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HUMAN RIGHT DEFENDERS IN TURKEY IN SELF–PERSPECTIVE: BACKGROUND, VALUES, GOALS

Abstract

Regardless of its European aspirations, the Turkish state kept hostile attitude towards human rights defenders. Nevertheless, despite the constant pressure and persecutions, human rights organizations continue their struggle with membership count reaching numbers unheard of in many other countries. This paper attempts to explore personal stories, understanding of human rights, and the meaning of human rights activism shared by the activists of Human Rights Association (IHD) in Turkey. Exploratory interviews were conducted with 12 members of its Istanbul branch in February 2020. Further analysis showed that first-hand experience with injustice and evolution of prior political convictions were among the main factors leading to their involvement. Activists tended to interpret human rights as inherent to human nature and unanimously shared the concept of their universal and inclusive applicability for maintaining consistency and marked difference, or avoiding precedents. Respondents concluded that there is no other way but to continue their struggle with the hope for future success and keep trying all means available. This study allowed presenting preliminary findings; however, further research is needed to deepen the understanding, validate and refine its inferences.

Keywords**:** *Human rights in Turkey, Human rights activists, Human rights defenders, IHD, Human Rights Association, EU.*

Introduction

Turkey's EU membership process brought certain hopes for democratization and greater respect towards human rights and fundamental freedoms. Initial attempts of approximation in the 1980s were indeed accompanied by some positive developments, such as granting its citizens the right of individual appeal to ECtHR and introducing moratorium on the death penalty. Kuneralp (2017) observed that by the mid-1990s "obtaining candidate status and thereafter the opening of accession negotiations . . . became the major objective of Turkish policy." Even though the status was granted in 1999, it took a few more years for the negotiation to begin formally due to multiple issues, one of which was not meeting political criteria for membership (Tocci 2014, 2).

Justice and Development Party's (AKP) rise to power led to a honeymoon period in the relations between the EU and Turkey and notable progress in reformation of the country. The process, however, slowed down almost immediately after commencement of the formal accession negotiations and eventually halted completely (Goff-Taylor 2017). Arguably, it even went in the opposite direction given the outrageous level of police brutality employed during Gezi protests, ending peace talks with the Kurdish militants and wide-scale indiscriminate post-coup purges.

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As concluded in the last EU Report on Turkey (Key Findings 2020), despite ending the state of emergency, some of its provisions were incorporated in law, no adequate remedy was provided for the victims of the emergency decrees, balance of powers remained shifted, and "serious backsliding of the respect for democratic standards, the rule of law, and fundamental freedoms continued." Just in 2017, human rights activists meeting at the Princess Islands were detained by the police and charged "with planning a new coup against the government" (Çalı 2018, 14). Therefore, any feasibility of further progress towards meeting the Copenhagen criteria appears questionable already due to a deadlock on the political liberalization.

While hostile attitudes towards civil society groups are spreading worldwide, examining how human rights organizations (HRO) have been operating in such an environment in Turkey is of a certain interest. Learning from the experience of those who escaped the catch of professionalization, so common in the post-Socialist countries, is even more peculiar. This study aims to examine personal experiences and interpretations of their work shared by the activists of the Istanbul branch of Human Rights Association (IHD), one of Turkey's oldest and biggest HRO. Based on the field interviews and observations this article sets out to explore and understand their background, triggers for joining the movement, perception of the human rights concept and their role. Twelve people participated in the structured exploratory interviews conducted in February 2020. The gathered data was later scrutinized based on the thematic analysis approach.

At first, a brief outline of the methodology is presented followed by a review of some current theoretical discussions relevant to the topic. Later this paper elaborates on the human rights situation and activism in Turkey to contextualize the findings, which are presented at the end.

Methodology

The present study is based on a qualitative method of the grounded theory. This approach (Glaser & Strauss 1967) focuses on developing theories "grounded" in the empirical data. One of the first stages, used to discover categories and refine research questions, is theoretical sampling (Bryman 2012, 419 – 423). Despite its continuous nature, given the resource and time constraints, in this study, it was utilized as an exploratory tool to examine experiences and conceptions shared by human rights activists and generate ideas for possible further research.

Data collection was performed through short structured interviews with Human Rights Association's activists and board members, who frequented its Istanbul office in February 2020. The open-ended questions focused on discovering their personal background, triggers of interest in human rights, understanding of what human rights are, inclusivity of this concept for them, and perception of a human rights defenders' role. The questions were: "Could you tell me a bit about your background?"; "How and when did you become interested in human rights?"; "What do human rights and human rights defense mean to you?"; "Do you think that everybody's rights, including those of human rights abusers, have to be ensured? Why?"; "What is the role of human rights defenders in Turkey, given the extreme hostility of the government and its indifference of international opinion?"

Twelve people were invited (six males and six females) to take part in the study. Their age ranged between early 30s and late 60s. Participants were chosen with the assumption that their background and stories would differ to contribute to a greater variety possible among the activists to provide a better picture. Eight interviews were conducted in-person, four – via email-questionnaire, three were in English, and the rest – in Turkish. Oral interviews were audio-taped with the consent of the respondents and later transcribed and translated. In all cases, the interviewees were assured of confidentiality of the process. Their responses were initially coded for each question into categories that seemed most appropriate. Later on, the quotes were aggregated under each of the categories in the table and carefully re-examined until the process of merges and divisions allowed for identification of the core themes for each of the research questions.

Literature review

Interpretation of the concept of universal human rights, born in Europe, can differ in other parts of the world, and so that – of human rights activism and its meaning. Despite frequently employed cautious approach, human rights as ideology possess "emancipatory potential, which is instinctively attractive to subjugated people" (Arat 2008, 907). Hence, whereas in some countries this field is occupied by small professional NGOs, elsewhere we can see grass-

root autonomous mass-membership human rights organizations. In case of the former, dependence on foreign funding may affect their choice of strategies and targets to keep them aligned with the donors' priorities (Merry 2006, 49). Latter, taken as "conscious, collective, organized attempt[s] to bring about or resist large-scale change in the social order by non-institutionalized means" (Wilson 1973, 8), could be considered representatives of social movements.

Grossklaus (2015) regards human rights promotion as "a series of appropriating acts by different . . . actors with differing goals and differing strategies" (1263). He suggests that while human rights language might be adopted in the Non-Western societies, it could simply be done to re-interpret already existing struggles (1254 – 55). Merry (2006, 39) comes up with a concept of "vernacularization" to describe a process of localization of human rights ideas in the local societies that implies a certain shift in meaning to account for existing cultural norms, values, and practices.

Achariya (2004) points out that "local actors do not remain passive targets and learners [but] . . . promote norm diffusion by actively borrowing and modifying transnational norms in accordance with their preconstructed normative beliefs and practices" (269). Similarly, Merry (2006, 39) underlines a particular role of intermediaries acting as translators interpreting human rights standards within and projecting local concerns outside redefined in terms of the human rights agenda. Çalı (2007, 218) considers domestic human rights groups "strategic information providers . . . [within] international human rights regime," who in their venture for social and political change within the country appeal to the global community to exert pressure on the national governments.

It is accepted that the way people conceptualize reality and decide to act might be shaped by their immediate environment (Campbell 2002, 4 – 5). Therefore, it may also be assumed that activists belonging to the same organization may share similar social representations of human rights that are"defined, shared, and used by groups . . . [and act as] explanation[s] constructed to . . . to cope with something new" (Sarrica et al. 2004, 550).

Life history research conducted among the right-wing activists in the Netherlands deduced three patterns of entering activism: continuity, that is going along with prior socialization, conversion or changing life trajectory, and compliance, i.e., accepting circumstances (Linden et al. 2007, 184). The study of radical peace activists in Israel discovered that most of them shared specific pre-joining experiences, such as "early political socialization at home and youth movements" and exposure to "experiences and/or information that was in contradiction to the dominant narrative in society" (Nasie et al. 2014, 325). Turning to human rights organizations, it was suggested that their formation is often connected with certain traumatic events affecting their activists, while the ability to go beyond the initial cause allows such organizations strengthen and continue (Çalı 2007, 218).

Development of the human rights movement in Turkey

Although the comprehensive picture of human rights issues in Turkey is overly broad and complex to be concisely described here, I would attempt to outline some of the points relevant to contextualize the study.

General context

Already in the last years of the Ottoman Empire, there were tendencies towards homogenization of the society that caused persistent genocidal practices in regards to the Armenian, Assyrian, Kurdish, and Pontic Greek communities (Levene 1998, 393). Those practices were not only chosen to be forgotten but even continued in some instances by the new Turkish Republic, where, as Negrón-Gonzales (2012) puts it, "official ideology ... produced a political culture in which diversity was framed as national security threat" (422).

Heper argues that in modern Turkey "people do not have rights but duties, service, and obligations towards the State. The Turkish army, as the guardian of the State, believes that everything, including human rights and freedoms, is expendable in order to safeguard the state" (Heper in Kılıç 1998, 92). Thus, no wonder that the country has experienced three successful military and one post-modern coups. AKP's political liberalization of the 2000s did not help much. Certain failures of the state policies were acknowledged, yet it was limited to those that can be used for "delegitimation of its political rivals" (Bakiner 2013, 16). Fincancı (2019, 206) concludes that the "history of Turkey is built on state violence and on invisibility of this violence."

Evolution of the human rights movement: Case of IHD

The coup of 1980 was followed by unprecedented spike of state violence: up to 650,000 people were arrested within its first days; many were tortured, hundreds and thousands were reported missing; over 40,000 remained behind bars for years (Fincancı 2019, 203 – 204). These events gave birth to a modern human rights movement in Turkey. Human Rights Association (IHD) was formed in 1986 by intellectuals and relatives of the prisoners to assist victims and their families and advocate on their behalf. As can be seen from Çalı, human rights discourse was the only means of organization and resistance at that time (2007, 221 – 222). It was not until later when the discussions started about what human rights activism is and whether it is just an expression of solidarity with their maltreated comrades or something bigger and more universal (Negrón-Gonzales 2012, 420).

Kurdish problem in Turkish politics could be defined as "a major challenge to its democratization . . . an issue of human rights and international recognition" (Kılıç 1998, 94). For a long period Kurds were treated as "mountain Turks who forgot their language and culture." The modern conflict between the government forces and the guerillas of the Kurdistan Worker's Party (PKK) started some 30 years ago. Over the years, about 4,000 villages were burned down or destroyed, 40,000 people lost their lives, more than two million were displaced, hundreds disappeared or were murdered by the unknown forces (Eder 2016; Kılıç 1998, 105; Visweswaran 2013, 14). Political representation was limited, emerging Kurdish parties were banned one after another: HEP (1993), OZDEP (1993), DEP (1994), HADEP (2003), DTP (2009). Even today members of the HDP, a party associated with the Kurdish movement, are continuously persecuted; its elected officials, members of parliament, and local assemblies are removed from their positions and imprisoned (Koontz 2020).

Naturally, a Kurdish issue made its way into human rights organizations' agenda, thus widening its scope by embracing anti-discrimination approach. IHD conceptualized it in the way that Kurds suffered twice: as citizens due to the State of emergency measures and as an ethnic minority that was explicitly targeted by such measures (Çalı 2007, 224). Criticism of the government's handling of the situation was seen by some as support of PKK and led to a period of turbulence in the organization. Eventually, IHD took a more explicit stance and "included the political murders by unknown parties in its human rights reports of Turkey and condemned armed political organizations such as PKK" (Öztekin 2009, 45).

Approximately 15 percent of Turkey's population are followers of the Alevi faith, which is different from a majority's Sunni Islam and at times associated with left-wing political affiliation. As summarized by Alemdar (2012, 119 – 120), the history of Alevis is another record of tragedies and persecutions. Dersim killings in the 1930s continued with massacres of hundreds by the right-wing groups in Maras, Malatya, and Corum in the pre-1980 period. In 1993, 22 Alevi intellectuals were burned in a hotel in Sivas (Madimak massacre). Two years later, coffee houses in the Gazi quarter were attacked, and in the following clashes, 17 people lost their lives.

The approach towards investigation of the Madimak massacre and prosecution of its culprits became another milestone in the development of IHD. Despite being against the death penalty, the association was initially hesitant to raise its voice in the protection of those charged guilty. The debates within the Human Rights Association led to, as Negrón-Gonzales (2012, 420) puts it, the "revolutionary change in thinking" since the organization had decided to adopt an objective stance and "oppose the death penalty in all cases, irrespective of who was the subject to capital punishment."

Continuous involvement of IHD in defying the State could not be left without consequences. By 2001, more than 400 court cases were initiated against the association, 300 of its activists were brought on trial and 14 were killed (Çalı 2007, 222 – 223). Many branches every now and then are raided by the police (Öztekin 2009, 45), its membership base is "portrayed as separatists and terrorists for their monitoring and reporting on human rights violations in southeastern Turkey" (Çalı 2018, 10). Yet it did not stop the organization from continuously expanding its focus to account for refugees, women's and LGBT rights, and ecological issues (Çalı 2018, 11; Oztekin 2009, 44).

Current situation

Handling of the Gezi protests in 2013 and resuming the armed conflict in the South-East by 2015 indicated a turn in the policy of liberalization. The situation further deteriorated in the aftermath of the failed coup of 15 July 2016. The reaction of the government was overwhelming and, as widely held, excessive (Osborn 2016). As of 4 March 2019, 150,348 civil servants lost their jobs, among whom were more than 6,000 academics and almost 4,500 judges

and prosecutors; 96,885 people were arrested, including 319 journalists, 189 media outlets were shut down (Turkey Purge 2019). The human rights movement was not spared either. IHD's special report (Human Rights Association 2019) informs readers about some 250 court cases and investigations initiated against its members and executives after 2016; a total of 143 lawsuits were brought against IHD's Co-Chairperson Eren Keskin alone. A degree of freedom of expression in the country can be demonstrated by an exemplary fact of 648 people detained over social media posts criticizing Turkey's military involvement in Syria just in one month in 2018 (Human Rights Watch 2018).

Findings

1. Self-description

Considering that there was no opportunity for a real dialogue, I chose to ask a general question about their background, letting interviewees decide what might be important to tell. The overwhelming majority focused on their current or past *activist engagement* (9) as members of left-wing organizations or trade unions and/or described their *connection to IHD* (8). Many also specified their professional *background* (8), they were lawyers and journalists, and mentioned their personal experience with the *State violence* (8), mostly being arrested, tried, and/or imprisoned. Overall it seems to correspond with the common perception of IHD as the association of left intellectuals and victims of political repressions. Besides, a few recalled their stories of *internal migration* (5), two pointed out to their Kurdish *ethnicity*. Only three persons introduced their *family background*.

2. Triggers of interest in human rights and joining the movement

There was a recurring theme of **experiencing or witnessing injustice** in answers about respondents' interest in human rights. Many referred to their *time in prison* (6): feeling of solidarity with others going through the same, or support they once received. One of the interviewees talked about how he, a third-year student then, found himself locked, even in spite of his lack of evident ties with politics. He said: "I met a lot of voluntary lawyers defending us during the process. … I felt that I owe them".

Extrajudicial killings or disappearances were among other issues that people quoted (4). One activist told a story of how police killed his father, and later on, despite the evidence and testimony of another officer, the accused was sentenced to four years only and released already after one and a half. In his words: "The state took the good time I could have spent with my father."

Some chose to describe their experiences with *limitations of the freedom of expression and/or discrimination* (4). One of the participants of Alevi background, who suffered both, put it as follows:

> I experienced the culture and belief conflict and related discrimination at an early age due to migration… I showed my first meaningful reaction in the Qur'an Course, which I attended when I was nine years old. … I was 15 when I was first detained for the article on children's rights for the school's wall newspaper. (Anonymous activist 2020)

A Kurdish respondent underlined: "As a member of Kurdish community, you can say that your rights are already violated since the moment of your birth."

Another theme was **evolution of their political convictions** (5). Some cited their *disillusionment* with the political organizations they used to belong:

> I know that everything in the definition of socialism is for humans. But I think this is not valid in left organizations. . .. When I became aware of the Party's ignoring the Genocide of the Armenians and other Christian communities and the persecution of the Kurdish people, I lost trust in the Turkish style socialism and communism. (Anonymous activist 2020)

Others presented it as a logical *extension of their beliefs*, for instance:

> Human rights struggle is part of the socialist struggle that I believe in. I wanted to contact other people outside of our narrow circle. So I became a human rights defender. (Anonymous activist 2020)

3. Human rights and human rights defense

In regards to the interpretation, it is possible to deduce two main themes: **humanism and civic duty** (11) and focus on **particular rights** (6). Both categories often overlap, although some people explained their understanding in terms of only one.

There are a few motives in the major theme. One of them emphasizes the existential link between *being a human and struggling for human rights*. The way one of the interviewees defined it is this: "[Fighting for the rights and freedoms] is the state of existence fulfilling both individual and social responsibility [that being a human] imposes on us." Another one stated: "I have to defend against injustice and inequality with everything I can for people to live well." The second motive could be formulated as a *broader view* as people pointed either to the part of human rights in something bigger, a "beautiful world" or a "bigger picture" along with the rights of nature and animals; or their role in expanding one's horizon.

Talking about **particular rights**, respondents mentioned the *right to life and fair trial*, describing their experience with the former's fragility and the absence of the latter; *freedom of expression*, and *freedom from discrimination*.

4. Why inclusive?

All twelve participants confirmed that even the worst violators of human rights should be able to enjoy their protection. In the answers, activists stressed that this is a foundation of the human rights philosophy, stressed that it is what makes them different, and referred to a golden rule of treating others the way you want to be treated.

Being consistent (9). The majority shared the idea of the inclusive stance as a fundamental principle of the human rights concept however challenging it could be. One of the activists expressed it like this:

> In Turkey human rights abusers are protected by every means of impunity; they are not properly prosecuted; they go unpunished. But yes, if any of them becomes a victim of a human rights violation in another context, they should be defended because it is essential for real justice. It is the basic principle of human rights (Anonymous activist 2020).

One of the ideas was that it would be merely inconsistent to say that you are against torture but then back off if it is applied to someone you do not like. Also, it was suggested that we should separate past wrongdoings and exposure to the today's injustice: "The violators should take a punishment for what they did, but in another matter, if being a victim, their rights should be defended" (Anonymous activist 2020).

Being different (4). As an interviewee explained: "In Turkey the situation with human rights is bad because government cares only about its supporters but not the rest." In light of this, a pattern of justifying the position as being the opposite makes complete sense: "if we do not defend their rights, we have no difference with them" (Anonymous activist 2020).

Treat as you want to be treated (3). One minor motive spotted out was almost direct paraphrasing of the famous rule. It could also be characterized as a fear of setting a precedent, an element of precaution: "If any fundamental rights are being violated, you cannot guarantee that one day it won't happen to you" (Anonymous activist 2020).

5. What for?

In the discussion of the role of human rights defenders in Turkey, a dominant theme can be defined as **Continue the fight** (9). Most of the activists framed their struggle as the last line of defense and put an emphasis on its importance. The common notion was that speaking up and exposing injustice could send a message of hope to people and mobilize millions of them. Below is an excerpt from a narrative of a former political prisoner:

> I have to walk on the path that I know, both in prison and my life. When I got to prison, they asked me why I was dealing with these things; I wasn't Kurd or Alevi but Turk and Muslim. I told them about the Universal Declaration of Human Rights. I think I have responsibility for people. I will not give this up . . . You have responsibility for everyone, whatever happens. We will continue until we open the door. They may put me

> in prison, but I always said the same. Not only about human rights, I always talked about surplus value and annihilation of capitalism (Anonymous activist 2020).

The famous Saturday Mothers protests were used as an example of success, as it was claimed that their efforts resulted in a decrease in the number of people's lives lost in the detention.

The State is not your friend (7). Many participants reflected on the hostility of the State towards the very idea of human rights activism. Sometimes it was more in terms of *concrete issues* they have encountered in their work, such as threats or associating them with traitors and foreign agents or the State's releasing of the culprits of Madimak massacre but keeping sick people in prisons. At times, they used a broader perspective to discuss *the nature of the State power* in general, like:

If there is a power somewhere, there is also a violation. Turkey or another country, it doesn't matter. Every state, including European countries, thinks only about their profits. They don't care about people and humanity (Anonymous activist 2020).

Another interviewee shared an insight into the state of affairs in Turkey:

> The State here has opposed human rights and freedoms since the beginning. Seeing human rights as an element that undermines the government's authority, even as a threat to the State's existence, the State has always exerted severe pressure on human rights defenders and has resorted to every means, including killing, to stop the advocacy (Anonymous activist 2020).

Only three persons mentioned **legal aspects** as knocking on every door from ECtHR to the UN, forcing the government to fulfill its obligations, or improving the domestic legal framework.

Conclusions

The results of the study correspond to the notion that former political prisoners, activists, and intellectuals constitute the core of the Human Rights Association membership. The majority of the activists pointed to their personal experience with injustice and oppression as the main factors of engagement confirming the link with traumatic events as a trigger. Some also tied their interest to the evolution of previously-held political convictions. By bringing in their unique visions and background to the idea's development interviewed IHD members interpreted human rights defense as inherent to being a human or as a part of a broader worldview. Those who chose to personalize human rights mentioned the right to life and fair trial, freedom of expression, and freedom from discrimination re-affirming the known difficulties with realization of these rights in Turkey.

Although all participants unanimously agreed that human rights are for everybody, three different themes of justification emerged, among which were being consistent, being different than them, and treating others the way you wish to be treated. As seen earlier, accepting this idea was one of the major challenges in IHD's journey and currently it became a default social representation within the group.

Defining their role in the contemporary Turkish state, the respondents acknowledged the hardships and reflected on the nature of the State's power. Nevertheless, they concluded that there is no other way but to continue their struggle as the last line of defense and a symbol for the oppressed, hoping for eventual success. Some underlined that they have to try all the means available, including domestic and international legal remedies. This implies that a particular focus on the human rights issues should remain on the agenda in the EU-Turkey relations.

This study allowed presenting preliminary findings; however, further research is needed to deepen the understanding and validate and refine the inferences. IHD was chosen as the biggest, most-known and long-established mass organization HRO, yet it is far from being the only one in Turkey. Therefore, it would bring additional value if other organizations, born in different circumstances and of different people, can be surveyed and their stories analyzed as well to replicate the results before proceeding with the theory that could be extrapolated further.

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