İHD states that it is interested in violations related to women rights, children rights, and environment, according to the data, it does not active in these areas, especially in comparison to Kurdish issue, leftists organizations, F type prisons and Armenian issue.

### Mazlum-Der

Similar to İHD, the number of cases related to environment is at the bottom of the list of violations issues. According to the data, neither of the organizations is interested in environmental issues related human rights violations even though they both claim that they recognize the importance of environmental issues. Two members of Mazlum-Der state that because “Mazlum-Der’s mission is the protection of the nature of beings”, protection of environment has an important place in the struggle of Mazlum-Der. However, Mazlum-Der’s concern about environmental degradation is not reflected in the reports; consequently in its activities.

## **Refugees**

### İHD

The cases in refugee frame are analyzed with the cases in deportation meta-frame. Refugees frame involves only custody cases whereas deportation meta-frame involves cases of individuals who were or are about to be deported either from Turkey or other countries. After unification of refugee frame with deportation meta-frame, this new category involves 29 cases. İHD establishes a permanent commission of refugees and migration. During the interviews two members state that after Kurdish issue, refugee issue is one of the most important problems in Turkey.

### Mazlum-Der

After analyzing refugee frame together with deportation meta-frame, this new category involves only 2 cases. Despite the small number of cases in this frame, during all of the interviews, the members of Mazlum-Der states that violation cases of refugees are one of the main problems of Turkey and Mazlum-Der is very much interested in this issue. Mazlum-Der publishes three special reports about Uzbek, Uighur Turk, and Chechen refugees. The reason of few cases on refugee related violations may be less representation of these issues on the media. Mazlum-Der's interest in refugee problem can be followed by its special reports for refugee related issues.

### **Sexual Preferences**

#### İHD

There are three cases related to sexual preferences. During the interviews, two members state that İHD supports rights of homosexuals and against human rights violations related to sexual preferences. They also mention that recently İHD made some activities in order to support a gay bar in Taksim in İstanbul. However, the issues related homosexuals are presented rarely and the issues related to transvestites are not presented at all. This indicates İHD's less interest in sexual preferences related violations.

#### Mazlum-Der

There is only one case related to sexual preferences among the reports. During the interviews all of the members state that they do not believe in sexual preferences because only two sexes were created by the God. They perceive homosexuality as an illness and state that "homosexuality should not be spread." Thus, Mazlum-Der does not support rights of guys, lesbians or transvestites. If an individual is misbehaved or tortured because of sexual preferences, Mazlum-Der will support him/her in his/her struggle. The

limitation of Islam on the activities of Mazlum-Der is seen at most on the issues related to sexual preferences.

## **Religion**

### *İHD*

The cases related to religion rank at the bottom of list of İHD's area of interest. There are only 10 cases within this frame which is also dominated by trial cases. It is important to note that there is one cases related to Alevis and none of the cases are about headscarf. During the interviews with İHD members, the head of İstanbul branch states that headscarf issue is important for them. However, in the reports headscarf issue is not mentioned at all.

### *Mazlum-Der*

There are 48 cases related to religion and 29 cases about religious freedom in the reports of Mazlum-Der. Sum of these two categories, 77 cases, indicates that Mazlum-Der is very much interested in violations related to religion, especially Islam. None of the cases involves violations regarding non-Muslim individuals or groups and the majority of them are about Sunni Islam. 53 percent of the cases are about ban on headscarf whereas only 0.1 percent of the cases are related to Alevis. High percentage of headscarf issue in the agenda of Mazlum-Der compared to İHD is important in two ways. On the one hand, this indicates that Mazlum-Der highlights headscarf issue among other religious issues. On the other hand, İHD shows almost no attention to headscarf issue which may be explained with its secular identity.

During the interviews, two members of Mazlum-Der say that even though Sunni Muslims experience more human rights violations, the rights of Alevis are also important and Mazlum-Der fights for them also. Mazlum-Der's understanding of human rights is based on the principles of orthodox Islam and it tries to avoid from the discussions

related to sects of Islam such as whether Alevis are part of Islam or not. The members state that Mazlum-Der supports Alevis demands regarding religion education in schools because in Islam there is room for every type of religious faith. Mazlum-Der believes that Islam would provide peaceful environment for every group including minority groups.

In relation to Mazlum-Der's interest in religious issues in recent days Palestine-Israel war dominates Mazlum-Der's agenda. There are several announcements regarding protests and donation campaigns to help Gaza and Palestine. When I went to make interviews, the main topic of daily discussions among the members is Israel's attacks in Gaza. However, even though the members of İHD also mentioned Israel's attacks, they were mainly discussing Kurdish issue and DTP.

### **Individual and Group Rights**

#### *İHD*

Further analysis can be made through individual versus group rights dichotomy. A useful tool to understand this dichotomy is made by Douglas Sander who differentiates between individual, group and collective rights. He defines groups as sum of individuals "with fixed a group with fixed characteristics not unique to single individuals or the result of individual achievement."<sup>104</sup> On the issue of rights, groups and group organizations use collective action in fighting against discrimination. However, when the discrimination against its members is to end, "the group would cease to have a rights cause."<sup>105</sup> If the group's aim transcends preventing discrimination and the members form a collective identity, the individuals in the group will become collectivities because "members are joined together not simply by external discrimination but by an internal cohesiveness."<sup>106</sup>

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<sup>104</sup> Douglas Sanders, "Collective Rights" *Human Rights Quarterly*, Vol. 13, No. 3, (1991), p.368.

<sup>105</sup> Ibid, p.369.

<sup>106</sup> Ibid.

In this part of the analysis, Sander's definition of group is used and F type prisoners are defined as a separate group because particular conditions of F type prisons are detrimental for their physical and psychological well-beings. In these prisons, there is

“small group isolation [which] severely limits the range of human contact, the variety of activities, and environment to which a prisoner has access. In fact, most prisoners under this regime typically sit in their cell alone or in the company of two to five other inmates, for twenty-four hours a day, seven days a week. International prison experts have determined that such a regime may seriously endanger the mental and physical health of the inmates and falls far short of international standards for the treatment of those in detention.”<sup>107</sup>

and the prisoners of F type suffer from similar human rights violations. The violations related to hunger strike are also a part of the group of F type prisons because the reason behind hunger strike protests is the conditions of F type prisons. Thus, the human rights violation cases in the frames of F type prisons and hunger strike are considered as related to the rights of a particular group. Similarly the cases in the frames of leftist organizations, students, and workers and labor union indicate the rights of a leftist ideational group. In this sense, the cases in the frames of Kurdish issue, Armenian issue, F type prisons, hunger strike, leftist organizations, students, workers and labor unions, women rights, children rights, religion, and rightist organizations are about the rights of particular groups.

Consideration from group rights perspective shows that relatively to the cases without a group connection, violation cases related to particular communities and ideational groups are mentioned more frequently in the reports of İHD. The number of individual cases is lesser even than the cases related to Kurdish issue. The reports of İHD are composed of individual cases and there is no reference to the rights of any particular community or group such as “rights of Kurds or Armenians”. This finding shows that İHD pursues its human rights struggle at the individual level but this also does not necessarily mean that İHD's struggle is based on individual rights.

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<sup>107</sup> Human Rights Watch, “Turkey Small Group Isolation in Turkish Prisons: An Avoidable Disaster”, Human Rights Watch Briefing Paper, (May 24 2000), <http://www.hrw.org/legacy/press/2000/05/turkey-back.htm>

The reason why in the reports the cases related with particular groups are taken more place might be that these groups suffer human rights violations more and the state put more pressure on them. Another explanation might be that İHD shows more attention to the suppressed groups than individual cases. During the interviews it is asked that whether İHD struggles to develop individual rights in Turkey or to help suppressed groups. The two members answer that İHD tries to do both. One member also states that the important point is to make a balance between groups and individual rights. Neither of them can be sacrificed for the sake of the other.

In relation with individual rights issue in Turkey, one member of İHD emphasized that Turkish constitution had become an obstacle for development of human rights. The reason is that according to constitution an individual has to prove that s/he is innocent if any charges are against her/him. As a result of this type of legislation, state and its institutions are privileged over the rights of individuals. In the ideal form, the laws should give privilege to individuals and their rights, and whole legislation system should be organized to protect individual rights, not the state. Nicole Watts explains existence of such a legislation system with historical relationship between state and society in Turkey. She argues that historically Turkish state and its vision over the nation are privileged over the rights of individuals. She states that “more broadly and more problematically, several of the foundational principles of republican Turkish politics and political culture—secularism and Turkish nationalism, in particular—are, as practiced, contrary to the principle of individual rights.”<sup>108</sup> In this respect, the data on trials shows that a significant number of the trials accuse individuals in order to defend Turkish state and its institutions such as trials on insulting Turkishness/ Atatürk or military and trials related to Kurdish or Armenian issues which challenge the dominant state ideology.

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<sup>108</sup> Nicole Watts “A Symposium On Human Rights In Turkey” in *Human Rights Review*, (October-December, 2001), p.13

## *Mazlum-Der*

Similar to İHD, group rights perspective shows that relatively to the cases without a group connection, violation cases related to particular communities and ideational groups are mentioned more frequently in the reports of Mazlum-Der. The number of individual cases is lesser than the cases related to Kurdish issue and trials in ECHR. The reports of Mazlum-Der are composed of individual cases and there is no reference to the rights of any particular community or group such as “rights of Kurds or Muslims” like in İHD. Thus, both İHD and Mazlum-Der pursue their struggle at the individual level but this also does not necessarily mean that their struggle is based on individual rights.

During the interviews it is asked that whether Mazlum-Der struggles to develop individual rights in Turkey or to help suppressed groups. Two members of Mazlum-Der explain that Mazlum-Der does not use individual versus group rights dichotomy as it is used in the Western Europe. They claim that their struggle is based on justice and Mazlum-Der fights to maintain justice for everyone. Mazlum-Der’s understanding of human rights is based on divine law and because every human being is created by the God, everybody has equal rights. By giving references to Islam they argue that everybody is free to live his/her faith. Unless the source of problems is the states, there won’t be any conflict of interests at the society level. Since Mazlum-Der perceives society as a harmonious entity instead of an arena in which there is conflict of interests among individuals, they do not consider the differentiation of individual and group rights as necessary.

## **State and Civil Society**

### *İHD*

According to the interviews, İHD is highly critical about Turkish state and its policies. Especially on the issue of human rights, İHD perceives state as the main source of human rights violations in Turkey. In this respect, it is asked how they define civil

society and one member defines two separate areas for state and civil society. In the area of state, there is restriction of rights and freedoms through laws and violence whereas in the area of civil society, individuals enjoy their rights and freedoms. On this point, he argues that İHD represents civil society and struggles for individuals to enjoy their freedoms.

For human rights organizations, the members of İHD complain about the lack of voluntaries because of constant pressure of the state. Historically İHD and its members have experienced human rights violations severely. Significant number of their offices was raided; and several members were arrested, attacked and murdered. Moreover, they complain about that the state still exerts pressure on them. İHD does not trust state institutions, government and political parties for the elimination of human rights in Turkey. They also do not cooperate with political parties or state institutions for human rights violations. Even though İHD reports human rights violations to various state institutions and political parties, and asks them to fulfill their duties, it does not have regular relationship such as regular meetings with political parties or Parliamentary Commission of Human Rights.

### *Mazlum-Der*

According to the interviews, state is highly criticized because of its use of violence against its citizens. The members argue that states are for individuals, not the other way around, and states should consider the rights of individuals at first. Human rights violations can be eliminated with establishment of laws that prioritizes individuals and human rights, and execution of these laws by competent bodies of states. They also criticize Turkish state as exerting pressure on the society, especially through military inventions. There is a systematic effort to pacify citizens in order to prevent them to question, or criticize state's policies. They also relate suppressive behavior of Turkish state with Republican era.

Civil society is presented as an entity which is inalienable from the society. The most important role of civil society is to put pressure on the state and provide understanding of human rights within the society. For human rights civil society organizations, it is very hard to find members and work in the area of human rights since individuals are afraid of being persecuted. They state that they are under constant pressure of the state, and they experienced several investigations and raids by security forces. For the elimination of human rights violations in Turkey, similar to İHD, Mazlum-Der does not trust state or political parties. The members argue that political parties only mention human rights before the elections. Compared to İHD, Mazlum-Der has more systematic methods to put pressure on state institutions and political parties. In addition to sending human rights violation reports to state institutions and political parties, Mazlum-Der organizes regular meetings with political parties and Parliamentary Commission of Human Rights. İHD pursues its struggle by providing legal counseling to the victims of human rights violations and by publicizing violations whereas Mazlum-Der additionally discusses violations with policy makers and implementers.

## II. SUMMARY

In sum, this chapter provides a content analysis of two prominent human rights organizations in Turkey and their area of interests. A descriptive analysis of monthly reports of İHD and Mazlum-Der over one year period; the framing of the issues and the weight given to several frames; and a comparison between their issues are given.

Consequently, an initial conclusion is that Turkish state is indicated as the main obstacle in the issue of human rights in Turkey by İHD and Mazlum-Der. Secondly, the majority of human rights violations are related to Kurdish issue. Finally, İHD and Mazlum-Der have different approaches to human rights that differentiate them each other and limit their activities in some occasions. İHD's approach stems from Universal Declaration of Human Rights and it supports all essential human rights stated in there. However, İHD's secular identity shapes its interest in regarding the religious issues such as abolishment of Division of Religious Affairs, religious demands of minority groups and demands of Alevis while results in limited attention to the headscarf issue. Mazlum-Der defines human rights according to the principles of Islam which prevents it to support particular issues such as group rights of transvestite and gay/ lesbian marriages. Even though these identities have significant impact in area of interests of these organizations, their activities are not confined to these areas. They process every application without considering the group or ideological affiliation of the victim. Furthermore, this finding challenges the attempts to identify İHD and Mazlum-Der with certain political ideologies, leftist-secular and Islamic, respectively. To make such differentiations and understand how these identities limit the activities of İHD and Mazlum-Der is a complicated issue and needs further research.

The analysis also indicates that the finding that both organizations signify Turkish state as the main obstacle for human rights organizations indicates both İHD and Mazlum-Der suffer from pressure and oppressive actions of state upon civil society in Turkey. This finding also questions the discussions about autonomization and development of civil society in the post-1980 era. Even though Turkey has experienced

establishment of several civil society organizations in the post-1980 period, and this leads an image of autonomization of civil society; in the early years of 21<sup>st</sup> century, Turkish state is still criticized with exerting intensive pressure on human rights organizations, especially for the areas that challenge nationalistic and secular state identity. These criticisms led me to question the political power of civil society which is characterized with the emergence of multiple identities, new and different actors in politics and society. It seems that whether Turkish state arbitrarily uses its executive and judicial power on civil society is still a crucial issue for the discussions of civil society.

Similarly, the reason why İHD and Mazlum-Der exclusively focus on the issues against the state compared to the violations at the society level can be explained with high pressure of Turkish state on civil society. Since they report that the majority of human rights violations are related to state institutions, their agendas are dominated by state related violations.

## **CHAPTER FOUR**

### **CONCLUSIONS**

This study provides a content analysis of the area of interests of two human rights organizations in Turkey, İHD and Mazlum-Der. Both organizations' monthly violation reports of a one year period are analyzed and interviews were made with their members in order to understand whether these organizations exclusively focus on the issues against the state or they are interested in human rights violations at the society level. Additionally, the convergences and divergences between their focus and conceptions of human rights as well as civil society are discussed. Consequently, following conclusions revealed from the analysis:

#### **I. CONVERGENCES BETWEEN İHD AND MAZLUM-DER**

- 1) Both İHD and Mazlum-Der exclusively focus on the issues involving Turkish state which is indicated as the main obstacle and main violator of human rights in Turkey. Additionally both of the organizations define their human rights struggle in relation to the state. Their agendas are very much related to the violations done by security forces and trials which are seen as means of protecting state dominance on the society.

State's pressure on human rights organizations; consequently on civil society is often mentioned by the members of İHD and Mazlum-Der. Both of the organizations have experienced several raids, and their members were sued by attorney generals, threatened or arrested. The members also claim that the level of suppression coming from the state varies according to the issues they operate in. For instance, the activities regarding Kurdish issue cause İHD face with severe reactions from the state. For Mazlum-Der, on the other hand, Islamic issues cause state pressure. For instance, after the military memorandum in 28 February 1997, which led resignation of coalition government led by an Islamic party as a result of the pressure of Turkish military, several offices of Mazlum-Der were raided.

- 2) In terms of issues, İHD and Mazlum-Der are interested in similar issues of human rights violations with a few exceptions. In both reports, majority of human rights violations in Turkey are related to Kurdish issue. Violations related to workers, leftist organizations, F type prisons and students revealed as another parallel and important areas of human rights violations. In addition, both organizations emphasize trial cases.
- 3) Both İHD and Mazlum-Der declare that they process every application who suffers from any kind of human rights violations regardless of ethnic, religious identities or political preferences. When an individual applies to İHD or Mazlum-Der, both of them do not hesitate to process the case. However, this does not mean that their activity areas are not limited. Consequently, political tendencies of İHD and Mazlum-Der shape and limit the activity areas of both organizations.
- 4) Violation cases related to particular groups is more than the cases without a group connection in the reports of İHD and Mazlum-Der. Both İHD and Mazlum-Der pursue their struggle at the individual level because there is no reference to the rights of any particular community or group such as “rights of Kurds or Muslims” neither in their reports nor in any of the documents in their websites. However, this does not necessarily mean that their struggle is based on individual rights.
- 5) Both organizations are suspicious about the policies of state and political parties for the development of human rights. Both do not believe that either state or political parties put human rights on their political agendas and work accordingly. Consequently, developing collaborative relationships with political parties or state institutions for the elimination of human rights violations is not a main issue for them. They are interested in publishing human rights violations through reports and demonstrations rather than involving in policy making processes. This finding is important to discuss the level of involvement of civil society organizations in Turkey in policy making processes. This issue can be suggested for future researches.

## II. DIVERGENCES BETWEEN İHD AND MAZLUM-DER

- 1) The level of interest on the issues varies between İHD and Mazlum-Der. For the issue of security forces the level of emphasis is different. Violations done by security forces rank higher in the reports of İHD whereas for Mazlum-Der this issue is a middle ranged one. Similarly, violations related to religion ranks higher in the reports of Mazlum-Der whereas for İHD it ranks at the bottom. Even though both organizations emphasize trials, Mazlum-Der is emphasizes this issue more. As a result, the reports of Mazlum-Der have greater diversity compared to İHD. The majority of the violations in the reports of İHD are about particular issues such as Kurdish issue, F type prisons and leftist groups whereas in Mazlum-Der's reports the cases related to women rights, religion and insulting Turkishness/ Atatürk also have greater weight.
- 2) Both İHD and Mazlum-Der have different understanding and approaches regarding human rights that limit their activities. The former defines human rights in relation to the principles of Universal Declaration of Human Rights (UDHR) whereas the latter defines it according to the principles of Islam. İHD supports all essential human rights stated in UDHR which provides it a broader scope in dealing with human rights violations. For instance, one member of İHD mentions that they support the rights of gays and lesbians and İHD does not have any moral problems with the demands of them. However, Mazlum-Der's Islamic understanding prevents it to support rights of homosexuals such as gay marriages.

İHD defines itself as a secular organization and declares the necessity of elimination of all types of prohibitions and limitations on religious beliefs without involving in the discussions between different religious groups. In this respect, İHD does not involve in headscarf issue intensely. The fact that İHD declares that it is against the ban on headscarf in principle does not imply that it is active on this issue. İHD has large number of Alevi<sup>109</sup> and secular members<sup>110</sup> and the political tendencies

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<sup>109</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal?*, p.445.

<sup>110</sup> Öndül, *İnsan Haklarını Korumak (İHD Pratiği)*, p. 243.

of the members may also prevent İHD to involve in headscarf issue or other religious issues. Plagemann also states that some of the Alevi members of İHD refused to participate in some activities to which Mazlum-Der was invited to.<sup>111</sup> Similarly, Mazlum-Der has different approach to Kurdish issue than İHD has. İHD is actively involved in the issue and struggles for group and cultural rights of Kurdish people as a nation whereas Mazlum-Der is interested in individuals' right to live without giving reference to collective rights such as education right in vernacular language.

- 3) İHD and Mazlum-Der have different approaches regarding group and individual rights. The members of İHD mention group rights as important as individual rights and there should be a balance between them. The members of Mazlum-Der prioritize group rights but also state that they do not consider the differentiation between groups and individual rights as necessary because Islam allows all individuals to enjoy individual freedoms. In this regard, Mazlum-Der's position supports the scholars such as Jack Donnelly who consider group human rights irrelevant if individual human rights are respected completely.<sup>112</sup> İHD's approach, on the other hand, indicates the importance of group human rights in order to protect the rights of oppressed groups.
- 4) Even though both İHD and Mazlum-Der do not have limited relations with the state and political parties, Mazlum-Der's is more active on this issue compared to İHD. Mazlum-Der arranges regular meetings to discuss the policies and issues related to human rights with Parliamentary Commission of Human Rights and political parties.
- 5) Mazlum-Der is eclectic in its selection of reports. It does not publish complaint applications and prepares its reports based on the news in the media. Instead of using its own first-hand data on human rights violations, the reason why Mazlum-Der uses second-hand data is a crucial point. Even though Mazlum-Der claims that it is due to the confidentiality of applicants, this question needs further analysis as the data provided in this study is not sufficient to reach such a conclusion.

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<sup>111</sup> Plagemann, *Human Rights Organizations: Defending the Particular or the Universal?*, p.445.

<sup>112</sup> Donnelly, *Universal Human Rights in Theory and Practice (Second Edition)*, p.204.

### **III. RECOMMENDATIONS FOR FURTHER STUDY**

Studying Kurdish issue from group rights perspective can be a starting point for further inquiry. Whether individual human rights meets the demands of Kurdish people in terms of rights may provide significant analysis for the issue of group rights and the relevance of group rights in the framework of human rights.

Level of involvement of human rights organizations in Turkish policy making is another issue that should be analyzed in detail. Due to the centrality of the state as the protector of human rights, human rights issue is directly related to policy making. Thus, human rights organizations should participate in policy making processes in order to eliminate human rights violations. In this respect, the question of why two prominent human rights organizations in Turkey are not interested in policy making is a crucial question for the discussions of civil society.

How the identities of İHD and Mazlum-Der affect the membership to these organizations can be recommended for further studies. By using Robert Putnam's bridging vs. bonding social capital concepts it can be examined the membership to İHD and Mazlum-Der promotes external ties with other groups, especially the ones that have different ideas and principles or internal ties. In this regard, morality issue for Mazlum-Der and secularism for İHD can be elaborated in detail.

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## APPENDIX

### Self-identified Leftist Organizations:

Sosyalist Gençlik Derneđi (SGD), Mücadele Birliđi, Temel Haklar ve Özgürlükler Cephesi, TKP-ML/TİKKO, Ezilenlerin Sosyalist Platformu (ESP), Özgür Radyo, Ezilenlerin Sosyalist Platformu, 1 Mayıs Mahallesi Güzelleştirme Derneđi, Özgür Halk Dergisi, Genç Bakış Dergisi, 78'liler Vakfı, Sosyalist Demokrasi Partisi (SDP).

### Self-identified Rightist Organizations:

Ülkücü Ocakları ve Alperen Ocakları

### Illegal Organizations:

Hizb-ut Tahrir, İslami Cemaatler Birliđi/Anadolu Federe İslam Devleti Örgütü, Hizbullah, DHKP-C (Devrimci Halk Kurtuluş Partisi/ Cephesi), Marksist Leninist Komünist Parti (MLKP), El Kaide, İBDA-C (İslami Büyükdođu Akıncılar Cephesi).