



We Are Here!

**Discriminatory Exclusion and Struggle
for Rights of Roma in Turkey**

**Edirne Roma Association
European Roma Rights Centre
Helsinki Citizens' Assembly**

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Cover painting: The cover painting was produced at a workshop organised for Roma people of Sulukule by artist Su Yücel in June 2006. These works were exhibited in June 2007 in Sulukule.

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Preface

Historically, Turkey has been an important place for Roma and for the development of Roma culture; according to some scholars in the field, Sulukule neighbourhood in today's İstanbul is considered to be the first Romani settlement in Europe. Despite the continuous presence of sizeable Romani communities over the course of centuries, Roma in Turkey are not an integral part of society today and face serious obstacles to the exercise of fundamental rights on equal footing with other citizens. While the protection of fundamental human rights and minority rights in particular, has become prominent in recent years in Turkey, especially within the process of EU accession, Roma rights issues have not yet been an integral part of this discussion.

There are various reasons explaining the invisibility of the human rights problems affecting Roma in Turkey. In the first place, as this book reveals, Roma in Turkey face high levels of prejudice, discrimination and exclusion by society at large, as well as by other minority groups, which has marginalised them in the public sphere. Secondly, at least until recently, many Roma have shied away from civic activism, especially from getting organised to pursue an agenda of claiming their rights, in reaction to nationalist pressures which perceive such activities as a betrayal to the Turkish state.

With the aim of contributing to the advancement of the Roma rights movement in Turkey, the European Roma Rights Centre (ERRC) developed and implemented the project "Promoting Roma Rights in Turkey", in partnership with the Helsinki Citizens' Assembly (hCa) and the Edirne Association for Research, Development and Solidarity with Roma / Edirne Roma Association (EDROM) in the period December 2005-April 2008. The project received financial support from the European Commission, The Open Society Institute Assistance Foundation–Turkey, and ERRC core donor Swedish International Development Cooperation Agency (SIDA). The main objectives of this project have been to:

- Collect reliable data regarding the social, linguistic, historical and geographical profile of Romani communities in Turkey;

- Empower Romani communities in Turkey to seek justice for human rights violations and build the capacity of Romani civil actors to mobilise for effective advocacy for government action to address racial discrimination against Roma in all spheres of life;
- Give prominence to the human rights problems facing Roma in Turkey and mobilise resources within civil society, including strategic litigation, to advocate respect and protection of the rights of Roma at domestic and international levels; and
- Promote government action, including the creation of adequate legislative, institutional and policy frameworks, to protect Roma and other ethnic minorities against human rights violations and ensure access to fundamental social and economic rights without discrimination.

Within this framework, the project made the first steps paving the way for mobilising Roma rights activism in Turkey. In addition to capacity building of Romani organisations, networking opportunities for Romani and non-Romani NGOs, the project “Promoting Roma Rights in Turkey” has broadened the human rights field in Turkey by introducing to it the aspect of Roma rights advocacy and strategic litigation. It should be noted that until this project was initiated, there had been no serious academically viable study profiling Romani communities in Turkey.

The book “We Are Here!” is one outcome of the project “Promoting Roma Rights in Turkey”. It draws on research and experiences during the project and reflects partners’ expertise in Roma rights advocacy, the promotion of values of democracy, social justice and peace, and the grassroots mobilisation of Romani communities. This book is an attempt to provide an overview of the situation of Romani communities throughout Turkey and present human rights issues of particular concern. It focuses on those legal norms (or the absence of such), practices and conditions which affect Roma and deny members of this community equal access to rights and opportunities. The other broad topic in this book is the emergence and the development of Romani civil society organisations in Turkey with an overview of their place in civil society, their goals, activities and needs.

As one of the first works aimed at bringing Roma rights concerns to light in Turkey, this book presents a comprehensive view of the issue, including a historical and ethnological background, human rights research documentation as well review of human rights instruments and policies. Above all, “We are Here!” seeks to portray the Roma of Turkey as citizens of the Republic, with their own history, social positions and relations, and their specific problems. In doing so, the book also describes the recent efforts of Turkey’s Romani activists to organise themselves to help their own communities.

The book is organised as follows: *Chapter 1* provides a brief presentation of the history of Roma in present Turkey. *Chapter 2* describes the various Romani groups throughout Turkey, their identities, occupations and relations to majority society. *Chapter 3* is a review of Turkey’s

obligations under international and regional human rights instruments and the compliance of domestic legislation with these instruments. This chapter concludes with specific recommendations to Turkish authorities for bringing the state's legal framework in compliance with international human rights standards. *Chapter 4* summarises the findings of field research highlighting the most serious human rights problems documented and provides specific recommendations for government action to remedy discrimination and social exclusion facing Romani communities. *Chapter 5* is an attempt to map out the process of the emergence of Romani civil society organisations in Turkey. An interview with the leader of one of the Romani federations in Turkey and partner to the project gives insight into the major challenges facing young Romani civil society groups and the prospects of their development. *Chapter 6* is an account of the historic roots and development of nationalist ideas in Turkey and their impact on the position of Roma in Turkish society. *Chapter 7* makes a critical examination of several major academic research works focusing on Roma in Turkey.

Throughout this report the terms Roma and Gypsy are used interchangeably, in accordance with the author's preference. In the ongoing debate in Turkey with regard to these terms, one position is that due to the negative stereotypes associated with the term Gypsy, it is the term Roma which should be given preference. The opposite opinion argues that the term Gypsy should be stripped of its stigmatising content and its legitimacy reclaimed as a neutral and inclusive term designating a variety of groups in Turkey – Roma, Dom, Lom and Travellers.

Savelina Danova/Roussinova
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A Brief History of Gypsies in Turkey

Adrian Marsh

Gypsies first appear in Turkey during the Byzantine period in records that describe the practices of the so-called Atsinganoi or Athinganoi. The original Atsinganoi were a group of Phrygian heretics that seemed to have practised various forms of divination and magic related to a mixture of Kabbalistic rituals, astrology and dualist Christianity. They were also credited with magical practices, but their influence was strong during the ninth century when Michael the Phrygian (the area around modern Eskişehir became Emperor. At other times they faced persecution at the hands of the Orthodox Church and were frequently condemned by prelates and patriarchs. However, by the middle of the tenth century their numbers had dwindled significantly and they were no longer treated as a threat but merely misguided.¹

The conflation with some early groups of Gypsies would seem to have come about because of the link with divination and magical practices ascribed to them. In a hagiography of St George the Athonite of Iviron,² we find a tale related about a group of Atsinganoi who are requested by the Emperor Constantine the IX Monomachus in 1054 CE [Common Era], to clear the royal park of troublesome wild beasts that were decimating the tame deer and other creatures there.³ A corroboration of this regarding the presence of Gypsies in Byzantium at this time comes from Byzantine prelate Theodore Balsamon in his commentary on the Canons promulgated at the Council of Trullo 691-692 CE. In his exegesis of certain rulings, Balsamon describes the kinds of people who are referred to implicitly in Canon 61, including "... those who tell the future, fate, horoscope, and whatever else may be the multitude of words of this erroneous trumpery.

¹ See B. and J. Hamilton (1998), *Christian and Dualist Heresies in the Byzantine World, c.650 to 1405*, Manchester University Press.

² The hagiography was written c.1062; see Paul Peeters (2002), Traductions et traducteurs dans l'hagiographie orientale à l'époque byzantine, [Extracted from *Analecta Bollandiana*], Brussels, 1922, pp. 102-104.

³ See Nancy P. Ševčenko (2002), "Wild Animals in the Byzantine Park", in Anthony Littlewood, Henry Maguire and Joachim Wolschke-Bulmahn [eds.] *Byzantine Garden Culture*, Washington D.C. Dumbarton Oaks Research Library and Collection, pp. 69-86; Angus Fraser (1992), *The Gypsies; Peoples of Europe*, Blackwell, Oxford, pp. 46-7.

The same is true for the interpreters of the clouds, sorcerers, furnishers of amulets, and soothsayers. We decree that those who continue doing so, who neither show repentance nor avoid these destructive and pagan customs, shall be totally expelled from the church according to the holy canons.”⁴

Fögen follows the majority of scholars⁵ in identifying this as a reliable reference to Gypsies in Byzantium, and subsequent records from ecclesiastical sources elaborate on this theme of penance for those who consult the “Aiguptoi” or “Egyptians”.⁶ The Patriarch of Constantinople, Anastasios I (14 October 1289 – 16 October 1293, 23 June 1303 – September 1309), in a text dating from his second period as hierarch, admonished his clerics to warn their parishioners not to associate with those fortune-tellers, bear-leaders and snake-charmers, such as the Atsinganoi who taught “devilish things”.⁷ A less reliable but nevertheless curious reference exists in the 12th century account of Binyamin Me Tudela, a Jew from the Spanish Navarre who travelled extensively for a period of some fourteen years (1159-72 CE).⁸ Binyamin describes the festivities that took place at Christmas in Constantinople at the Hippodrome (now at Meydan in the Sultanahmet district of Istanbul, close to Hagia Sophia and the Topkapı Palace), held by the Emperor Manuel I Komnenos (1118-80 CE): “... Close to the walls of the palace is also a place of amusement belonging to the king, which is called the Hippodrome, and every year on the anniversary of the birth of Jesus the king gives a great entertainment there. And in that place men from all the races of the world come before the king and queen with jugglery and without jugglery, and they introduce lions, leopards, bears, and wild asses, and they engage them in combat with one another; and the same thing is done with birds. No entertainment like this is to be found in any other land.”⁹

It could be speculated that the “Egyptians” made up part of the entertainment as one of the groups “from all the races of the world”. In 1314 CE, Nikephoros Gregoras spoke to a group of “Egyptians” who were in Constantinople performing complex acrobatic feats. The group had begun their journey in Cairo some time before and were intending to make their way to Spain,

⁴ Marie Thérèse Fögen (1995), “Balsamon on Magic: From Roman Secular Law to Byzantine Canon Law” in Henry Maguire [ed.] *Byzantine Magic*, Washington, D.C. Dumbarton Oaks Research Library and Collection, pp. 99-115.

⁵ Elena Marushiakova and Veselin Popov (2001), *Gypsies in the Ottoman Empire: a Contribution to the History of the Balkans*, Olga Apostolova [trans.], Donald Kenrick [ed.], Interface Collection, Paris and Hatfield, Centre de Recherches Tsiganes and University of Hertfordshire Press, p. 13; Angus M. Fraser (1992), *The Gypsies, Peoples of Europe Series*, Oxford, Basil Blackwell, p.46; George C. Soulis, “The Gypsies in Byzantium and the Balkans in the Late Middle Ages”, *Dumbarton Oaks Papers* 15, pp.142-165.

⁶ Soulis, “The Gypsies in Byzantium and the Balkans in the Late Middle Ages”, pp. 143-65.

⁷ Angus Fraser (1995), *The Gypsies, Peoples of Europe*, Oxford, Basil Blackwell, [2nd ed.] p.47; Marushiakova and Popov, *Gypsies in the Ottoman Empire*, p.13.

⁸ Marcus Nathan Adler (1907), *The Itinerary of Benjamin of Tudela: a Critical Text*, Translation and Commentary, London, Philip Feldheim Inc. pp. 19-21.

⁹ *Ibid.* p.20.

but a number of them had died along the way as a result of accidents whilst they were performing.¹⁰

Like all non-Christians, Gypsies in Byzantium paid a particular “head tax” (the kephalition or “capitation tax”¹¹), to the Christian Emperor whilst living in the Empire. Prejudice against Romitoi (as these people are recorded as calling themselves on occasions; see below) was widespread. In addition to financial penalties such as the kephalition, there were a number of occasional imposts levied by the Church.¹²

One interesting reference to the Gypsies of the sea-port of Modon, Greece, at this time comes from Lionardo di Niccolò Friscobaldi in 1384 CE, when he notes that these penitents outside the city walls called themselves Romiti or Romitoi.¹³ This indicates that the notion of group identity was linked to the idea of previous location; Romiti meaning something like “sons of the people who rule Rome” (i.e. Byzantine Greeks). The same link is in the modern Turkish self-appellation of “Roman” and in the self-appellation of English Gypsies, “Romanichal”. An earlier reference to Gypsies can be found from Simon Simeonis in 1323 CE, when he notes a group in the island of Crete who asserted “... themselves to be of the family of Chaym ... always wandering and fugitive...” and living in black tents similar to the Arabians’ he had seen elsewhere on his travels.¹⁴

Other references are scattered in various texts (for which Fraser provides the most reliable survey)¹⁵ to indicate the presence of Roma, but there is little that suggests that the Dom or the Lom¹⁶ were noticed by the Byzantines in this period. There are good reasons for this, as the turbulence and dislocation of the eastern regions of the Empire meant that the primary concerns of Byzantine chroniclers was directed towards the irruption of the Seljuks and their Türkmen allies into the region. Our most valuable sources in this context are Armenian chroniclers such as Matthew of Edessa (now Şanlıurfa in modern Turkey), who records an unusual incident about twenty years before the destruction of the Armenian Baghratid Kingdom by the Seljuk sultan Alparslan in 1064 CE at Ani (near present day Kars in Turkey), following which “the Oriental peoples... [Armenian, Georgian and Syrian Christians] ...began to decline, and the country of

¹⁰ Soulis, “The Gypsies in Byzantium and the Balkans in the Late Middle Ages”, pp.148-9.

¹¹ See A. Andreades, “Public Finances”, in Norman Baynes and H. Moss, *Byzantium*, Oxford, 1948.

¹² Marushiakova and Popov, *Gypsies in the Ottoman Empire*, p.16.

¹³ Lionardo do Niccolò Frescobaldi (1818), *Viaggio di L. di Niccolo Frescobaldi In Egitto E In Terra Santa*, G. Manzi [ed.] Rome, p. 72. See also E. O. Windstedt (1909-10), “The Gypsies of Modon and the Wine of Romeney”, *Journal of the Gypsy Lore Society*, New Series, no. 2, pp.57-69.

¹⁴ Angus Fraser (1995), *The Gypsies*, p.50.

¹⁵ Angus M. Fraser (1992), *The Gypsies*, pp.45-59.

¹⁶ Dom and Lom are distinct linguistic groups originating from India and linked linguistically to Roma. Nowadays, Dom groups are to be found mainly in the Middle East and North Africa, while Lom (or known by the pejorative term “Bosha” or “Poşa”) in eastern Anatolia and the Caucasus.

the Romans... [Byzantium] ...became desolate”,¹⁷ when the state of affairs resulted in “very important and illustrious personages – nobles, princes and stately ladies – [who]... roamed about begging... Because of the famine and vagabond life, there was great mortality throughout the whole land...”¹⁸ The incident Matthew describes refers to a caravan, in Antioch (modern Antakya in south eastern Turkey) “twenty years before this time [i.e. 1044]” when a group described as “from the East” set up in the market place of the city and began to “make merry”.¹⁹ The Antiochenes pounced upon them and beat them, ejecting them from the city. The men of the caravan, eighty in number, retaliated by fighting with truncheons and forcing the Antiochenes from the city gate at Sewotoy to the Church of St Peter, where they swore on the Gospels to leave the caravan in peace, and “the caravan returned to its place of origin”. The description is possibly of Dom or Rom, as Matthew is careful to name other groups of Arabs, Turks, Persians and other “Oriental people”.

The presence of Gypsies in Byzantium’s capital and the remaining territories is attested,²⁰ but the picture in the rest of Asia Minor, as it became Anatolia,²¹ is not recorded, or if it was it is lost in the waves of destruction that follow the defeat of the Greeks at Manzikert (1071) and a century later at Myriokephalion (1171). Despite attempts to recover the eastern Empire such as the campaigns of John III Doukas Vatatzes,²² the combination of the Seljuks onslaught and the Latin conquest of the Byzantine Empire by the Fourth Crusade in 1204 CE (finally recovered in 1261 CE by the Emperor Michael VIII Paleologos), weakened the Byzantines to an almost fatal degree. Documentary evidence for Gypsies in these lands during the Latin period is sparse, suggesting that Latin rule was perhaps unconcerned, or unaware, of this particular group at this time, somewhat surprising given the interest the “Egyptians” attracted two centuries later upon their arrival in Western Europe.

The revived Byzantine Empire saw a cultural renaissance under the Paleologi emperors,²³ and the records we have of Gypsies in the Empire become more frequent, though usually in a negative context. There are occasional mentions of them as Egyptians and Atsinganoi, such as in the account by Nikephoros Gregoras mentioned earlier regarding acrobats in Constantinople at the beginning of the 14th century, and the scholar Joseph Bryennius (1340-1431 CE) who notes

¹⁷ Ara Edmond Dostourian, “Armenia and the Crusades; the Chronicle of Matthew of Edessa”, *Armenian Heritage Series*, University Press of America, 1993, p. 143.

¹⁸ *Ibid.*, p. 144.

¹⁹ *Ibid.*, pp. 148-149.

²⁰ See Marushiakova and Popov, *Gypsies in the Ottoman Empire*, pp.13-21.

²¹ See Spyros Vryonis Jr. (1971), *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century*, [Publications of the Center for Medieval and Renaissance Studies 4] Berkeley, California, UCLA.

²² See John S. Langdon, “Byzantium’s Last Offensive in Asia Minor; the documentary evidence for, and hagiographical lore about John III Ducas Vatatzes’ crusade against the Turks, 1222 or 1225 to 1231”, *Hellenism: Ancient, Medieval, Modern 7*, New Rochelle N.Y. Aristide D. Caratzes, 1992.

²³ See Tim Mackintosh-Smith, *The Travels of Ibn Battuta*, Penguin, Harmondsworth, 1996.

that the ordinary people associated daily with those like the Atsinganoi who practised magic, fortune-telling and enchantment to the detriment of the Empire.²⁴ Egyptian women are specifically mentioned as Aiguptíssas in a reference to the penance required for those who were caught consulting them or inviting them into their homes to practice sorcery or cure illnesses.²⁵ This indicates that whilst there were serious penalties for associating with the Egyptians (in this case five years of penance required of the transgressors), the market for their services remained active enough to concern the Church. In a text known as Mazaris' Sojourn in Hades, a satirical pamphlet written in September 1415 CE by a courtier of Manuel II Paleologos, who had been banished from the capital, there is a clear reference to the Egyptians amongst the 'races' of the Peloponnese and to their barbaric 'babble', in what Mazaris portrays as a chaotic cacophony of the seven nations that inhabited the Morea. The Greeks, the Latins, the Slavs, the Jews, the Illyrians (Albanians) and the Egyptians (Gypsies) are all cited as contributing to the decline of Hellenic culture and the descent into barbarism, or Hades.²⁶ This must be one of the earliest references to the language of the Egyptians and allows us a glimpse of the process by which the origins of Romanes came into being. The emergence of Romanes appears to have been a long process that occurred in Asia Minor (now Anatolia), as attested to by the influence of Byzantine Greek, greater in some dialects than in others.²⁷ The differences would indicate that some groups left the Byzantine lands earlier than others, thereby lessening the impact of Greek upon their dialect, whilst others passed relatively rapidly through the Balkan lands and into the Baltic, Polish and Russian lands, or adopted a pattern of migration that meant their dialect acquired Greek and South Slavic loan-words, but none from Rumanian or Hungarian.²⁸ Clearly by the 15th century the Egyptians were recognisably a people with another language in the Byzantine Empire, as the reference in Mazaris shows.

The Byzantine Empire by the time of the Mazaris text was beleaguered from all sides by the expansion of the Ottomans, who had risen from the position of a frontier beylik, one of the many 'lordships' to emerge in the wake of the Seljuk collapse in the 12th century, to become a multi-ethnic and multi-confessional Empire in the 15th century. Ottoman expansion had been halted in the early years of the century by the Mongol-Turkic Timur-i Lenk, or Tamerlane as he is known to western European historiography.²⁹ He defeated the Ottoman Sultan Bayezit Yıldırım (the Thunderbolt, c.1389-1402 CE) at Ankara, but the Ottomans recovered after a period of interregnum (1402-13 CE) and by 1444 CE had re-established control over south eastern Europe and western Anatolia under Murad II (1421-1451 CE, with interruptions),

²⁴ Fraser (1992), *The Gypsies* p.47.

²⁵ Soulis, "The Gypsies in Byzantium and the Balkans in the Late Middle Ages", pp.146-7.

²⁶ Ibid. pp.142-165.

²⁷ See Ian Hancock (2002), *We Are the Romani People (Ames am e Rromane dzene)*, Interface Collection 28, Paris and Hatfield, Centre de recherches tsiganes and University of Hertfordshire Press, pp.139-49

²⁸ See Yaron Matras (2002), *Romani: a Linguistic Introduction*, Cambs. Cambridge University Press, pp.5-13, 218-37.

²⁹ See Beatrice Forbes-Mainz (1999), *The Rise and Rule of Tamerlane*, Cambs. Cambridge University Press; David Morgan (1991), *The Mongols*, Peoples of Europe Series, Oxford, Basil Blackwell, pp.200-3

before the final conquest of Constantinople by Mehmed II Fatih (the Conqueror, 1451-1481 CE) in 1453 CE. The continuing conquest of the Ottomans throughout the 14th and 15th centuries brought many Gypsies into the orbit of Osmanlı rule, though the early sources do not mention, in the same way that Byzantine or later Ottoman commentators do, the presence of Gypsies in the lands of the sultans as unusual. It is in the tax registers that the presence of Gypsies is to be found, in that the Ottomans registered them as part of the process of enumerating the populations in the lands they conquered.³⁰ The first such mention is in a tahrir defteri that relates to the tax assessments for the region of Nikopol (1430-1 CE), recording some 431 'çingene hanesi' (Gypsy households) who were obliged to pay taxes to the local cavalry officers, the sipahi.³¹

The Ottoman taxation system was a complex and highly differentiated series of measures that frequently reflected previous local conditions, considerations regarding the sultans' desires to incorporate newly conquered regions with the cooperation of the local elites and non-Muslim populations and calculations as to the costs of assessment and collection.³² The inheritance of Romano-Byzantine procedures also influenced the decisions of Ottoman administrators, but clearly the choice of what elements to retain and why was more complex than merely reliance upon continuing existing practice.³³ The basis for the Ottoman taxation system was the division of taxes into three main categories; taxes exacted on a personal or household basis, imposts upon trade in the form of taxes on goods and services brought to markets, and production tariffs upon agriculture and manufacturing. Other revenues came from fees and fines (such as marriage licences and fines upon criminals), port fees and import duties, tribute payments from subject princes and booty or plunder from raids and warfare.³⁴ In the context of personal taxation, the principle assessment was based upon the independent economic household or "dwelling unit", the çift hane led by an adult male (households of widowed women were exempt from taxation).³⁵

Conceptually, the Ottomans envisaged the taxation system as a reflection of an ideal organisation. The term çift hane did not necessarily relate to a separate domicile; for example married children living with their parents and having independent incomes would be categorised

³⁰ See Marushiakova and Popov, *Gypsies in the Ottoman Empire*, pp.26-41.

³¹ Ibid. p.27.

³² See Metin M. Coşgel (2004), "Efficiency and Continuity in Public Finance: the Ottoman System of Taxation" *Department of Economics Working Paper Series*, Storrs, USA, University of Connecticut, pp.1-44.

³³ Halil Inalcik suggests a more direct inheritance, though without explaining the logic behind this; see Halil Inalcik and Donald Quataert [eds.] *An Economic and Social History of the Ottoman Empire, 1300-1914*, Camb. Cambridge University Press, p.105.

³⁴ Coşgel (2004), "Efficiency and Continuity..." p.8.

³⁵ Justin McCarthy (1979), "Age, family and migration in nineteenth century Black Sea provinces of the Ottoman Empire", *International Journal of Middle East Studies*, vol. 10

as a separate hane.³⁶ Family members living in proximity to each other were often recorded in the same section of a tahrir defteri.³⁷ These components, together with the addition of two draught oxen, formed the bedrock of Ottoman rural organisation and agricultural production, the çiftlik.³⁸ This fiscal unit was regarded as indissoluble (often expressed in the notion of the “Circle of Equity”³⁹), intended to provide sustenance for the family, a surplus for taxes and a basis for reproducing the peasant household. The Ottoman commitment to maintaining this agrarian organisation was expressed in the notion of the miri land regime; namely the ownership of all arable lands by the sultan.⁴⁰ Most crucially, the fiscal basis of this element of the system was the çift-resmi, the tax levied upon the peasant family, based upon the ‘labour-capacity’ of the family unit and assessed in combination with the two oxen and land, approximately defined at between 5-15 hectares, divided into tarla, or fields.⁴¹ The position of Ottoman Gypsies was regarded as outside of this system (despite the actual existence of large numbers of rural Gypsy communities engaged in peasant agriculture⁴²). Other taxes were also determined by this assessment. The rêyâ or individual raiyyet (peasant households), were liable for the payment of additional taxes levied on the basis of male marriage status (bennak for those married, and mücerred for bachelors), the tütün resmi, or hearth-tax, the dönüm or land tax and a variety of avarız, or ‘exceptional’ war taxes. Each raiyyet assessed as bive (taxable) and possessing a çiftlik was liable for these taxes to the Ottoman treasury.⁴³ These liabilities were characterised as kulluk akçesi, allowing us to perceive the underlying nature of the fiscal system, as the term kul is often translated as ‘slave’, but in this context meant ‘servant, in relation to Allah’, therefore ‘dependent’ and ‘subject to the will of God’.⁴⁴ Kulluk is therefore a reference to the condition of being kul, the status of dependency.⁴⁵ Akçe were the monetary unit these taxes were assessed in, the silver coinage of the Empire.⁴⁶

³⁶ Inalcik, *An Economic and Social History of the Ottoman Empire*, p.125.

³⁷ McCarthy, “Age, family and migration in nineteenth century Black Sea provinces of the Ottoman Empire”, p.313.

³⁸ Inalcik, *An Economic and Social History of the Ottoman Empire*, p.146-7.

³⁹ Virginia H. Aksan, “Ottoman Political Writing, 1768-1808”, *International Journal of Middle East Studies*, vol. 25, no. 1, (Feb.), pp.53-69; the “Circle of Equity” was a continuing motif of Ottoman political theory suggesting the ideal social organisation as “...no sovereign authority without an army. No army without wealth. No wealth without loyal subjects. No loyal subjects without justice. No justice without harmony... No harmony without a state. No state without law. No enforcement of law without sovereign authority. No sovereign authority without a sultan or caliph...”; Tariq Ali (2001), *The Stone Woman*, London, Verso, p.55.

⁴⁰ Ibid. p.146.

⁴¹ Ibid. p.147.

⁴² Alexander G. Paspates (1888), “Turkish Gypsies”, *Journal of the Gypsy Lore Society*, vol. 1, no. 1, pp. 3-5.

⁴³ Ibid. pp.148-150.

⁴⁴ Clifford E. Bosworth (2008), “Kul” in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs [eds.] *Encyclopaedia of Islam*, Brill Online, Malmö University, last accessed on 16 April 2008 at http://www.brillonline.nl.support.mah.se/subscriber/entry?entry=islam_SIM-4490.

⁴⁵ Inalcik, *An Economic and Social History of the Ottoman Empire*, p.150.

⁴⁶ H. Bowen (2008), “Akçe” in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs [eds.] *Encyclopaedia of Islam*, last accessed on 16 April 2008.

The taxation status of Gypsies in the Ottoman Empire appears to have been anomalous, in that both Christian and Muslim Gypsies paid the *cizye* or poll-tax, normally only collected from the non-Muslim (*zimmi*) communities.⁴⁷ The collection of this tax from the Ottoman Gypsy populations was an example of their marginal status in relation to the central authority, particularly their economic marginality.⁴⁸ The Ottoman treasury held all nomads and pastoralist groups in suspicion, and would appear to have treated Gypsies as an element of these groups, even when they were settled.⁴⁹ In this context, the Gypsies were treated as a group that essentially sought to avoid paying taxes, and measures such as the taking of hostages, inflicting heavy fines upon ‘tax-dodgers’ and ignoring documents that certified exemptions were common practice amongst Ottoman tax collectors.⁵⁰ Arguments have been made that the Ottoman system made Gypsies a special case and designed a system of collection that catered only for them,⁵¹ but the collection of taxes from all mobile groups was problematic for the Ottomans and measures often included these groups as a general category.⁵² Ginio argues that the origin of this discriminatory tax upon Gypsies in the Balkan lands has its precedent in the Byzantine fiscal system (though he does not identify the source, the *kephalition*, or head tax paid by non-Christians referred to above).⁵³

Tax registers are also an indication of population figures, in that the record of those liable for payment can give us some ideas as to the composition of the communities that were assessed. The *tahrir defteri* (cadastral tax register) of the 1520’s taken in the European province of the Empire, the *vilayet* (province) of Rumeli, may provide us with Ottoman information on numbers of Gypsies, locations of Gypsy communities and their religious ‘beliefs’ or identities.⁵⁴ If we accept the figures suggested by Marushiakova and Popov (following Stojanovsky), the *vilayet* of Rumeli or European Turkey, contained 66,000 Gypsies at the time of the *defter*, 47,000 of whom were registered as Christian.⁵⁵ Todorov (following Barkan) records 10,294

⁴⁷ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, pp. 27-29.

⁴⁸ See Zoltan Barany (2002), *The East European Gypsies: Regime Change, Marginality and Ethno-Politics*, Camb. Cambridge University Press, pp.58-64.

⁴⁹ See Rudi Paul Lidner (1983), *Nomads and Ottomans in Medieval Anatolia*, Indiana University Uralic and Altaic Series vol. 144, Bloomington, Research Institute for Inner Asian Studies, Indiana University for Ottoman fiscal measures against nomads and pastoralists; Eyal Ginio (2004), “Neither Muslims nor Zimmis: The Gypsies (Roma) in the Ottoman State”, *Romani Studies*, 5th Series, vol. 14, no. 2, pp. 117-44

⁵⁰ *Ibid.* pp. 124-7.

⁵¹ *Ibid.* p. 125.

⁵² *Ibid.* p. 130 where Ginio mentions “Gypsies, Bedouins, Turkmen and Kurdish tribes, as nomadic groups”

⁵³ *Ibid.* pp. 131-2; A. Andreades, “Public Finances”, in Norman Hepburn Baynes and Henry St Lawrence Beaufort Moss [eds.] (1948), *Byzantium: an Introduction to East Roman Civilization*, Oxford, Oxford University Press.

⁵⁴ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, pp. 27-29; Noel Malcolm (1998), *Kosovo: A Short History*, Basingstoke, Macmillan, p.206; Nicolai Todorov (1983), *The Balkan City, 1400 – 1900*, Seattle and London, University of Washington Press, pp.51-53.

⁵⁵ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, p. 29.

Christian and 6,897 Muslim Gypsies over a series of defter 1520-1535.⁵⁶ The large-scale social disruption of the late sixteenth and seventeenth centuries and subsequent decline of the defter system after 1597-8 CE and before the reforms of 1691-2 CE, mean that population figures for this period are less reliable.

In the 17th century, Evliya Çelebi's *Seyahatnamesi* (1671-2 CE) provides us with some details of the occupations and locations of Gypsies in the empire; for example he writes of İzmir that, "According to the register that İsmail Pasha made of İzmir in 1657-58, this city had ten Muslim mahalles, ten Greek Orthodox, ten Frank and Jewish, two Armenian and one Gypsy..."⁵⁷ Even taking into account the problems of Çelebi's commentaries noted by scholars,⁵⁸ the presence of Ottoman Gypsies in some of the Anatolian towns he visited between 1650 CE and 1670 CE can be clearly seen; there is little else that provides us with any information about Ottoman Gypsy communities in Anatolia during this period.

Sources for information regarding Ottoman Gypsy population numbers are difficult to ascertain before the introduction of population counts in 1831. Indeed, until the latter half of the 19th century the kind of material recorded in even these documents has a number of flaws.⁵⁹ Despite these, the most reliable and comprehensive data for differing Ottoman populations is still to be found in the official statistics produced by the Ottoman government. A breakdown of the 1831 census returns by vilayet shows that Rumeli Gypsies numbered 9,955 and Silistre 8,779.⁶⁰ In Anadolu, Cezayir-ı Bahr-ı Sefid and Çıldır eyalets or sub-provinces, a total of 1,802 Gypsies were counted.⁶¹ In figures based upon the census of 1844 (now lost), Jean Henri Ubcini noted 214,000 Tsigani in Rumeli, while none were recorded elsewhere in the Empire.⁶² In the Ottoman General Census of 1881/82-1893, the number of non-Muslim Gypsies is recorded at 1,644 males and 1,509 females in the Empire.⁶³ The more comprehensive population census of 1905-6 CE resulted in numbers of Gypsies being recorded at 8,629 males and 7,841 females in the Ottoman commonwealth as a whole.⁶⁴ In the population count of 1914, 11,169 Gypsies are

⁵⁶ Todorov (1983), *The Balkan City*, p. 52.

⁵⁷ Evliya Çelebi (1834-50), *Narrative of Travels in Europe, Asia & Africa, in the Seventeenth Century* by Evliya Efendi, J.von Hammer (Purgstall)[trans. from the Turkish], vols. 1-2, London, Oriental Translation Fund of Great Britain and Ireland, pp. 92-93.

⁵⁸ Eldem Erdem, Daniel Goffman and Bruce Masters (1999), *The Ottoman City between East and West: Aleppo, İzmir and Istanbul*, Cambridge Studies in Islamic Civilization, Cambridge, CUP, pp. 79-81

⁵⁹ Kemal H. Karpat (1985), *Ottoman Population 1830-1914. Demographic and Social Characteristics*, Turkish and Ottoman Studies, Madison, The University of Wisconsin Press, pp.8-10.

⁶⁰ Ibid. pp. 109-110.

⁶¹ Ibid. p. 114.

⁶² Jean Henri A. Ubcini (1856), *Letters on Turkey*, [trans.] Lady Easthorpe, London, pp.18-19; see also Alexandros G. Paspatis (1860-63), "Memoir on the Language of the Gypsies, as now used in the Turkish Empire", Rev. C. Hamlin [trans.] *Journal of the American Oriental Society*, vol. 7, pp. 143-270.

⁶³ Karpat, *Ottoman Population*, p. 152.

⁶⁴ Ibid. p. 169.

recorded in the remaining provinces of the Empire.⁶⁵ Paspati, in his study of language from 1860, suggests that none of the figures given by various writers are reliable, nor does he consider the official statistics to be so but remarks, “Still, such information is valuable, as showing the great numbers of Gypsy population...”⁶⁶ The major problem with regard to any estimation of the figures for Gypsy populations in the Ottoman Empire remains the issue of accuracy; Ottoman enumerators under-counted women and young girls significantly, boys under the age of 15 years and men over the age of 60 years, and not infrequently only counted Christian Gypsies who were sedentary.⁶⁷

The notions of social differentiation in the Ottoman Empire have frequently been identified with the idea of the millet system, the concept of Ottoman society being divided along confessional lines and each of the non-Muslim groups (Jews and Christians primarily) being self-governing to a degree. Such notions have been substantially revised in recent historiography, and the argument made that the nature of the so-called millet system has been greatly exaggerated.⁶⁸ The complex social structure of the Ottoman Empire relied upon subtle articulations of religious, ethnic and class identities.⁶⁹ Within this imperial paradigm, the Gypsies occupied a shifting space that altered over time, in common with other groups such as the Kurds, Bedouins, Türkmén and other nomads (as mentioned above). This process of change took place arguably as a result of the introduction of ideas from Europe concerning Gypsies, and the development of what Makdisi has defined as ‘Ottoman Orientalism’.⁷⁰

The place of Gypsies in Ottoman commercial organisation was such that the guilds they dominated (such as the horse-traders, dancers, musicians, blacksmiths, porters and basket-makers) sometimes grew to be very wealthy and in one instance, wealthy enough to build a sultan’s palace in gratitude for his patronage of them (Sultan İbrahim I was a basket-maker by trade and the 1643 CE Sepetçiler Pavilion on the Golden Horn was built with money from the Gypsy basket-makers’ guild).⁷¹ Gypsies were not entirely the equal of other Ottoman subjects,

⁶⁵ Ibid.p. 189.

⁶⁶ Paspati, “Memoir on the Language of the Gypsies as now used in the Turkish Empire”, p.147.

⁶⁷ Karpat, *Ottoman Population*, pp. 8-10; Stanford Jay Shaw (1978), “The Ottoman census system and population, 1831-1914”, *International Journal Middle East Studies*, vol. 9, no. 3 (Oct.) pp.325-338; Cem Bahar (1998), “Sources pour la démographie historique de l’empire ottoman: Les tahrirs (denombrements) de 1885 et 1907”, *Population*, 53e Année, No. 1/2, *Population et histoire* (Jan. - Apr.), pp. 161-177; Kemal Karpat (1978), “Ottoman Population Records and the Census of 1881/82-1893”, *International Journal of Middle East Studies*, vol. 9, no. 3 (Oct.), pp. 237-274, for discussions regarding the accuracy of Ottoman population figures.

⁶⁸ Benjamin Braude (1982), “Foundation myths of the millet system”, in Benjamin Braude and Bernard Lewis [eds.] *Christians and Jews in the Ottoman Empire: the functioning of a plural society*, Volume 1 The Central Lands, New York and London, Holmes and Meier.

⁶⁹ Usamma Makdisi (2002), “Ottoman Orientalism”, *The American Historical Review*, vol. 7, no. 3, p.768.

⁷⁰ Ibid. pp. 768-96.

⁷¹ Norman H. Penzer (1936), *The Harem: an Account of the Institution as it Existed in the Palace of the Turkish Sultans*, with a History of the Grand Seraglio from its Foundation to the Present Time, Philadelphia, J. B. Lippincott Co., pp. 77-78.

being taxed the cizye tax, whether Muslim or Christian, in what was a continuation of Byzantine practice, nor was their testimony always accepted as valuable as other litigants or defendants in the courts of the judges (in the Salonika sicil the records indicate such a disparity),⁷² but neither were they subject to the persecution and violence that Gypsies elsewhere in Europe suffered. Some held office and public positions, others led campaigns against the Habsburgs (in Kosovo in 1787 for example),⁷³ or those who defended Bosnia.⁷⁴ Some were given exemptions as essential to the needs of the Empire as miners and metal-workers that were granted privileges by Selim II in 1574 CE.⁷⁵ Ottoman miniatures of processions and festivals are filled with images of acrobats performing extraordinary feats, jugglers, dancers, musicians, masked players and entertainers.⁷⁶ Gypsy blacksmiths carry lengths of chain that they supplied to the navy from the Tophane foundry and the basket makers pass by the pavilion of the sultan carrying their goods and wares. In the days of Ramazan, Gypsy drummers would call the faithful to rise and eat before the morning ezan, and in the Eid mubraka holiday that followed, the evenings saw many Gypsies bringing entertainments to Kağıthane and other fairgrounds. On saints' days and holidays, Gypsies also performed and entertained the celebrants.⁷⁷

The period of the 17th and 18th centuries saw the decline of central authority and the rise of the ayân, the notables in the Ottoman Empire (derebeyis in Anatolia). These warlords sought to wrest power from the sultan and Porte with their own retinues, many of whom were Gypsies. Ali Paşa of Ionia had many hundreds of Gypsies in his personal service and others too.⁷⁸ The slavery that existed in Wallachia and Moldavia under the Phanariotes⁷⁹ never found its counterpart in the Ottoman Empire proper, but as European ideas regarding Gypsies became more prevalent and the Ottoman variety of Orientalism developed its own discourse of the 'other', the conditions of the Gypsies deteriorated overall. The notions associated with the predominantly negative stereotypes and prejudices stemming from Europe were quintessentially defined by Heinrich M. G. Grellmann in his 1783 thesis.⁸⁰ In his treatise (that drew heavily

⁷² Ginio, "Neither Muslims nor Zimmis: The Gypsies (Roma) in the Ottoman State", p. 128.

⁷³ Noel Malcolm (1988), *A Short History of Kosovo*, Basingstoke, Macmillan, p.207.

⁷⁴ Noel Malcom (1996), *A Short History of Bosnia*, [New, Updated Ed.], Basingstoke, Macmillan, p.116.

⁷⁵ Ibid. p.115.

⁷⁶ See Metin And (2002), *Osmanlı Tasvir Sanatları: Minyatür*, Istanbul, Türkiye İş Bankası Kültür Yayınları, p. 65, p.96, p.262, p.271, p.375, p.381, p.384, p.387, and p.437.

⁷⁷ Raphaela Lewis (1971), *Everyday Life in Ottoman Turkey*, New York, Dorset Press, pp. 130-1.

⁷⁸ A. G. Paspati, (1888), "Turkish Gypsies", *Journal of the Gypsy Lore Society*, vol. 1, pp. 3-5.

⁷⁹ The Hospodar rulers appointed by the Ottoman Porte from 1711-1821 that were traditionally Greeks or Hellenised Rumanians of the Phanar quarter in Istanbul (modern Fener); they most often 'bought' their office and then recouped the costs through rapacious taxation and other financial exactions; see D. Mitrany (1915), "Rumania: her history and politics", in D. G. Hogarth [ed.] *The Balkans: a History of Bulgaria, Serbia, Greece, Rumania, Turkey*, Oxford, Clarendon Press, p. 96.

⁸⁰ Heinrich M. G. Grellmann (1783), *Die Zigeuner: ein historischer Versuch über die Lebensart und Verfassung, Sitten und Schicksale dieses Volks in Europa, nebst ihrem Ursprung*, Dessau and Leipzig; (1787) *Dissertation on the*

upon the work of previous scholars,⁸¹ Grellmann produced data upon the numbers of Gypsies (he estimated some 750,000 living in Europe at the time), locations (he suggested that the Gypsy population was concentrated in eastern Europe and the Balkans, but paid no attention to the Ottoman lands in general, and established the generalised and mistaken perception that the majority of Gypsies remained ‘wandering’ and living in tents. Grellmann also noted a series of stereotypes that, following his work became common currency, such as the moral laxity of Gypsy women, and accused them of cannibalism in Hungary.⁸² Grellmann also sought to use linguistic evidence to confirm the Indian origin of Gypsies in Europe, amongst the lowest social levels in profoundly negative terms.⁸³ In the late Ottoman Empire, the aspirations of the Hamidian regime after 1878 sought to define modernity and progress and redefine as ‘backward’ and ‘unreformable’ groups such as the Arabs, Kurds, Druze, Maronites and Gypsies, in terms such as these.⁸⁴

The advent of the Republic by 1923 and the massive population exchanges that brought many Gypsies into the new nation-state from the southern Balkans appeared to offer a different model as citizens of a modern Turkey. Indeed, the offer of asylum to those expelled from Greece, Bulgaria and Romania in the 1920s and 1930s did provide a new opportunity and some safety from the later Nazi occupation of Greece and the totalitarian regimes in Bulgaria and Romania. Pursuant to the Convention Concerning the Exchange of Greek and Turkish Populations signed at Lausanne in 1923,⁸⁵ many Greek and Orthodox Gypsies were forcibly removed from Greek territory to become Turkish through a change of language, religion and identity, and part of the narrative of journey that defines so many communities as mübadiller.⁸⁶ Originally agreed as the means of repatriating detainees held by both sides, around 1.5 million Greeks from Anatolia (the regions around İzmir, Samsun, Trabzon and the small Turkophone Greek population of central Anatolia, the Karamanlides) and about half a million Muslims from Greece and Crete (including

Gypsies, being an historical enquiry concerning the manner of life, economy, customs and condition of this people in Europe, and their origin, [trans. Matthew Raper], London, P. Elmsley.

⁸¹ See Wim Willems (1998), *In Search of the True Gypsy: from Enlightenment to Final Solution*, [trans. Don Bloch], London, Frank Cass, chap. 2.

⁸² See Fraser (1995), *The Gypsies*, pp. 194-6.

⁸³ On page 10 of *Die Zigeuner* (1783), Grellmann describes Gypsies as “...black, horrible men with dark brown or olive complexions... their white teeth appearing between their red lips... [who] may be a disgusting sight to an European...”, very similar to those descriptions of African slaves given by Edward Long (1774), *The history of Jamaica : or A General survey of the ancient and modern state of that island; with reflections on its situation, settlements, inhabitants, climate, products, commerce, laws, and government. Illustrated with copper plates*, London, T. Lowndes, and clearly establishing what Mayall notes as the “foundation of the racial picture present in a great number of nineteenth century studies.” David Mayall (2004), *Gypsy Identities 1500-2000: from Egyptians and Moonmen to the Ethnic Romany*, London, Routledge, p.32.

⁸⁴ Makdisi, “Ottoman Orientalism”, p. 770.

⁸⁵ The Turkish-Greek Convention signed on 30 January 1923 in Lausanne, Switzerland, provided for the repatriation of all civilian internees on both sides regardless of number, as well as all of the Turkish prisoners of war and an equal number of Greek prisoners of war. See ICRC, 2005, “The Turkish-Greek Conflict (1919-1923)”, International Committee of the Red Cross, available at: <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5GKE3D>.

⁸⁶ Lozan Mübadilleri is the Turkish name for the Lausanne Treaty immigrants.

Turks, Pomaks, Cham Albanians, sedentary Meglen Vlachs and Muslim Roma) were displaced or de jure 'denaturalised'.⁸⁷ The Lausanne exchanges would have appeared to also include numbers of other Gypsies who were Greek-speaking and Orthodox, according to testimony from one informant in Mersin (İçel)⁸⁸, although this may have been as a result of the ill-treatment of Muslims in Thrace during 1921, many of whom fled (Christian Turks in central Anatolia were also subject to ill-treatment during the same period and neither the Greek nor Turkish governments would allow the ICRC to send relief missions to these areas).⁸⁹ The intention of creating stability in the emergent nation-states of Turkey and Greece in the wake of the War of Independence (the Fundamental War as it is known in Turkish) following the invasion of Anatolia by Greece, would seem to have taken little account of the destruction of communities that inevitably followed, and the end of millennia of Greek habitation of the Ionian and Pontus regions and centuries of Muslims in Greece and the Aegean islands. Studies conducted upon the exchange populations in the aftermath demonstrate that communities faced discrimination and marginalisation as a result of displacement, especially the Greeks of Piraeus⁹⁰ but there has been no study conducted regarding the Gypsy mübadele populations to date.

The seeming tolerance of the early Republic soon dissipated as the 1934 Settlement Act made it clear that Gypsies were to be regarded with suspicion and not awarded citizenship in every case, even when they sought asylum in the Turkish state.⁹¹ The Settlement Law of 1934 No. 2510 which was in force until September 2006, stipulated that "those that are not bound to the Turkish culture, anarchists, migrant gypsies, spies and those that have been deported, are not recognized as migrants" [emphasis added]. It also stipulated that nomads and Gypsies are to be settled in sites designated by the Ministry of Health and Social Assistance in accordance with the programme to be made by the Council of Ministers with "a view to ensuring their loyalty to Turkish culture and improving the establishment and distribution of the population".⁹² In 1993, the then -Meclis (Turkish Parliamentary) Representative for Edirne, Mr Erdal Kesebir presented a motion to address this inequality, but this proposal was refused by the Prime Minister's Office of the time. In 2002, five representatives of various regions also attempted to present a motion proposing the amendment of this section of the law, but this was unsuccessful as an early election was called that effectively curtailed this proposal. The discriminatory references to

⁸⁷ See, among others, Renée Hirschon [ed.] (2003), *Crossing the Aegean: an Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, Oxford and New York, Berghahn Books; Stanford Jay Shaw and Ezel Kural Shaw (1977), *History of the Ottoman Empire and Modern Turkey: Volume 2: Reform, Revolution and Republic: The Rise of Modern Turkey, 1808-1975*, Cambs. Cambridge University pp. 239-241.

⁸⁸ In May 2007, ERRC/hCa/EDROM researchers interviewed an old woman in the Barış mahallesi in Mersin who described the 1930s migration she had experienced from Selanik (Saloniki); the process of conversion from Greek Orthodox Christianity to Islam at some point around Diyarbakir; and the shift from being Greek-speaker to Turkish-speaker.

⁸⁹ See ICRC, 2005, "The Turkish-Greek Conflict (1919-1923)", International Committee of the Red Cross.

⁹⁰ See Bruce Clark, *Twice A Stranger: How Mass Expulsion Forged Modern Greece and Turkey*, London, Granta, 2006.

⁹¹ Researcher/writer Mustafa Aksu. Presentation at the International Gypsy Symposium, Edirne, 7-9 May 2005.

⁹² Settlement Law No. 2510. Unofficial translation.

Turkish Gypsies were revoked only in 2006 with the adoption of the new Settlement Law No. 5543. As of May 2008, another discriminatory text remains unchanged, however, in the Law on the Movement and Residence of Aliens⁹³ which states that “the Ministry of Internal Affairs is authorised to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture” [emphasis added].

There has been relatively little research focussed upon the Turkish Gypsy communities of the modern Republic, in comparison to other minorities such as the Kurds, Alevis, Greeks and Armenians, for example. Scholarship and research has shown a marked lack of curiosity about the situation of Rom, Dom and Lom groups in Turkey and the quondam Ottoman Empire in the Middle East, in comparison with groups elsewhere in Europe and the United States. The situation of other minorities in the Turkish Republic has effectively rendered ‘invisible’ the differing Gypsy communities in the decades following the foundation of the Republic and the 1923 Treaty of Lausanne, that contemporary commentators suggested had failed to address the issues of minorities and their status in general.⁹⁴ Outside of those works detailed below, the picture of Turkish Gypsies in the early Republican period remains obscure.

The first serious attempt to analyse aspects of the Gypsy communities in Turkey comes from Dr Alexander G. Paspati M.D. (also Alexandros G. Paspates) who attempted, in the 1860s, to describe the language in use amongst them in his “Memoir on the language of the Gypsies as now used in the Turkish Empire” in the *Journal of the American Oriental Society*.⁹⁵ In his introduction to the history of Gypsies, Paspati refers to the fact that “no general persecutions ever took place against them, either on religious or political grounds...” and as a consequence “they have been suffered quietly to live in those provinces [of the Ottoman Empire]... and have multiplied to such a degree that they are superior in number to their fellow-countrymen in all other states in Europe...” though he goes on to stress what many European commentators also suggested in arriving at an estimate of the population, namely how difficult this was. He goes on to note that Gypsies in Turkey follow the religion of those whom they live amongst, and that they inter-marry with Turks but not with Christians.⁹⁶ In the following pages Paspati goes on to analyse the language of Gypsies after making his famous remark, “The entire history of this race [sic.] is in its idiom...”; a maxim that might be said to have guided many studies on the Gypsy communities ever since.

⁹³ Law No 5683. Unofficial translation.

⁹⁴ See Editorial (1924), *Time Magazine*, Monday 14 April; Philip Marshall Brown (1927), “The Lausanne Treaty”, *The American Journal of International Law*, vol. 21, no.3 (July), pp.503-5.

⁹⁵ Paspati, “Memoir on the language of the Gypsies as now used in the Turkish Empire”, pp.143-270.

⁹⁶ *Ibid.*, p. 148.

Other writers who referred to Gypsies in Turkey included Sir William R. Halliday⁹⁷ who depicted the inter-dependence of certain nomadic Gypsy groups and Yörüks in the Anatolian plateau, as well as suggested that some of the latter were indeed Gypsies rather than Türkmén. Juliette de Bairacli Levy also provided a description of İstanbul's Gypsies, based upon her earlier travels, in particular those of Sulukule.⁹⁸ Others had noted the Dom Gypsies of the Ottoman Empire's Arab lands, such as Father Anastás, the Carmelite, who gave a detailed description of the lives of these itinerant metal-workers and traders.⁹⁹ Robert Alexander Stewart Macalister also wrote of the Nawar or Zutt in this period, though concentrating upon their language (Domari), which he noted as maintaining a third neuter gender and therefore being related to, but separated from Romanes and indicative of an earlier migration from India by Dom.¹⁰⁰ Both the Carmelite priest and Macalister noted the considerable degree of prejudice shown towards Dom by the Arab population just at the eve of the explosion of Arab nationalism in the revolt against Ottoman rule of 1915.

Much of the scholarship from the late 19th and early 20th centuries continued to focus upon the paths laid out by Paspati, namely language and origins. Other Gypsylorists, such as 'Petulengro' (Bernard Gilliat-Smith) chose to focus upon the customs and culture of Gypsies in the European provinces of the Empire attempting to capture something of the occupational and cultural distinctions between groups in the rapidly changing post-Ottoman Gypsy populations of the Balkans, many of whom would migrate or be forced to do so in the inter-war years.¹⁰¹ For these researchers, the continued pattern of 'traditional' trades and occupations amongst these groups¹⁰² suggested that the Ottoman Gypsies had preserved cultural and linguistic forms that were not present in the rest of Europe. In many ways the dominant ethos of Eurocentric anthropological and folklore research with its basis in scientific racism and post-Darwinian taxonomies is to be found in all of these works, reflecting the wider Orientalist notions of the "Turk" in general that had come to permeate the discourse around the "sick man of Europe" for the previous century.

⁹⁷ William R. Halliday, "Some notes upon the Gypsies of Turkey", *Journal of the Gypsy Lore Society*, 1922, 3rd Series, vol. 1, no. 4, pp.163-189.

⁹⁸ Juliette de Bairacli Levy, "The Gypsies of Turkey", *Journal of the Gypsy Lore Society*, 1952, 3rd Series, no. 31, pp. 5-13.

⁹⁹ R.A.S. Macalister (1913-14), "The Nawar or Gypsies of the East" [trans. A. Russell], *Journal of the Gypsy Lore Society*, 1913-1914, New Series, vol. 7, pp. 298-320.

¹⁰⁰ Ibid.

¹⁰¹ "Report on the Gypsy tribes of north-east Bulgaria", *Journal of the Gypsy Lore Society*, 1915-1916, New Series, vol. 9, no. 1, pp. 1-28, 65-109.

¹⁰² See also T. R. Gjorgjevic, "Rumanian Gypsies in Serbia", *Journal of the Gypsy Lore Society*, 1929, 3rd Series, no. 8, pp.7-25.

After the work of Halliday, there is more interest in the historical past of Turkish Gypsies¹⁰³ though the linguistic and cultural aspects of Turkish Gypsies also continue to be discussed by authors (see Hermann Arnold, 1967, “Some observations on Turkish and Persian Gypsies”, *JGLS*, 3rd Series, vol. 46, pp. 105-122). It would seem to be the case that observations of Turkish Gypsies relied upon a series of notions of mobility and nomadism, despite clear evidence of Gypsy settlements since the Ottoman period. Paspatis’s suggestion that the majority of Turkish Gypsies were ‘nomadic’ seems to have been observed as a ‘touchstone’ without considering the evidence to the contrary, by all that followed him. In many ways the scholarship of the 20th century continued to reflect the 19th century concern with Orientalised models of Gypsy identity, in common with those applied to Turkish society generally, even following the modernisation programme of the Kemalist regime.¹⁰⁴

Modern Turkish Gypsy populations include Roma, Domari and Lomari, the three major linguistic groups under the overall term ‘Gypsy’. They have each maintained a distinct culture (including to a greater or lesser extent their historical languages of Romanes, Domari and Lomavren), and many of the traditional occupations and crafts that Gypsy populations elsewhere have long-since lost. Dialectical differences amongst the groups show that the migrations and shifts in populations have created a microcosm of the wider Gypsy world within the boundaries of one territory, and one can trace groups that have originated all over the Balkans and Middle East, Russia, and the Caucasus. Gypsies from elsewhere still continue to come and trade with Turkish Gypsies, and celebrate the annual festival of Kakava, in Edirne, or Erdelezi as its known throughout the Balkans. Much of the common heritage of the Ottoman past is to be found in the Gypsy communities of Bulgaria, Greece, Macedonia, Albania, Kosovo, Bosnia-Herzegovina, Montenegro, Croatia, Serbia and even parts of southern Hungary. These communities maintain traditions, cultural forms and linguistic patterns that are part of what might be seen as the imperial legacy of the Ottomans.

¹⁰³ See for example, Malcolm Burr, “Gypsies as Executioners in Turkey”, *Journal of the Gypsy Lore Society*, 1948, 3rd Series, Vol. 27, no. 1; and “Firman of A.H. 1013-14 (AD 1604-5) regarding Gypsies in the Western Balkans”, *Journal of the Gypsy Lore Society*, 1949, 3rd Series, Vol. 27, no. 1.

¹⁰⁴ Mustafa Kemal Atatürk (1881–1938) was the founder of the Republic of Turkey as well as its first President. The principles of Atatürk’s reforms are referred to as Kemalism and form the political foundation of the modern Turkish state.

Ethnicity and Identity: Who are the Gypsies?

Adrian Marsh

There are few countries in the world where the issues of identity and ethnicity are so contested as in Turkey. The historical past of the multi-ethnic, multi-confessional and, some would argue, pluralist Ottoman Empire¹, has been frequently contrasted with the modern Turkish nation-state, seen as similar to many others in that it is considered as ethnically homogeneous with a number of minority populations.² These populations are principally identified with non-Muslim groups that stem from the Ottoman period (Greeks, Armenians and Jews), and whose recognition is guaranteed in the 1923 Treaty of Lausanne.³ The notion that other minorities exist and are entitled to recognition is one that has been contested since the earliest days of the Republic, and the history of the relationship between Turkish state and society and these groups is one of frequent conflict and confrontation.⁴ Even when these groups have been clearly aligned

¹ Benjamin Braude and Bernard Lewis (1982), [eds.] "Introduction", *Christians and Jews in the Ottoman Empire, the Functioning of a Plural Society: The Central Lands*, vol. 1, New York and London: Holmes and Meier.

² Erik Jan Zürcher (1993), *Turkey: A Modern History*, London: I. B. Tauris.

³ The second Treaty of Lausanne (the first was signed between the Ottoman Empire and Italy on 18 October 1912), signed by representatives of the Republic of Turkey (successor to the Ottoman Empire) and by Great Britain, France, Italy, Japan, Greece, Romania, and the Kingdom of Serbs, Croats, and Slovenes on 24 July 1923, after a four-month conference; the preceding conference at Lausanne faltered when the Turkish National Assembly refused to ratify the treaty imposed upon Turkey by Lord Curzon of Great Britain in February 1923. The final draft established peace between Greece and Turkey after the War of Independence 1919-23 and the borders of the Turkish Republic, and revised the terms of the Treaty of Sevres (1920) between the Allies and the Ottoman Empire. In addition to the Treaty, the Straits Convention regulated the control of the Dardanelles; see the full text at:

<http://www.hri.org/docs/lausanne/>. The United States and Turkey signed a separate treaty "of amity and commerce" at Lausanne on 6 August 1923, but this failed ratification in the US Senate in 1927 due to concerns including those for the Armenians; see Philip Marshall Brown (1927), "The Lausanne Treaty", *The American Journal of International Law*, vol. 21, no.3 (July), pp.503-5.

⁴ Peter Alford-Andrews (2002), *Ethnic Groups in the Republic of Turkey*, [with Rüdiger Benninghaus] Beihefte zum Tübinger Atlas des Vorderen Orients Reihe (Geisteswissenschaften) Nr. 60.2, vols. 1 and 2 [1994], Weisbaden: Germany.

with the dominant ideology of Kemalism, the position of minority communities in Turkey has not been one that the state has been willing to readily acknowledge.

Following the collapse of the Ottoman Empire and the perceived negative role of minority communities in that process, the suspicion that all minorities are oppositional (and that to articulate a minority identity is itself a challenge to the integrity of the state), remains strongly embedded in the national consciousness. Increasingly in Turkey, the conservative conception of the state is being employed in partnership with a hitherto surprising emphasis upon a religious conception of Turkish identity in ways that would seem to complicate the picture still further, though are recognisably part of the overall notions of identity exported by European nationalism over the last two and a half centuries.⁵

Turkish Gypsies (this report will use the term ‘Gypsies’ to encapsulate the widest possible community and reclaim a term that, in its Turkish form *Çingene*, is argued as valid for all by some activists such as Mustafa Aksu,⁶ stripped of its pejorative associations), are articulate in their identity as citizens of the Republic and loyalty to the state. Many consider Turkey to have offered their ancestors a “place of greater safety” during the *mübadele*, population exchanges of the 1920s and 1930s, with a long history of accepting European Roma that goes back centuries (there are accounts of a group of English Gypsies seeking the sanctuary of the Sublime Porte during the reign of Elizabeth I in the 1570’s, due to persecution under draconian laws against “vagabonds, sturdy beggars and counterfeit Egyptians”).⁷ For Gypsies, the identification with the Turkish state is paramount to their own conception of identity. Yet many of those interviewed during the course of this research argued that they were clearly seen as second-class citizens by the majority, denied the full entitlement to many of the guarantees of the Constitution for citizens of the Republic and forced to live in circumstances and conditions that they felt degraded and devalued them.

The basic premise of the ERRC/hCa/EDROM research has been that the Gypsies of Turkey can be identified in three major groups – *Romanlar*, *Domlar* and *Lomlar* (Rom, Dom and Lom)⁸ and

⁵ Nergis Canefe (2002), “Turkish nationalism and ethno-symbolic analysis: the rules of exception”, *Nations and Nationalism*, vol. 8, no.2, pp.133-55.

⁶ See Mustafa Aksu, “Romans and Identification Problems”, Second International Roma Symposium, Tarik Zafer Tunaya Culture Centre, Istanbul, 6-7 May 2006.

⁷ See Angus M. Fraser (1992), *The Gypsies*, Peoples of Europe Series, Oxford, Basil Blackwell, pp. 113-122.

⁸ It is important to acknowledge the diversity and differences amongst Gypsy populations in Turkey, as the Dom are clearly not Romani-speakers, being a similar group but not directly related, the linguistic and historical evidence demonstrating an earlier migration from the Indian lands; see Ian Hancock (2002), *We Are the Romani People (Ames am e Rromane dzene)*, Paris and Hatfield, Centre de recherches tsinganes and University of Hertfordshire Press, pp. 5-7, 13-14; Ralph Lilley Turner (1927), “On the position of Romani in Indo-Aryan”, *Journal of the Gypsy Lore Society*, 3rd Series, vol. 5, no. 4, pp.145-83; and John Sampson (1923), “On the origin and early migration of the Gypsies”, *Journal of the Gypsy Lore Society*, 3rd Series, vol. 2, pp.156-69. Rom, Lom and Dom are all Gypsy groups but it cannot be claimed that they are all Roma or *Rroma*, terms in this context referring to related groups of primarily east and

what might be termed *Göçebe* or *Gezginler*, or Travellers, and that self-identify operates in complex ways in relation to each other, within the larger collectives between sub-group identities such as *Çelgar*, *Mangostar*, *Gevende*, *Karaçi*, and *Mıtrıp*, for example, and between neighbourhoods (*mahalles*). Boundary markers are permeable and individuals may move in and out of occupational groups: Between neighbourhoods as did a resident of Tophane in İstanbul who relocated to Sulukule when faced with debt problems for a year, then Balat, finally returning to Tophane after a period of eighteen months; or between cities -- numbers of Dom have migrated to Üsküdar, İstanbul, from Van; or between sub-groups -- Gevende who have 'become' Mıtrıp or 'musicians' in Urfa, adopting the spoken dialect of the latter and practising music. Mobility is also a flexible concept or "state of mind" as one respondent in Diyarbakır put it, and settlement (in Saray, Thrace, for example) can change the status of a group (in this case Mangostar who were clearly subjugated to the settled Romanlar community upon first arriving), or even identity (in İstanbul's Kuştepe where the Teber-Abdals have settled after migrating from Çinçin Bağları in Ankara, who acknowledge the existence of Alevi⁹ Gypsies, but ardently assert an alternative identity).

central European origins identified as sharing a series of *Vlach Romanës* ethnolects; see Yaron Matras (2002), *Romani: a linguistic introduction*, Camb. Cambridge University Press, pp. 214-37. Lom groups are also different from Turkish Rom and Dom, being separated by language though more closely related to Rom; see Vardan Voskanian (2003), "The Iranian Loan-words in Lomavren, the Secret Language of the Armenian Gypsies", in *The Journal of Iran and the Caucasus*, vol. 6, no.1-2, Leiden, E.J. Brill, pp. 169-80; Ian Hancock (2006), "On Romani Origins and Identity: Questions for Discussion" in Adrian Marsh and Elin Strand [eds.] *Gypsies and the Problem of Identities: Contextual, Constructed and Contested*, Swedish Research Institute in Istanbul Transactions 17, İstanbul and London, I. B. Tauris, pp.69-92. Historically, Lom in Turkey have been related to Armenian *Miaphysitism* and Catholicism, though this is no longer the case. The Geygelliler are more closely related to Alevi Yörüks (the latter groups regarded as descending from Türkmen tribal groups and separated in the late 14th century, nowadays most of whom are settled but some remain nomadic. Yörüks inhabit Anatolia and the Balkans); see Ingvar Svanberg (1982), *A Bibliography of the Turkish-Speaking Tribal Yörüks*, Etnologiska institutionens småskriftserie, Uppsala, Uppsala University Press; Daniel G. Bates (1973), *Nomads and farmers. A study of the Yörük of Southeastern Turkey*, Michigan, Ann Arbor; also Yaşar Kemal's 1971 novel, *Binboğalar Efsanesi*, İstanbul, YKY Yayınevi [*Legend of the Thousand Bulls*, London, Harvill Press, 1976]. Geygelliler, however, do speak some Romanes, as Lewis has demonstrated; see G. L. Lewis (1955), "The Secret Language of the Geygelli Yörüks", *Zeki Velidi Togan'a Armağan* [A Collection Presented to Zeki Velidi], İstanbul.

⁹ Alevi is a religious and cultural community in Turkey who revere the Fourth Caliph Ali ibn Abi Talib (the Prophet Muhammad's son-in-law) and the Twelve Imams of his house. Anatolian Alevism originated from a complex mix of mystical (Sufi) Islam, Shi'ism, and the rivalry between the Ottoman and Safavid Empires in 16th century Anatolia. Marginalised and discriminated against under the Ottomans, and in periods during the Turkish Republic, especially in the 1980s and mid-1990s (see Aliza Marcus, 1996, "Should I Shoot You?": An Eyewitness Account of an Alevi Uprising in Gazi', *Middle East Report*, No. 199, Turkey: Insolvent Ideologies, Fractured State (Apr. - Jun.), pp. 24-26) the Alevi and Alevi identity were increasingly in a process of transformation. See David Shankland (2007), "The Alevi in Turkey: The Emergence of a Secular Islamic Tradition", *Islamic Studies Series*, London, Routledge; Hege Irene Markussen (2004), *Alevi and Alevism: Transformed Identities*, İstanbul, Isis Press, esp. Adrian Marsh and Elin Strand, "Gypsies and Alevi: The Impossibility of Abdallar Identity?", *Ibid.* pp.154-74; David Zeidan, "The Alevi of Anatolia", *Middle East Review of International Affairs*, Vol. 3, No. 4, December 1999; Tord Olsson, Elizabeth Özdalga and Catherina Raudvere [eds.] (1998), *Alevi Identity: Cultural, Religious and Social Perspectives*, İstanbul and Stockholm, Swedish Research Institute in İstanbul, Transactions 8.

The number of Gypsies (Rom, Dom, Lom and Travellers) living in Turkey is still a matter of debate. Officially data regarding ethnic minorities is not recorded in Turkey. Since the mid-1960s, there are no questions regarding ethnicity included in population counts. The academic research on numbers in Turkish Gypsy groups is limited and fairly recent. The widely quoted figure for the number of Roma living in Turkey is 500,000 – 600,000. This figure is based on Ottoman census figures of 1831.¹⁰ Kemal Karpat described the total population of the Ottoman Empire at this time as approximately 3.6 million, whilst the Gypsy population (including Roma in the Balkans) was approximately 36,500.¹¹ Estimations of the number of Gypsies in today's Turkey are calculated according to demographic projections based on these figures by some scholars. However, the Ottoman statistics frequently under-counted women, young men and boys under 15 years old and men over 65 years old, and in the case of the Ottoman Gypsies, Muslims and nomadic groups. Thus, the original numbers upon which these contemporary calculations are based on are unreliable. In recent years, researchers as well as activists from Roma and other civil society organisations have suggested numbers ranging between 2-5 million persons across the country.¹²

The complexity of identities among Gypsies in Turkey needs to be examined in more detail, as to many the particulars surrounding the various groups in Turkey are little known, and knowledge of Dom and Lom communities in Turkey is extremely sparse save for brief references in late 19th century and early 20th century reports that occasionally found their way into the Journal of the Gypsy Lore Society, in the “Notes and Queries” sections of this publication. The most important consideration with regard to Gypsies in Turkey is the multiplicity of identities, a model that may challenge in some ways the more widespread European notions of a unified Romani identity that could be said to underlie the political movement that has evolved from Romani activism in the past decades.

Who are the Gypsies of Turkey?

Romanlar is a group to whom European Roma are directly related, sharing much in the common culture, language and economic specialisms. There are many sub-divisions amongst the Romanlar, mostly defined by occupation (*sepetçiler* - basket makers; *kalaycı* - tin smiths; *bohçacı* - pedlars; *hamamcı* - bath attendants; *hamal* - porters and carriers; *arabacı* - horse drawn carriage

¹⁰ Kemal Karpat (1985), *Ottoman Population 1830-1914: Demographic and Social Characteristics*, Madison, Wisconsin, University of Wisconsin Press, pp. 109-15.

¹¹ Extracted from Karpat's figures. Ibid. pp. 109-15.

¹² See, for example, International Romani Studies Network. “Reaching the Romanlar. A report on the feasibility studies “mapping” a number of Roman (Gypsy) communities in Istanbul.” British Council, Turkey, 2005. During the ERRC/hCa/EDROM research (2006-2007) which covered parts of each of Turkey's seven regions (Marmara, Aegean, Mediterranean, Black Sea, Central Anatolia, Eastern Anatolia, and Southeast Anatolia), researchers have suggested a figure of 4.5 - 5 million. The percentage of Roma in the European provinces of Turkey has been estimated at 6-7% of the total population, and Roma, Dom and Lom, with small groups of Travellers in Anatolia, at about 2% of the population.

and wagon drivers, etc.) The class system amongst the Romanlar means that the musicians (unlike in other countries such as Sweden or the UK) are frequently the elite. Most are Sunni Muslim in faith, but there are significant numbers of nomadic and settled Alevi Romanlar, particularly in the eastern part of the country and around the outskirts of İstanbul. They mostly occupy distinct mahalles or neighbourhoods, and are socially and economically discriminated against, and spatially segregated from wider Turkish society. They are organised, with some 40 local associations and two national federations of Romani organisations.

The Domlar are related to groups of Dom Gypsies in the Middle East and may have arrived in the Turkish lands sometime in the early 11th century AD, in the south east (Diyarbakır, Antakya, Mardin), if references in Armenian chronicles are correct. They currently live in the south and eastern parts of Turkey and are primarily musicians who specialise in playing the large drum (davul) and *zurna*, a kind of simple oboe. They maintain their own language, Domari (or Domca in Turkish) and also speak Kurmanci or Zaza and Turkish, keeping Domari as a 'secret language' or in-group code. Culturally close to the Kurdish population, they nevertheless suffer significant and violent discrimination from them with documented cases of physical attacks and murder. They also suffer from the discriminatory attentions of the Turkish state security forces in the region. Most Dom are close to Sufi Islam and local sheikhs, but some are Yezidi¹³ in the north east region close to Doğubayezit. There are some 500,000 in Turkey, though this figure needs further research to confirm. They are frequently extremely poor and many are nomadic.

The Lomlar's origins are extremely obscure and it may be that they represent a 'break away' group from the Rom during the 11th century that did not move westwards but remained in the east of Anatolia during the Seljuk and Ottoman periods. The current Lom population is largely descended from those that were forced to move to Turkey in the ethnic cleansing carried out by the Russians in their conquest of the Caucasus in the 1870's. They now reside in small communities in the north east and Black Sea region where they are called by the derogatory term "Posha" (from "boş" meaning empty or stupid). They are mostly settled and agricultural, though there are numbers who are professionals (though these, like all such Gypsies in Turkey 'hide' their ethnicity). Some of them maintain their language, Lomavren, and a tradition of musicianship but many have 'lost' this and few under 60 years old speak the language fluently. There are possibly around 150,000 of them but numbers are very hard to estimate.

The Geygelli, Gezginler and other göçebe groups are primarily nomadic Gypsy groups who are often identified as "Yörüks" in ethnographic studies. Most are Alevi and some that have settled have 'become' Alevi and deny a Gypsy heritage (though they speak creoles or contact languages

¹³ Yezidi are adherents to Yazidism, whose origins are traced to the 12th century and whose adherents include Kurds, Armenians and Arabs. Nowadays, most of the Yezidi live in northern Iraq, and some communities can also be found in Turkey, Syria, Armenia, the Caucasus, and in Germany; see Garnik Astarian (1999-2000), "The Holy Brotherhood: The Yezidi Religious Institution of the "Brother" and the "Sister" of the "Next World", *Iran and the Caucasus*, vol. 3, pp.79-96.

using elements of Romanes, such as the Alevis in Kuştepe, İstanbul, or the Geygelli nomads of central Anatolia). There are also some groups that have adopted other identities, who originate in Gypsy communities from the medieval period, but no longer identify with them. The picture of them is hard to discern as they are very much on the margins of Turkish society and no estimates of their numbers can be made. In Thrace they are known by a variety of names including Mangostar and Çelgar and other Gypsy communities do not, by and large, marry with or into these groups.

The notion that there are clear differences between Romanlar, Domlar and Lomlar and “Çingene” (a pejorative term roughly equivalent to “Gypsy” in its more negative connotations) was one that was often made clear to researchers.¹⁴ In Bodrum and Milas, in the south western Aegean region, for example, one Romani person interviewed in the Selimiye neighbourhood stressed, “We are all Turks and Muslims”, and went on to distinguish between Roma and Çingene: “Roma are clean, hard-working and moral people, while the Çingene are dirty, itinerant, thieves...”¹⁵ In almost all cases, this distinction between “Çingeneler” and others was accompanied by a string of negative stereotypes and prejudices. These exist in the communities themselves and become embedded in the notions of ‘self’ referred to by numbers of the Romani people interviewed -- for example in Bursa, one interviewee suggested that to be born Romani was to be “naturally unemployed”.¹⁶

Self-ascription and the acceptance of that identity amongst the wider group would seem to be the most reliable indicator of Gypsy-ness in any given situation. Outside definitions are also very important, as the wider community, the state and its officials can have a crucial role in defining who is and who is not a Gypsy. The Teber-Abdals (Alevis) in Kuştepe, İstanbul, are very definite that they are not Gypsies, despite common cultural forms and adaptations with the Romani community in this neighbourhood. The key factor in identification as far as the neighbourhood was concerned was that anyone from there was immediately labelled as a ‘Gypsy’ by those they came into contact with, whether through seeking employment, registering their children for education or interaction with the agents of the state (according to the testimony of all those interviewed, whether Kurd, Abdal or Romani).

Self-ascription also maintains identities-as-past, in the sense that entire groups (such as the ones in Sulukule, Kuştepe, Çiçin or Hançepik) defined themselves occupationally and thus ‘ethnically’ by a previous definition. Once musicians and dancers now turned to recycling and paper-collection in Sulukule, İstanbul, and Hançepik, Diyarbakır; former basket-makers (speaking a dialect of Romanes heavily inflected with Athenian Greek) in Kuştepe were almost

¹⁴ See Sonia Tamar Seeman (2006), “Presenting ‘Gypsy’, Re-Presenting Roman: Towards an Archaeology of Aesthetic Production and Social Identity”, *Music and Anthropology; the Journal of Musical Anthropology of the Mediterranean*, no. 11. Available at: http://levi.provincia.venezia.it/ma/index/number11/seeman/see_0.htm.

¹⁵ ERRC/hCa/EDROM interviews, October 2006, Bodrum.

¹⁶ ERRC/hCa/EDROM interviews, August 2006, Bursa.

universally trying to make a living as flower-sellers or furniture-polishers; horse-drivers and traders from Ankara's Çinçin Bağları mahalle had migrated to İstanbul's tourist areas as street shoe-cleaners (especially with the large-scale demolition of the neighbourhood through the urban renewal process). Whether metal-workers, bear-leaders or comb-makers, the shift in occupation had left its heritage in self-identifications and narratives of migration. Again, occupation was felt to be an important indicator of identity, and particular occupations especially so as they were considered to be more 'Gypsy' than others (and frequently had a higher status than others, especially musicianship), so much so that previous 'traditional' occupations remained an integral part of many respondents sense of self. Yet the reality of changing economic conditions and social realities meant that current occupations were no longer reliable indicators of identity.

In Erzurum, in the eastern Anatolian region, researchers encountered this complexity when approaching a community of Posha (the term is contested and has various negative connotations). The Sanayi district is an industrial part of the city, located in the suburbs, where both Kurds and Gypsies live. Information from those outside of the community suggested that a number of terms were used to describe Gypsies there; Posha, Dom and Göçebe (meaning Traveller), being the most common. In the Çağlayan neighbourhood of the district, researchers interviewed a group of young men, some of whom claimed to be Kurdish, whilst others identified themselves as Posha but refuted the prejudices they had encountered about being unreliable, only fit for 'dirty jobs', criminal and outside of wider society. Another family in the neighbourhood also presented a complex picture to the researchers, when initially suggesting that they were Kurdish. During the interview, one of the younger sons began to explain that they used some words that differed from others (these, it transpired, were Romani: "pani" - water, "manro" - bread, for example) and defined those within the community as "manuş" (a word which is similar to the word for 'man' in Romanes). The family had been, until the mid-1960s, Travellers living in tents. The family lived in a community of some 500 houses, the majority of which were Posha.

In Aşkale, in the eastern Anatolian region, Gypsies preferred to use the term Göçebe and one family who spoke at length to the researchers told them that they had settled in Aşkale some thirty years previously, coming from Artvin, on the Black Sea coast, as 'Georgians'. Prior to this they had wintered in Aşkale but spent the summer months around the Artvin region. Others had joined them in the migration and the community numbered some 300 households in the region, twenty in the neighbourhood.

In Adana, in the Mediterranean region, an interviewee described how he would get off the bus before he reached his own neighbourhood as he didn't wish to be identified as 'Gypsy', and preferred to call himself 'Roman', as 'Gypsies' were associated with crime, poverty and

disreputable behaviour.¹⁷ Others in Adana remarked that they would get out of taxis before they arrived in the neighbourhood, as they were fearful of a confrontation with the taxi driver who might suspect them of not paying the fare, if he knew their destination and their identity.

In Keşan, eastern Thrace, researchers were told that, “We are Turks and we are Muslims, but we are also Roma”, and that one of the local associations (there are at least four in the city) was closer to the more overtly nationalist political parties, reflecting a common identification amongst Turkish Roma with nationalism.¹⁸ This identification has been frequently presented to the researchers during the course of the project and reflects the success of the dominant ideology of the Turkish Republic in seeking to create a hegemonic discourse around notions of Turkish identity, in contradistinction to others in Turkish society. In different parts of the country, the researchers met individuals who regarded with suspicion the concept of being a distinct group. The interviews were frequently interrupted by individuals who were unhappy about the potential for divisiveness in identifying Gypsies as somehow ‘different’ from the surrounding Turkish community. In İstanbul’s Kuştepe district, for example, one of those who were listening from outside the discussion group became furious with the researchers and those Roma speaking to them, haranguing them for suggesting that Turkish Romanlar suffered from discrimination by other Turks.¹⁹ Many respondents were at great pains to stress their commitment to the state. In İzmit, northwestern Anatolia, for example, researchers were told that Roma sent their sons to defend the Republic and thus proved their solidarity with the state in its struggle with separatists, whilst they also made it clear that they were antagonistic towards other groups (most frequently Kurds) who sought to undermine the integrity of the Republic.

The common practices that are frequently defined as being part of the shared identity amongst Gypsy groups in Turkey are those that bind all communities together: birth, marriage and death. Of these, the first and second are not identified as especially ‘Gypsy’ in any way by the Romani people themselves and reflect the wider community’s approach to such events - celebration, gift giving and religious rites (with a strong admixture of what might be described as ‘folk belief’, such as the use of tokens to ward off the ‘evil eye’ pinned to the baby’s clothing - usually red threads and distinctive beads) mark the birth of any child in any community. Differences are more marked confessionally in death, with differing rituals connected to Islam and Christianity around burial and mourning. Any distinctiveness that might be attributed to Gypsy communities lies in the extent to which they are willing to cross boundaries in appealing to a wide range of intercessors in cases of illness or demise. For example, the appeal to saints from all traditions, and to what might be described as ‘elemental’ spirits is common amongst Gypsy communities throughout Turkey (for example the celebration of Kakava or Ederlezi which Gypsies and Alevi share throughout the Balkans), but this is also a feature of many other communities, especially in rural areas, and is a reflection of the differing religious influences in

¹⁷ ERRRC/hCa/EDROM interviews, September 2006, Adana.

¹⁸ ERRRC/hCa/EDROM interviews, September 2006, .

¹⁹ ERRRC/hCa/EDROM interviews, January 2007, İstanbul.

the region, rather than an aspect of lingering belief patterns from a specifically 'Gypsy' past. The degree of syncretism amongst many practising Muslims and Christians (to say nothing of the clearly syncretic forms of belief amongst groups of Alevis, Abdallar and the Yezidis for instance), is high, and the influences of one upon the other profound.

Linguistically, an extremely complex matrix of competencies is emerging that will require much greater and in-depth specialist research to effectively document an entire research portfolio. Amongst Roma in western Turkey, the level of competence in any form of Romanes is relatively low, as compared to the picture in Bulgaria, for example. Where such competence exists, it is usually amongst the older population and is clustered around the Xoraxane and Arlia dialects found elsewhere in the Balkans amongst Muslim Gypsies. Isolated instances exist of extended families speaking dialects from elsewhere in the region, known as *Romanca*²⁰ in Turkish (Thessaloniki *Romanca* in Kuştepe for example, or Athenian *Romanca* in Tophane). Vlach-speaking Roma from southern and central Bulgaria are to be found in parts of Thrace, though some of these do not have resident status.²¹ In one instance in Gelibolu, in Thrace, for example, a family that had originally lived in Romanian lands had migrated to Turkey in the 1930s to seek refuge from persecution there, bringing a heavily inflected form of Vlach into the general linguistic milieu.

In the north western part of the country the picture becomes different again: In Bursa, four different dialects are spoken amongst a population of two thousand in the Mustafa Kemal Paşa mahallesi and the even larger population of Gypsies in the Yenidere mahallesi (a figure of 10,000 was offered to researchers by one of our respondents who now lives in Dolapdere, İstanbul). Linguistic competence declines in the Ankara region but the complexity emerges once again in the eastern parts of Turkey, where linguistic competence amongst the Dom is very high, and in south eastern Turkey where the development of a "creole" made up of a mixture of Domari, Kurdish and Arabic has been extensively documented. The extent of the competence amongst the Lom population of the north eastern region is not yet known, but comparative assessment of the Ghurbeti of northern Cyprus demonstrates that the Muslim Gypsies there maintain a Vlach dialect, influenced by the Mandopolini Gypsies of southern Cyprus (Greek Orthodox in confessional adherence). Cross-fertilisation is also an aspect of the linguistic picture here as in mainland Turkey. The linguistic picture is one that will provide a rich source for research in the future, as this brief summary suggests.

Confessionally as suggested above, the patterns of belief are also complex, with a range of adherence from Sunni to Shi'ite Islam, more Sufi oriented groups (in Diyarbakır's Hançepek mahallesi and in Balıkesir, where there are two tarikats whose Romani adherents are profound in their beliefs), and even small communities of Yezidi Gypsies in the region of Ani, in north

²⁰ Pronounced in Turkish as Roman-jé.

²¹ ERRC/hCa/EDROM interviews, January 2008, Silivri.

eastern Turkey. There are individuals who have adopted the Yehovah's Witness creed, and some Orthodox Christians to be found in Thrace. The documenting of anything other than a broadly Muslim confessional identity has been problematic, as the notion of a Turkish citizenship is underpinned by the confessional adherence to Islam. The question of belief is one that has a particular impact upon identity, in that the notion of 'Çingene' is bounded by it. For example, the description given by both Gypsies and non-Gypsies regarding this is clearly one that differentiates between Çingene as people who are not Muslim in any meaningful way ("they have their own culture, their own way of doing things, but they are not Muslims") and others, such as Romanlar ("how can they call us Gypsies - Çingene - we are true Muslims, we are clean and we go to the mosque and pray every day"). The charge of 'faithlessness' is one that has been levelled at Gypsies frequently throughout the history of the Byzantine and Ottoman Empires and the Republic, and the notion of 'minority' intrinsically bound up with 'non-Muslim' (according to the Treaty of Lausanne, 1923 which is the foundation document for the Republic and its populations). Varieties of heterodox Muslim belief amongst the Gypsy population notwithstanding (Alevism, Shi'ism), the numbers of adherents to anything other than orthodox *Sunni* Islam remain small, and divergence is often the product of the experience of living outside Turkey.

Institutional and Legal Framework for Protecting Roma Rights in Turkey

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I. Compliance with the international and regional human rights protection framework

United Nations standards

The Republic of Turkey is party to most of the major human rights treaties. It ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 September 2003, and entered into force on 23 December 2003. Article 26 of the Covenant guarantees equality before the law and equal protection for all. It is a “free-standing” guarantee of non-discrimination as it prohibits discrimination with regard to all rights recognised by the law and there is an “open-ended” list of prohibited grounds of discrimination. The ICCPR is the only global treaty that includes a provision specifically referring to minority rights. Article 27 guarantees the right of minorities to enjoy their culture, to profess and practice their religion, or to use their own language in community with the other members of their group. Upon ratification, Turkey made a reservation to Article 27 limiting its scope seriously. It declared that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations and exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. Moreover it reserved the right to interpret and apply the provisions of Article 27 “in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.”² Six countries³ objected to this reservation claiming that it “raises doubt as

¹ The author thanks Oliver Pahnecke for his contribution to this study.

² The text of the reservations is available at:

<http://www2.ohchr.org/english/bodies/ratification/docs/DeclarationsReservationsICCPR.pdf>.

³ The objecting countries are Cyprus, Finland, Germany, Greece, Portugal and Sweden.

to the commitment of Turkey to the object and purpose of the said Covenant.”

Sweden argued that according to established customary law as codified by the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted and Turkey should undertake all legislative changes necessary to comply with its obligations under the ICCPR.⁴

The First Optional Protocol to the ICCPR was ratified by Turkey on 24 October 2006, and entered into force on 24 February 2007. Therefore the Human Rights Committee, which oversees implementation of the ICCPR, is able to consider complaints by individuals claiming to be victims of human rights violations by Turkey. The Second Optional Protocol to the ICCPR on the abolition of the death penalty was ratified on 2 March 2006 and entered into force in June 2006.

Turkey ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 23 September 2003 and it entered into force on 23 December 2003. It again, made a reservation limiting the implementation of the Convention only to the States Parties with which it has diplomatic relations and to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.⁵ Moreover, it reserved the right to interpret and apply the provisions of paragraphs 3 (respect for the liberty of parents to choose their children's school and to ensure the religious and moral education of their children) and 4 (liberty of individuals and bodies to establish and direct educational institutions) of Article 13 (right to education) in accordance to the provisions under Articles 3, 14 and 42 of the Constitution of the Republic of Turkey. The same countries that objected to Turkey's reservation to the ICCPR declared their objections again based on the same legal grounds. It is important to emphasise that although the economic and cultural rights entail a “progressive obligation”⁶ of

⁴ The objection made by Sweden is the most comprehensive: “It should be recalled that the duty to respect and ensure the rights recognized in the Covenant is mandatory upon State parties in relation to all individuals under their jurisdiction. A limitation to the national territory is contrary to the obligations of State parties in this regard and therefore incompatible with the object and purpose of the Covenant [...] The general reference to the Constitution of the Republic of Turkey, which, in the absence of further clarification, does not clearly specify the extent of the Republic of Turkey's derogation from the provision in question, raises serious doubts as to the commitment of the Republic of Turkey to the object and purpose of the Covenant [...] the rights of persons belonging to minorities in accordance with article 27 of the Covenant are to be respected without discrimination. As has been laid down by the Human Rights Committee in its General comment 23 on Article 27 of the Covenant, the existence of a minority does not depend upon a decision by the state but requires to be established by objective criteria. The subjugation of the application of article 27 to the rules and provisions of the Constitution of the Republic of Turkey and the Treaty of Lausanne and its Appendixes is, therefore, in the view of the Government of Sweden, incompatible with the object and purpose of the Covenant.” See document available at:

<http://www2.ohchr.org/english/bodies/ratification/docs/ObjectionsICCPR.pdf>, pp.30-31.

⁵ See International Covenant on Economic, Social and Cultural Rights, Reservations and Declarations, available at: <http://www2.ohchr.org/english/bodies/ratification/3.htm>.

⁶ The United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), specifies that the “concept

signatory states to act “to the maximum of their available resources”, the obligation of non-discrimination under Article 2/2 applies immediately and is not subject to progressive realisation or availability of resources.

The Convention on the Rights of the Child (CRC) sets out rights that are to be enjoyed by children (defined as every human being under 18), without discrimination of any kind. It addresses both public and private actors. Article 3 sets forth the basic principle of the Convention, which is that the “best interests of the child” should be the primary consideration in all actions concerning children. Turkey ratified the Convention on 4 April 1995 and it entered into force on 4 May 1995. It reserved the right to interpret and apply the provisions of Articles 17 (access to information and material), 29 (right to education) and 30 (right to culture, religion and language) according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.⁷ Ireland, the Netherlands and Portugal objected to this reservation stating that “such reservations, which seek to limit the responsibilities of the reserving State under the Convention by invoking general principles of national law, may raise doubts as to the commitment of these States to the object and purpose of the Convention and moreover, contribute to undermining the basis of international treaty law.”⁸

The Committee on the Rights of the Child considered the initial report of Turkey in May and June 2001. It noted with concern the reservations to articles 17, 29 and 30 of the Convention. It concluded, that “in some cases, in particular in the fields of education and, freedom of expression and the right to enjoy their own culture and use their own language, these reservations may have a negative impact on children belonging to ethnic groups which are not recognized as minorities under the Treaty of Lausanne of 1923.”⁹ The Committee expressed its concern regarding the absence of an independent mechanism, such as an Ombudsman or a commission for children, to monitor children’s rights and to register and address individual complaints from children concerning violations of their rights under the Convention. The Committee was concerned that “the principle of non-discrimination (Article 2) is not fully implemented for children belonging to minorities not recognized under the Treaty of Lausanne of 1923, in particular children of Kurdish origin; children with disabilities; children born out of wedlock; girls; refugee and asylum-seeking children; children who are internally displaced; and

of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time...Nevertheless, the fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content...It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal.” See UN CESCR, General Comment 3, The Nature of States Parties Obligations (Article 2, par.1), paragraph 9, available at: <http://www.cesr.org/generalcomment3>.

⁷ Text available at: <http://www2.ohchr.org/english/bodies/ratification/11.htm>.

⁸ Ibid.

⁹ Convention on the Rights of the Child, “Concluding Observations of the Committee on the Rights of the Child: Turkey. 09/07/2001.” CRC/C/15/Add.152. p. 3. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.152.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.152.En?OpenDocument).

children living in the south-eastern region and in rural areas, especially with regard to their access to adequate health and educational facilities.”¹⁰ It recommended that Turkey “take appropriate measures to prevent and combat discrimination. It also recommends the collection of appropriate disaggregated data to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.”¹¹

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) outlines methods and states’ requirements to ensure the eradication of discrimination based on gender. The rights set down in this document include the right to equal treatment under law; equality in education, political participation, employment, health and the economy; freedom from sexual exploitation; and the possibility of temporary special measures to overcome inequality. Turkey acceded to the Convention on 20 December 1985, and it entered into force on 19 October 1986. A reservation was made to Article 29/1 (disputes between States), Article 15/2 (equal legal capacity of women and men regarding contracts and administration of property) and 4 (equality of men and women regarding freedom of movement and freedom to choose residence), Article 16/1 [c (same rights and responsibility during marriage), d (same rights and responsibilities as parents), f (same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children), and g (same personal rights as husband and wife)] of the Convention.¹² On 20 September 1999, the Government of Turkey partially withdrew the reservations, except with respect to Article 29/1.

In January 2005 the Committee on the Elimination of Discrimination against Women (CEDAW Committee) assessed Turkey’s compliance with the Convention. It noted with concern that Turkey’s legislation does not contain a definition of discrimination against women in accordance with Article 1 of the Convention.¹³ Also, that some provisions of the Penal and Civil Codes continue to discriminate against women and girls. In particular, the Committee was concerned that genital examinations of women, or virginity tests, may be carried out under certain circumstances without the consent of the woman; and that the use of the term “custom killing” instead of “honour killing” in the Penal Code may result in less vigorous prosecution of, and less severe sentences for, the perpetrators of such crimes against women. It was also concerned that the penalisation of consensual sexual relations among youth between 15 and 18 years of age may impact young women more severely, especially in light of the persistence of patriarchal attitudes.¹⁴ The Committee urged Turkey that “consent of the woman be made a

¹⁰ Ibid. p. 6.

¹¹ Ibid. p. 6.

¹² “In pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article.”

¹³ Committee on the Elimination of Discrimination against Women, Thirty-second session 10-28 January 2005, CEDAW/C/TUR/CC/4-5, p. 4. Available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw32/conclude-comments/Turkey/CEDAW-CC-TUR-0523813E.pdf>.

¹⁴ Ibid. p. 4.

prerequisite for genital examinations under all circumstances; that any crime committed in the name of custom or honour be classified as aggravated homicide and severest penalties provided for by the law; and that the penalization of consensual sexual relations among youth between 15 and 18 years of age be reconsidered.”¹⁵

The Committee also expressed concern about the persistence of violence against women, including domestic violence and that support services for women victims of violence, including shelters, are inadequate in number. It noted that under the Law on Municipalities the responsibility for establishing shelters has been delegated to municipalities without adequate mechanisms to monitor its implementation and ensure financing.¹⁶ The Committee called upon Turkey “to intensify its efforts to prevent and combat violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights.”¹⁷

The Committee was concerned that “women are significantly underrepresented in all areas of political and public life and that progress towards achieving equality, particularly at decision-making levels, both national and local, has been regrettably slow.”¹⁸ The Committee also noted concern about the high rate of female illiteracy and the lower enrolment and completion rates of girls and women at all levels of education, and that these discrepancies are further aggravated by urban-rural, regional and ethnic differences.¹⁹ It was also concerned that “women and girls whose mother tongue is not Turkish may face multiple forms of discrimination in access to and achievement in education” and about the impact on girls and women of the ban on wearing headscarves in schools and universities. It recommended that Turkey “take proactive measures to decrease the high rate of female illiteracy and to strengthen girls’ and women’s access to all levels of education and teaching and to actively encourage diversification of educational and professional choices for women and men”. It called on Turkey to implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups and those whose mother tongue is not Turkish, particularly in rural areas, as well as to address regional disparities.²⁰ The Committee was also concerned about direct and indirect discrimination against women in the labour market, where women earn significantly less than men in both the public and private sector, about the high level of unemployment amongst women, very low participation in the labour force, particularly in urban areas, and their concentration in agriculture as unpaid family workers and in unregistered work with low or no income or wages and lack of social security benefits. It called on the State to take measures to ensure full implementation of Article 11 (freedom from discrimination in access to

¹⁵ Ibid. p. 4.

¹⁶ Ibid. p. 5.

¹⁷ Ibid. p. 5.

¹⁸ Ibid. p. 6.

¹⁹ Ibid. p.6.

²⁰ Ibid. p. 7.

employment) of the Convention and it recommended that Turkey eliminate occupational segregation, in particular through education and training.²¹

The country ratified the Optional Protocol to the CEDAW Convention in 2002, and therefore the Committee is authorised to receive individual communications from the country. In August 2004 an individual complaint was initiated against Turkey.²² The case concerns a teacher of religion and ethics who wore headscarf covering her hair and neck during her studies and in her work in a state high school, respectively. She was dismissed from her position by the Higher Disciplinary Council claiming that her wearing of a headscarf in the classroom was the equivalent of “spoiling the peace, quiet and work harmony” of the institution by political means in accordance with Article 125E/a of the Public Servants Law No. 657. As a result, she permanently lost her status as a civil servant. In her communication to the Committee the Petitioner claimed that she was victim of a violation by the Turkish State of Article 11 of the Convention. She argued that by dismissing her and terminating her status as a civil servant for wearing a headscarf, “a piece of clothing that is unique to women”, Turkey violated her right to work, her right to the same employment opportunities as others, as well as her right to promotion, job security, pension rights and equal treatment.²³

Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 16 September 2002 and it entered into force on 16 October 2002. This Convention guarantees the right of equality before the law and equal enjoyment of civil, political, economic, social and cultural rights. The Convention applies to citizens and non-citizens alike. “Racial discrimination” is defined as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. The obligations of Member States under the Convention extend not only to their own actions and those of other public authorities, but also to those of any private person, group, or organisation.²⁴ States must act against the dissemination of ideas based on racial superiority or hatred, as well as take measures to combat racial prejudice and to promote tolerance. The Convention specifically allows States to adopt “special measures” to ensure that certain racial or ethnic groups or individuals can enjoy equal rights in practice, provided that such measures do not lead to the permanent maintenance of separate rights for different racial groups. So far Turkey has made no declaration under Article 14 of the Convention on the consideration of individual communications by the Committee for the Elimination of Racial

²¹ Ibid. p.7.

²² Rahime Kayhan v. Turkey, Communication No. 8/2005.

²³ The Committee eventually decided that the communication is inadmissible for failure to exhaust domestic remedies.

²⁴ Article 2/1(d).

Discrimination.²⁵ The government made reservations upon ratification of the Convention limiting its implementation only to the States Parties with which it has diplomatic relations and to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

Turkey ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) on 2 August 1988 and it entered into force on 1 September 1988. The Turkish government made a reservation declaring that it does not consider itself bound by the provisions of Article 30/1 (disputes between states). On 2nd August 1988 another declaration was made recognising the competence of the Committee Against Torture under Articles 21 and 22 to receive and consider communications from another state party to the effect that Turkey is not fulfilling its obligations under the Convention and from individuals subject to its jurisdiction who claim to be victims of a violation by Turkey of the provisions of the Convention. However, the Optional Protocol to CAT (establishing the Subcommittee on Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and a system of regular country visits), signed in September 2005, has not been ratified.

In its 2003 review, the Committee overseeing the implementation of the Convention expressed concern about the “numerous and consistent allegations that torture and other cruel, inhuman or degrading treatment of detainees held in police custody”, about the “allegations that persons in police custody have been denied prompt and adequate access to legal and medical assistance and that family members have not been promptly notified of their detention” and that the “despite the number of complaints, the prosecution and punishment of members of security forces for torture and ill-treatment are rare, proceedings are exceedingly long, sentences are not commensurate with the gravity of the crime, and officers accused of torture are rarely suspended from duty during the investigation” among others.²⁶ The Committee recommended that Turkey ensure “detainees, including those held for offences under the jurisdiction of State Security Courts, benefit fully in practice from the available safeguards against ill-treatment and torture, particularly by guaranteeing their right to medical and legal assistance and to contact with their families”, and “take the necessary measures to guarantee that prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment are carried out, and to ensure in this connection that an efficient and transparent complaint system exists” and “repeal the statute of limitations for crimes involving torture, expedite the trials and appeals of public officials indicted for torture or ill-treatment, and ensure that members of the security forces under investigation or on trial for torture or ill-treatment are suspended from duty during the

²⁵ Information available at: <http://www.unhchr.ch/html/menu2/8/stat4.htm> and [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/C6AA531CB528DA54C12573EF00371532?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/C6AA531CB528DA54C12573EF00371532?OpenDocument).

²⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “Conclusions and recommendations of the Committee against Torture: Turkey”, 27/05/2003CAT/C/CR/30/5. p. 2. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.30.5.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.30.5.En?OpenDocument).

investigation and dismissed if they are convicted”. Furthermore, the Committee called for ensuring “fair and adequate compensation, including financial indemnification, rehabilitation, and medical and psychological treatment are provided to the victims of torture and ill-treatment”.²⁷

European standards

Turkey has been a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) since 18 May 1954 and is bound by the jurisdiction of the European Court of Human Rights (ECtHR). Under Article 14 of the Convention, the rights outlined in the Convention and its Protocols are specifically guaranteed “without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” This, however, is not a free-standing right of non-discrimination but applies only to the enjoyment of rights set out in the Convention. A general prohibition against discrimination is set out in Protocol 12 to the Convention, which prohibits discrimination in the enjoyment of all rights guaranteed by law. Turkey signed Protocol 12 on 18 April 2001 but has not yet ratified it.

In 2006 and 2007, the Court delivered the highest number of judgments against Turkey.²⁸ Of the 331 judgments against Turkey in 2007, 319 established violations of the Convention, 7 established no violation, 4 cases ended with a friendly settlement and 1 with another judgment.²⁹ The majority of the cases concerned violation of the right to fair trial and the length of court proceedings (Article 6), the right to liberty and security of the person (Article 5), and the right to property (Protocol 1 Article 1). Of all cases pending with the Court as of 31 December 2007, cases against Turkey make up 12%, which puts Turkey second following Russia (where the pending cases make up 26% of the Court’s cases). Although there have been several cases against Turkey where Article 14 of the Convention was invoked, as of the time of preparing this report there was only one judgment by the European Court in which Turkey was found in violation of the prohibition of discrimination. The case concerned a lawyer who was not allowed to keep her maiden name following her marriage, which had unjustifiably interfered with her right to protection of private life.³⁰

Turkey ratified the European Social Charter on 24 November 1989 and the Revised European Social Charter on 27 June 2007, which entered into force on 1 August 2007. The preamble of the Social Charter states that “the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or

²⁷ Ibid. p. 4.

²⁸ In 2006, 334 cases and 331 cases in 2007.

²⁹ Information is available at: http://www.coe.int/T/e/Com/about_coe/member_states/e_tu.asp#TopOfPage. Other judgments equal just satisfaction, revision, preliminary objection or lack of jurisdiction.

³⁰ *Unal Tekeli v. Turkey*, Application No. 29865/96.

social origin.” Article E of the Revised European Social Charter declares that the enjoyment of the rights set forth in the Charter should be secured “without discrimination on *any ground* such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status” [emphasis added]. Turkey accepted 91 of the Revised Charter’s 98 paragraphs, with reservations to the provisions of Article 5 (right to organise), Article 6 (right to bargain collectively) as well as on Article 2/3 (minimum annual holidays) and Article 4/1 (remuneration and decent standard of living). Turkey has lifted previous reservations on the European Social Charter’s provisions, namely the right of children and young persons to protection and the right of disabled persons. In the course of its regular reviews of States Parties’ compliance with the Revised European Social Charter, the European Committee of Social Rights (ECSR) has established Turkey’s non-compliance with the Charter in areas such as the right of access to health care,³¹ non-discrimination in employment,³² and social and economic protection.³³ Turkey has neither signed nor ratified the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.³⁴

Turkey ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 26 February 1988, and it entered into force on 1 February 1989. In December 2005, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reviewed the situation in the country as regards the treatment of persons held by the law enforcement agencies and assessed the day-to-day operation of the legal safeguards against ill-treatment currently in force. The CPT concluded, amongst other things, that “law enforcement officials still do on occasion delay access to a lawyer, so as to enable the person detained to be informally questioned without the presence of a lawyer, prior to the taking of a formal statement (in the lawyer’s presence.) The CPT must once again recommend that all necessary steps be taken to ensure that the right of access to a lawyer for persons in police/gendarmerie custody, as guaranteed by law, is fully effective in practice as from the outset of custody.”³⁵ Concerning the issue of the confidentiality of medical examinations, the CPT noted that “most detained persons claimed that they had been examined in the presence of law enforcement officials [...] and similarly, the requirement that the report be

³¹ The manifestly inadequate budget for health care and the inadequacy of health care facilities and staff mean that the public is not guaranteed access to health care nationwide. RecChS(98)4 adopted by the Committee of Ministers on 4 February 1998.

³² The reasoning was that compensation for discrimination in employment is limited to 4-months wages.

³³ The decision was based on the following: the existing social security schemes do not cover a significant percentage of the population, lack of a general system of family benefits, the age of criminal responsibility is manifestly too low, and the minimum length of certain prison sentences for young minors is excessive.

³⁴ Information available at:

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=158&CM=7&DF=26/10/2005&CL=ENG>.

³⁵ CPT. “Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 14 December 2005”, CPT/Inf (2006) 30, para. 23. Available at: <http://www.cpt.coe.int/documents/tur/2006-30-inf-eng.pdf>.

transmitted to the prosecutor in a closed and sealed envelope was often not being compiled with.”³⁶

At the time this report was published, Turkey had not ratified either the Framework Convention for the Protection of National Minorities (FCNM), the first treaty to protect the rights of persons belonging to national minorities, or the European Charter for Regional or Minority Languages (ECRML).

The European Union

The European Charter on Fundamental Rights outlines the prohibition of discrimination based on any ground, such as sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It also stipulates respect for cultural, religious and linguistic diversity, equality between men and women, rights of the child, rights of the elderly and integration of persons with disabilities. European Union (EU) enlargement policy requires all candidate countries to fulfil the Copenhagen political criteria, which include guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities. The principle of non-discrimination is strongly grounded in the EU's *acquis communautaire*. The 1997 Treaty of Amsterdam introduced Article 13, a general anti-discrimination clause. The Council of the European Union, which is the EU's premiere legislative body, used the competence it had been given under Article 13 to adopt the Employment Equality Directive³⁷, which prohibits discrimination in employment and occupation on grounds of religion or belief, disability, age or sexual orientation, and the Race Equality Directive,³⁸ which prohibits discrimination on grounds of racial or ethnic origin unlawful in employment, training, education, and access to social security, health care, social advantages, and goods and services, including housing.

At Article 1, the Race Equality Directive lays down a framework of minimum requirements for “combating discrimination on grounds of racial or ethnic origin, with a view to putting into effect the Member States principle of equal treatment”. It includes provisions that Member States of the European Union must adopt laws, regulations and administrative provisions necessary to comply with the Directive. Member states are to implement the Directive directly into their national laws and practices to strengthen protection against discrimination based on

³⁶ 26.

³⁷ Directive 2000/78/EC of the Council of the European Union “establishing a general framework for equal treatment in employment and occupation.” Available at:

http://ec.europa.eu/employment_social/fundamental_rights/pdf/legisln/2000_78_en.pdf.

³⁸ Directive 2000/43/EC of the Council of the European Union on “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.” Available at:

http://ec.europa.eu/employment_social/fundamental_rights/pdf/legisln/2000_43_en.pdf.

racial or ethnic origin. Member states must also ensure that the domestic legal order includes the possibility of sanctions for discriminators and compensation for victims. States are additionally required to designate a body or bodies for the promotion of equal treatment. As part of its accession process, Turkey has to adopt a legal framework on anti-discrimination to harmonise its national legal framework with the EU *acquis communautaire*.

II. Turkey's domestic legal and institutional framework for protection against discrimination

Legal framework

The international legal principle of non-discrimination prohibits “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”³⁹ The prohibition of discrimination is an over-arching obligation ensured by all the major human rights instruments, such as ICCPR, ICESCR, CEDAW, CRC, CERD, ECHR, FCNM and ESC. Moreover, it is part of EU law through Article 13 of the EC Treaty, the Employment and Race Equality Directives. Under these standards not only direct, but indirect discrimination is prohibited and EU law also bans harassment and victimization as forms of discrimination as well as the instruction to discriminate. Positive measures are permitted in order to achieve substantive equality and a special body has to be designated for the promotion of equal treatment. In addition, a shared burden of proof and the acceptance of situational testing and statistical evidence help obtain redress for the victim of discrimination.

Due to its history and geographical location, Turkey has been and is today the home of a variety of national, ethnic, religious and linguistic minorities. Although Turkey is party to most of the international and regional human rights instruments prohibiting discrimination and protecting the rights of minorities, Turkey's minority and anti-discrimination policies are determined by and interpreted in line with the Treaty of Lausanne, the peace treaty signed between the Allies of World War I and Turkey.⁴⁰ The significance of the Treaty's minority concept in Turkey's policy is apparent also in the reservations the country made to the ICCPR and the CRC, noted earlier. The Treaty of Lausanne refers to minorities as “Turkish nationals belonging to non-Muslim minorities”. The fact that only religious minorities are recognised minority groups is reinforced by the equality clause of the Treaty where the only prohibited ground is religion. Article 39/2 states, “all the inhabitants of Turkey, without distinction of religion, shall be equal before the law.” In addition to this narrow interpretation of minority groups, Turkish administrations have

³⁹ Article 1/1 of the International Convention on the Elimination of All Forms of Racial Discrimination

⁴⁰ See Section III of the Treaty of Lausanne. Available at: <http://www.hri.org/docs/lausanne/part1.html>.

persistently interpreted this protection to apply to only three minority groups: Armenian Orthodox Christians, Greek Orthodox Christians and Jews.⁴¹

The Constitution of the Republic of Turkey⁴² does not refer to minorities. Article 10 provides the basis for equal treatment:

“(1) All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

(2) Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.

(3) No privilege shall be granted to any individual, family, group or class.

(4) State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.”⁴³

Ethnicity is not mentioned specifically as a prohibited ground of unequal treatment.

Article 12/1 declares that everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable. Article 13 prescribes that restrictions of fundamental rights and freedoms can be made only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence: “These restrictions shall not be in conflict with the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular Republic and the principle of proportionality.” Article 14 prohibits the exercise of fundamental rights and freedoms “with the aim of violating the indivisible integrity of the state with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights.” Based on Article 15 of the Constitution, the exercise of fundamental rights and freedoms can be partially or entirely suspended in times of war, mobilisation, martial law, or state of emergency, or measures may be taken, to the extent required by the exigencies of the situation, which derogate the guarantees embodied in the Constitution provided that obligations under international law are not violated. However, even under these circumstances “the individual’s right to life, and the integrity of his or her material and spiritual entity shall be inviolable except where death occurs through lawful act of warfare; no one may be compelled to reveal his or her religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties may not be made retroactive, nor may anyone be held guilty until so proven by a court judgment.”

⁴¹ International Helsinki Federation for Human Rights. October 2006. Turkey: A Minority Policy of Systematic Negation, p.1.

⁴² The Constitution was adopted in 1982.

⁴³ Translation in English by International Constitutional Law (ICL) based on the text published by the Office of the Turkish Prime Minister. The status date follows the last amendment mentioned there (Provisional Article 17, Annex 10.05.2007/ Article 5659/1). Available at: http://www.servat.unibe.ch/icl/tu00000_.html.

Article 90/5 establishes the supremacy of international law over domestic law stating, “in the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”

Turkey does not have a general anti-discrimination law; equality clauses are, however, included in several laws. The Criminal Code extends its protection to everyone without making “any distinctions on the basis of race, language, religion, sect, nationality, colour, sex, political or other opinion, philosophical belief, national or social origin, birth, economic and other social status and without extending privileges to anyone.” Article 122/1 provides for between 6- to 12-months imprisonment and fine to anyone who discriminates on the grounds of language, race, colour, religion or sect in the areas of sale/transfer of goods or services, employment, provision of food, access to services, or the exercise of an economic activity.⁴⁴

Article 5 of the Labour Code⁴⁵ incorporates the general principle of equal treatment as follows:

“In labour relations no discrimination shall occur on the grounds of language, race, sex, political opinion, philosophical belief, religion, membership of a religious sect or other similar grounds.

An employer, unless there are important reasons, shall not treat part-time employees differently than full- time employees, or employees employed for a definite period of time differently than employees employed for an indefinite period of time.

An employer, unless biological reasons and nature of the work require otherwise, shall not treat differently, directly or indirectly, an employee in the formation, implementation and termination of a contract, or determination of conditions, on the grounds of sex and maternity.

Lower wages shall not be paid for the same work or work of equal value.

Special provisions protecting employees on the grounds of sex shall not justify lower wages.

In the case of any treatment in a labour relationship or the termination of a contract that is contrary to the above provisions, an employee may claim compensation amounting to a

⁴⁴ International Helsinki Federation for Human Rights. October 2006. Turkey: A Minority Policy of Systematic Negation.

⁴⁵ Labour Act No. 4857 of 22 May 2003. The equality clause was added in 2003. English translation available from the International Labour Organization’s Ankara Office. Available at: <http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm>.

maximum of four months worth of wages and other rights of which he deprived. The provisions of Article 31 of the Trade Unions Act shall be reserved / shall be without prejudice.

An employee, on the condition that provisions of Article 20 are reserved, shall prove the fact that the employer has acted against provisions in paragraphs above. However, when an employee puts facts down strongly indicating the possibility of the existence of a violation, the employer shall prove that there is no such a violation.”

The prohibition of discrimination in the Labour Code is limited to employment relations and does not extend to recruitment. Therefore an important area covered by the EU Employment and Race Equality directives ensuring equal access to employment is not guaranteed. Ethnicity is not mentioned as a specific ground for discrimination. According to Article 5 of the Labour Code, the burden of proof may be reversed if the employee puts facts down that strongly indicate the possibility of a violation of the anti-discrimination clause, when the employer would have to prove that there had been no such a violation. In addition to that, Article 20/2 of the Labour Code lays down that the employer must prove that termination is based on valid reasoning. If the employee argues that there is another reason, he or she should prove it. Article 18(c and d) clearly state that in applications made by the employee to administrative and judicial authorities, race, colour, sex, civic status, family responsibilities, pregnancy, religion, political opinion and ethnic and social origin cannot be valid reasons for the termination.

Although the sharing of the burden of proof is introduced into Turkish legislation, its application is unclear. Judges, after reviewing the employee’s plea, decide on whether to shift the burden of proof. At this stage, the employee should convince the judge that there are “facts indicating strongly the possibility of a violation”. This means, that Article 5 accepts the shift of the burden of proof conditionally and the condition itself may force the employee, instead of the employer, to prove the facts.⁴⁶ Although Article 20 of the Labour Code clearly states that in case of dismissal the burden of proof is reversed, this provision cannot be implemented in all cases. The employer should justify dismissal with valid reasons only if he/she employs thirty or more employees. Furthermore, the employer has no obligation to justify the dismissal if the employee does not have at least six months seniority. Thus, the reversal of the burden of proof provision in Article 20 will not be implemented in around 80% of all dismissal cases.⁴⁷

Article 4 of National Education Fundamental Act⁴⁸ states that, “Educational institutions are open to all, with no distinction of language, race, sex and religion. No privilege shall be granted

⁴⁶ Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 34, available at: <http://www.humanconsultancy.com/TURKEY%20Final%20EN.pdf>.

⁴⁷ Ibid. p. 35.

⁴⁸ Act No. 1739.

to any individual, family, group or class in education.” Article 5 of the Higher Education Act⁴⁹ includes a provision on equality of opportunity: “The necessary measures shall be taken to provide equality of opportunity in higher education.”

Article 4 of the Act on the Foundation and Broadcasting of Radio and Television Channels⁵⁰ stipulates that radio and television broadcasting shall be made, *inter alia*, in accordance with the principle that “people shall not be offended because of their race, sex, social class or religious belief” and “[...] without leading the community to violence, terror, ethnic discrimination [...]”.

There is no legislative framework for the protection of minorities and anti-discrimination in Turkey. As Minority Rights Group International reported in December 2007, millions who belonged to ethnic, linguistic and religious minorities remained unrecognised by the Turkish state, including Alevis, Yezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma.⁵¹ There are no comprehensive civil and administrative anti-discrimination provisions nor are there any effective mechanisms of enforcement and redress. Definitions of “direct discrimination”, “indirect discrimination”, “harassment” and “instructions to discriminate” do not exist in the Turkish legal system. Apart from the Labour Code, there is no provision for reversal of burden of proof. Although in its second report on Turkey the European Commission against Racism and Intolerance (ECRI) recommended that Turkish authorities provide for an aggravating circumstance in the event of racist motives in respect of all ordinary offences, the Criminal Code remained unchanged.⁵² Multiple discrimination is not accepted as an aggravating circumstance either.

Turkey’s institutional framework for the promotion and enforcement of human rights

Based on Article 40 of the Constitution, everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities. Damages incurred by any person through unlawful treatment by the holders of public office shall be compensated by the state.

According to Article 11/2 of the Turkish Constitution, laws shall not be in conflict with the Constitution. The Turkish Constitutional Court is authorised by the Constitution to decide on the unconstitutionality of laws, statutory decrees and the Rules of Procedure of the Turkish Grand National Assembly on the ground of substantive and procedural rules.⁵³ The

⁴⁹ Act No. 2547.

⁵⁰ Act No. 398.

⁵¹ Minority Rights Group International: A Quest for Equality: Minorities in Turkey. December 2007.

⁵² European Commission against Racism and intolerance. 15 February 2005. Third report on Turkey. Available at: http://www.coe.int/t/e/human_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry_approach/Turkey/Turkey_CBC_3.asp#TopOfPage.

⁵³ Article 148/1 of the Constitution.

unconstitutionality of statutory decrees issued during a state of emergency, martial law or in time of war cannot be challenged before the Constitutional Court.⁵⁴

Access to the Constitutional Court can be secured in two ways: principal proceedings (*iptal davası*) and incidental proceedings (*somut norm denetimi*).⁵⁵ Principal proceedings for annulment can be instituted within sixty days of the promulgation of the law in question in the Official Gazette by the President of the Republic, the parliamentary groups of the governing party, the main opposition party or at least one fifth of the total number of members of the Grand National Assembly.⁵⁶ Incidental proceedings can be initiated by any individual and they are not subject to time limitation. Access to the Constitutional Court in incidental proceedings is dependent upon two conditions. First, a plea of unconstitutionality (*anayasaya aykırılık iddiası*) must be put forward in the course of judicial proceedings. Secondly, the regular court trying the case should determine whether access to the Constitutional Court is justified. If there is a plea and the judge of the court in the case is convinced that the claim is serious, then the consideration of the case is postponed and the file is sent to the Constitutional Court for review of the law, according to Article 152 of the Constitution.⁵⁷

This means that individuals have no direct access to the Constitutional Court in Turkey. They cannot directly challenge the conformity of existing legal norms with constitutionally guaranteed rights and freedoms and their access to the Constitutional Court in a pending proceeding is dependent on the trying judge's assessment.

According to Article 125/1 of the Constitution, all acts of the administration shall be subject to judicial review. Based on Article 125/5, if the implementation of an administrative act should result in damages which are difficult or impossible to compensate for and at the same time this act is clearly unlawful, then a stay of execution may be decided upon. But there are some exceptions of the principle of judicial review in the Turkish legal system. The acts of the President of the Republic on his or her own competence and the decisions of the Supreme Military Council are outside the scope of judicial review.⁵⁸

The main human rights bodies of the state are the Human Rights Inquiry Commission of the Parliament,⁵⁹ the Human Rights Presidency of the Prime Ministry and the Human Rights Advisory Council.

⁵⁴ Article 148/1 of the Constitution.

⁵⁵ Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 41.

⁵⁶ Articles 150 and 151 of the Constitution.

⁵⁷ Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 41.

⁵⁸ Article 125/2 of the Constitution.

⁵⁹ It was established by Law No: 3686 in 1990.

The Human Rights Inquiry Commission of the Parliament has the authority to conduct fact-finding research on specific subjects, publish the results and investigate alleged abuses. Although the Commission has the mandate to oversee compliance with the human rights provisions of domestic law and international agreements, its purely advisory role limits its efficacy to the extent that it is not consulted on legislation affecting human rights.⁶⁰

The Human Rights Presidency of the Prime Ministry and its 931 provincial human rights councils were established to serve as a forum for human rights consultations among NGOs, professional organisations and the government. They have authority to investigate complaints and refer them to the prosecutor's office. Between January and June 2006, 778 applications were submitted, the vast majority of which were related to health and patients' rights, non-discrimination, the right to property and social security rights.⁶¹ However, many councils failed to hold regular meetings or effectively fulfil their duties owing to the lack of adequate financial and human resources.⁶² Human rights NGOs generally refused to participate in the councils, maintaining that they lacked authority and independence from the government.⁶³

The Human Rights Advisory Council includes both representatives of governmental and non-governmental organisations. The function of the Advisory Council is to build up dialogue between NGOs and the government and provide advice to relevant institutions on domestic and international matters with respect to human rights. In its 2006 progress report, the European Commission noted that the Council had not been operating since the publication of a report on minority rights in Turkey in October 2004.⁶⁴ Legal proceedings were initiated against the two main authors of this report. The initial acquittal has been overruled by the Court of Cassation in September 2007, and an appeal procedure is ongoing. The US State Department reported that, in March 2006, six NGOs withdrew from the Council because of government interference with the body.

There is no independent public body to monitor and conduct research on discrimination on the grounds of race and ethnicity, produce independent reports and recommendations as well as provide assistance to the victims in Turkey.⁶⁵ There is no available statistical data concerning race and ethnicity, which hinders the exposure and tackling of discrimination on these grounds. In

⁶⁰ Commission of the European Communities. 8 November 2006. Turkey 2006 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf.

⁶¹ Ibid.

⁶² Ibid. See also Commission of the European Communities. 6 November 2007. Turkey 2007 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.

⁶³ Ibid.

⁶⁴ Commission of the European Communities. 8 November 2006. Turkey 2006 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf.

⁶⁵ Levent Korkut. May 2003. Report on Measures to Combat Discrimination in the 13 Candidate Countries, Turkey Country Report, p. 40.

addition, Turkey has yet to establish an Ombudsman system, pending the implementation of the Ombudsman Law, suspended by the Constitutional Court in November 2006.⁶⁶ In order to comply with the EU Race Equality Directive and implement ECRI's recommendation, Turkey has to establish a specialised body to effectively combat and monitor racism and intolerance.

Discriminatory laws

Several provisions in Turkish legislation single out Roma for discriminatory treatment. Before its revocation in 2006, the Law on Settlement⁶⁷ stated at Article 4 that “those that are not bound to the Turkish culture, anarchists, *migrant gypsies*, spies and those that have been deported, are not recognized as migrants” [emphasis added]. It also stipulated that nomads and Roma were to be settled in sites designated by the Ministry of Health and Social Assistance in accordance with the programme to be made by the Council of Ministers with “a view to ensuring their loyalty to Turkish culture and improving the establishment and distribution of the population.”⁶⁸ Explicit references to Roma were dropped in the new Law of Settlement No. 5543 dated 19 September 2006. The new Article 48, however, contains vague formulations and is therefore open to discriminatory application: “Those foreigners who are not descendants from Turkish ancestry or not bound to the Turkish culture as well as those who are of Turkish ancestry or bound to Turkish culture that were expelled and those who are deemed to be unsuitable to enter Turkey for security reasons are not accepted to Turkey as migrants.”

Another provision directly discriminating against Roma, however, remained in force. Article 21 of the Law on the Movement and Residence of Aliens⁶⁹ states that “the Ministry of Internal Affairs is authorised to expel *stateless and non-Turkish citizen gypsies* and aliens that are not bound to the Turkish culture” [emphasis added].

The impact of these provisions on Roma is difficult to define due to a lack of data about their application. In fact, research carried out by the ERRC/hCa/EDROM in Turkey did not identify cases in which these provisions were enforced against Roma. Such provisions, however, have to be immediately repealed because they are in violation of Turkey's commitments under international human rights law and promote discrimination against Roma.

Badly applied laws

Other laws aimed at protecting minorities have failed to achieve the intended legal effect and due to bad application actually punish those who advocate minority rights.

⁶⁶ Commission of the European Communities. 6 November 2007. Turkey 2007 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.

⁶⁷ Law on Settlement, No 2510.

⁶⁸ Article 9 of the Law on Settlement. Unofficial translation.

⁶⁹ Law on the Movement and Residence of Aliens No 5683. Unofficial translation.

The Criminal Code criminalises, at Article 216/1, incitement to enmity or hatred on the basis of race, religion, sect or region, where such incitement leads to a clear and imminent threat to national security. Article 216/2 states that a punishment shall be enacted against anyone who openly humiliates one part of the public on the basis of their social class, race, religion or sect. Minority Rights Group International has reported that while prosecutors frequently use Article 216/2 to bring charges against individuals who express non-violent opinions, they do not resort to Article 216/1, which could potentially be used to protect minorities against hate speech, racism and anti-Semitism.⁷⁰

Another concern is the interpretation of 301 of the Criminal Code. Article 301/1 took effect in June 2005 and states, “A person who explicitly insults being a Turk, the Republic or Turkish Grand National Assembly, shall be exposed to a penalty of imprisonment for a term of six months to three years.” Article 301/3 says, “Where insulting being a Turk is committed by a Turkish citizen in a foreign country, the penalty to be imposed shall be increased by one third.” Several well-known writers, including Orhan Pamuk, have stood or are standing trial under these provisions for citing, for example, the genocide of Armenians during the last years of the Ottoman Empire or killings of Kurds during the long-lasting conflict between Turkish forces and Kurdish separatists.⁷¹

Article 83 of the Political Parties Act⁷² stipulates that the right to form a political party shall not be used to discriminate on the grounds of language, race, religion, denomination, difference in region, or establishing, by any means, a system of government based on any such a notion or concept. At the same time, political parties “shall not claim that there are minorities based on national or religious or cultural or confessional or racial or linguistic differences.”⁷³ The International Helsinki Federation reported that this provision has led to the closure of a number of political parties referring to the Kurdish question. The law also prohibits the promotion, protection or spreading of any culture or language other than the Turkish, which is defined as a threat to the unity of the Turkish nation.⁷⁴ The Act also prohibits the use of any language other than Turkish in the activities of political parties (e.g. at their meetings and in their programmes), which has resulted in a large number of prosecutions aimed mostly at Kurdish speakers.⁷⁵ The US State Department reported that on 14 February 2007 an Ankara court sentenced 13 administrators of the legal pro-Kurdish Rights and Freedoms Party (Hak-Par) to imprisonment

⁷⁰ Minority Rights Group International. 2007. *A Quest for Equality: Minorities in Turkey*, p. 29. Available at: <http://www.minorityrights.org/?lid=4572>.

⁷¹ Pen American Center. “Novelist Elif Şafak to be tried for ‘Insulting Turkishness,’ Indictments of Major Novelists Signal Erosion of Free Expression Gains in Turkey.” *Turkey Background Briefing 7/06*. Available at: <http://www.pen.org/viewmedia.php/prmMID/694/prmID/172>. Quoted in: International Helsinki Federation for Human Rights. October 2006. *Turkey: A Minority Policy of Systematic Negation*, p. 9.

⁷² Act No. 2820.

⁷³ Article 81/a.

⁷⁴ Article 81/b.

⁷⁵ Article 81/c.

of between six months to one year for distributing Kurdish-language invitations to a 2005 convention and speaking Kurdish during the convention. The defendants maintained that speaking in Kurdish is legal under the constitution and the European Convention on Human Rights.⁷⁶

The 1991 Law on the Fight against Terrorism⁷⁷ was amended on 29 June 2006 providing for new restrictions on the freedom of the press and it is feared that they will be used to further limit freedom of expression by minorities.⁷⁸ Article 6/2 of the law provides for a three-year prison sentence for “any dissemination of statements and communiqués by terrorist organisations.” Article 7/2 states, “Whoever makes propaganda for a terrorist organisation will be sentenced to five years in prison. If the crime is committed by means of the press, the penalty may be increased by half. Owners and editors will also be sentenced to a heavy fine.” Yet the law fails to define “terrorism,” a fact which gives rise to concern that it will subject to broad interpretation and misuse, as has been the case already with the old law. A new Article, 8/b, added by parliament, provides for “chain liability” under which all persons in one way or another involved in the production of an article or a programme can be prosecuted and sentenced to heavy fines.⁷⁹

Conclusion

In order to fight widespread discrimination against Roma in Turkey and guarantee real equality to Roma, the government has to ensure that the principles of non-discrimination and equality as defined in international law prevail. Discriminatory laws need to be urgently repealed, policies need to be developed and legal guarantees provided to ensure Roma the same access to basic rights and services as other citizens. An effective legal and institutional framework aimed at combating racial discrimination is essential to promoting the equality of Roma. Not only does such a framework need to offer redress to individuals who are victims of discrimination, but also act as a deterrent. Article 6 of ICERD provides that, “States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. Adequate reparation involves not just punishment of perpetrators, but also material and moral compensation of victims.”⁸⁰ In February 2003, the European

⁷⁶ US Department of State. 2007. Turkey: Country Reports on Human Rights Practices – 2007. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2007/100589.htm>.

⁷⁷ No. 3713

⁷⁸ International Helsinki Federation for Human Rights. October 2006. Turkey: A Minority Policy of Systematic Negation, p. 9.

⁷⁹ Reporters without Frontiers. 10 July 2006. “Prime Minister warned that terror law changes could impose censorship of Kurdish issues,” Available at: http://www.rsf.org/article.php3?id_article=18243. Quoted in: International Helsinki Federation for Human Rights. October 2006. Turkey: A Minority Policy of Systematic Negation, p. 9.

⁸⁰ Committee on the Elimination of Racial Discrimination. 2000. General Recommendation XXVI “The right to seek

Commission against Racism and Intolerance published a General Policy Recommendation on “National Legislation to Combat Racism and Racial Discrimination.” This recommendation provides further details as to substantive and procedural components that should be included in national legislation addressing racial discrimination.⁸¹ Criminal legislation is inadequate for providing redress for discrimination. In the Explanatory Memorandum to the above-mentioned General Policy recommendation, ECRI stated, “ECRI believes that appropriate legislation to combat racism and racial discrimination should include provisions in all branches of the law, i.e. constitutional, civil, administrative and criminal law. Only such an integrated approach will enable member States to address these problems in a manner which is as exhaustive, effective and satisfactory from the point of view of the victim as possible. In the field of combating racism and racial discrimination, civil and administrative law often provides for flexible legal means, which may facilitate the victims’ recourse to legal action.”⁸²

In its 2007 progress report, the European Commission concluded that the approach of Turkish authorities of considering “Turkish citizens as individuals having equal rights before the law rather than as individuals belonging to the majority or to a minority [...] should not prevent Turkey from granting specific rights to certain Turkish citizens on the grounds of their ethnic origin, religion or language, so that they can preserve their identity.”⁸³ The principle of equality in international law requires similar situations to be treated similarly and dissimilar situations differently. The United Nations Human Rights Committee noted that the enjoyment of rights and freedoms on an equal footing does not mean identical treatment in every instance.⁸⁴ Furthermore, the Explanatory Report of Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms states, “It should be noted that the non-discrimination and equality principles are closely intertwined. For example the principle of equality requires that equal situations are treated equally and unequal situations differently. Failure to do so will amount to discrimination unless an objective and reasonable justification exists.”⁸⁵ According to international law, positive measures are not discrimination. This is clearly

just and adequate reparation or satisfaction.” Available at: <http://www1.umn.edu/humanrts/gencomm/genexxxvi.htm>.

⁸¹ European Commission against Racism and Intolerance. 13 December 2002. General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination. Available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/3-General_themes/1-Policy_Recommendations/Recommendation_N%07/3-Recommendation_7.asp#TopOfPage.

⁸² Ibid. Explanatory Memorandum to ECRI’s General Policy recommendation No 7 on National Legislation to Combat Racism and Racial Discrimination, paragraph 3. Available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/3-General_themes/1-Policy_Recommendations/Recommendation_N%07/3-Recommendation_7.asp#P128_11460.

⁸³ Commission of the European Communities. 6 November 2007. Turkey 2007 Progress Report. Brussels. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.

⁸⁴ United Nations Human Rights Committee. 10 November 1989. General Comment 18, “Non-Discrimination”, paragraphs 1 and 8. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3888b0541f8501c9c12563ed004b8d0e?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3888b0541f8501c9c12563ed004b8d0e?Opendocument).

⁸⁵ Explanatory Report available at: <http://conventions.coe.int/Treaty/EN/Reports/Html/177.htm>. In the case of *Thlimmenos v. Greece*, the European Court of Human Rights stated: “The Court has so far considered that the right

stated in the definition of discrimination provided in the ICERD. Article 1/4 provides, “Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.” The Race Equality Directive also provides in its Article 5 that, “With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.”

The especially vulnerable situation of Roma calls for special measures. In a recent judgment, the European Court of Human Rights held, that “as a result of their history, Roma have become a specific type of disadvantaged and vulnerable minority requiring special protection.”⁸⁶

Recommendations

Withdraw reservations attached to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

Make a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on consideration of individual communications by the Committee for the Elimination of Racial Discrimination.

Ratify Protocol 12 to the European Convention on Human Rights which provides for the general ban on discrimination.

Ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

Withdraw reservations made to the Revised European Social Charter and ratify the Additional Protocol providing for a system of collective complaints.

under Article 14 not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is violated when States treat differently persons in analogous situations without providing an objective and reasonable justification (see the Inze judgment cited above, p. 18, § 41). However, the Court considers that this is not the only facet of the prohibition of discrimination in Article 14. The right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different.” *Thlimmenos v. Greece*, ECHR, Application no. 34369/97. Judgment of 6 April 2000.

⁸⁶ *D.H. and Others v. The Czech Republic*, Application no. 57325/00. Judgment of 13 November 2007.

Reform Turkey's official minority policy so as to reflect the actual existence of minorities in Turkey and to officially recognise all ethnic, religious and linguistic minorities and provide them the support and protection guaranteed by the international human rights instruments to which Turkey is a party.

Adopt a comprehensive anti-discrimination law for the effective transposition of the Race Equality and Employment Directives as part of the EU *acquis communautaire*. Provide detailed protections and procedures against, in particular, discrimination on grounds of race and ethnicity. Establish an effective enforcement body (in accordance with General Policy Recommendation No 2 of the European Commission against Racism and Intolerance) with administrative independence and sufficient resources.

Conduct a comprehensive review of all legislation to ensure that no areas of Turkish law are directly or indirectly discriminatory; any such laws should be amended or annulled immediately. Ensure that Turkish legislation fully conforms to Turkey's international human rights obligations and European standards.

Without delay, repeal discriminatory anti-Romani provisions.

Amend the Political Parties Act so as to remove restrictions on parties advocating minority rights and lift the ban on using minority languages in the activities of political parties.

Extend the prohibition of discrimination to all public authorities, corporations and individuals and in all areas including employment, education and training, housing, health care, social protection, public places and public services.

Ensure effective remedy for cases of discrimination against Roma in the fields of education, employment, housing, health care, social services and access to public accommodation. Withdraw the limit of compensation for discrimination in employment as determined by Article 5 of the Labour Code.

Amend the Criminal Code to provide for an aggravating circumstance in the event of racist motives in respect of all ordinary offences.

Provide free legal aid to members of vulnerable groups, including Roma.

Improve the institutional framework for human rights by implementing the Law on Ombudsman and provide for direct access of individuals to the Constitutional Court.

Develop and adopt a comprehensive government programme addressing the human rights situation of Roma in Turkey.

Remedy the current dearth of statistical data on the situation of Roma in sectoral fields key for

social inclusion, including statistical data comparing the situations of Roma with non-Roma in areas such as education, employment, housing, health care, access to social services and access to justice.



Romani family rendered homeless by the municipal authorities in Küçükbakkalköy, Kadıköy district of Istanbul.
Photo: Oliver Pahnecke, 27 September 2006.

Unequal Citizenship: Human Rights Violations against Turkish Gypsies¹

Gypsies in Turkey² are articulate in their claims to be citizens of the Republic and loyal to the state, which many consider to have offered their ancestors a ‘place of greater safety’ during the population exchanges of the 1920s and 1930s. For Gypsies, identification with the Turkish state is paramount to their own conception of identity. Yet many of those interviewed during the course of research carried out by the European Roma Rights Centre (ERRC), in collaboration with the Helsinki Citizens’ Assembly (hCa), and the Association for Research, Development and Solidarity with Roma (EDROM), claimed that they are often confronted with treatment as second-class citizens, denied entitlements to many of the guarantees of the Constitution for citizens of the Republic and forced to live in circumstances and conditions that degraded and devalued them.

Despite the fact that social deprivation does not affect solely Gypsy communities in Turkey, the prevalence of anti-Gypsy prejudices, manifest in the daily experiences of individuals belonging to these communities in their interaction with non-Gypsies, reveals a high degree of unequal treatment on an ethnic basis. In numerous cases from all over the country, Gypsies in Turkey experience discrimination on the basis of their identity, over and above the experiences of other poor groups in Turkish society. This reality was expressed by a man in the town of Erzincan, in the eastern Anatolian region:

“They [non-Gypsies] look down on us, freeze us out and they are afraid of us. We have submitted many job applications, but they won’t give these jobs to us. Even schools

¹ This chapter was compiled by Adrian Marsh on the basis of factual information collected in the course of field research in the period July 2006-January 2008. Anita Danka provided references to relevant international law provisions.

² This report uses the term “Gypsies” to encapsulate the widest possible community. Modern Turkish Gypsy populations include Roma, Domari and Lomari (all drawn from the word “man”: Rom, Dom, Lom). They have each maintained a distinct culture, including to a greater or lesser extent their historical languages of Romanes, Domari and Lomavren. Throughout the text, these ethnonyms are used to refer to the respective groups.

sometimes discriminate against our children by not enrolling them when they find out which *mahalle* they live in. The teachers are only nice to our children because they are afraid of violence from the parents... We can't even go to a public coffeehouse and sit down like any other citizen. When we do, the owners tell us to leave because we scare the other customers... Sometimes there are small arguments taking place in the neighbourhood, but when this happens the entire police force arrives and imposes a curfew lasting for several days. They come here two or three times a year depending on how bored they are... they know we are strong together, so they evict us and scatter us around to weaken us; so that we don't know what each of us is doing any more.”³

This chapter of the report is based upon research in the field undertaken by the European Roma Rights Centre (ERRC), the Helsinki Citizens' Assembly (hCa), and the Edirne Association for Research, Development and Solidarity with Roma / Edirne Roma Association (EDROM) in the period July 2006 - January 2008. The research team worked in the field with local Romani and Domari organisations and other civil society non-governmental organisations.

Summary of the findings

Destruction of Gypsy communities, degrading living conditions, discrimination in access to housing

Many Gypsy communities throughout Turkey face serious infringements of the right to adequate housing ranging from forced evictions and demolition of entire communities to exposure to extremely substandard living conditions and lack of security of tenure. In the context of urban redevelopment projects, local authorities have removed entire communities without recourse to any publicly accountable process and in the majority of cases these projects have had a disparate impact on Gypsy communities. Communities subjected to forced evictions usually do not have legal title to land but have lived in a certain area for generations; in some instances housing built with legal permission by the authorities has also been destroyed. One and the same community may experience serial forced evictions in the course of months or years, without having recourse to independent review for such actions or to alternative accommodation or compensation. Forced evictions are sometimes executed by police and individuals are subjected to excessive force. Harassment of mobile groups, including the wholesale burning and demolition of tents and temporary shelters is common practice by police officers and municipal security officers (*zabıta*) in parts of Turkey. Those Gypsies who have been effectively dispossessed as a result of demolitions join the large numbers of internally displaced persons that

³ ERRC/hCa/EDROM interviews, October 2006, Erzincan. The ERRC/hCa/EDROM respect the concerns about personal security expressed by almost everyone interviewed in the course of research and withhold the names of interviewees or provide false initials, if not otherwise indicated in the text.

are living in Turkey with little access to basic rights such as education and health care as a result of a lack of fixed residency.

Violence against Turkish Gypsies

Gypsy communities are raided by security forces in cases of petty crimes committed in the vicinity. Arrests take place in 'swoops' upon the community or local tea-houses where Gypsy men gather, or on mobile communities where women are also targeted and numerous individuals are removed and detained without access to legal representation or communication with family members. Detentions can last for several days without any indication being given to the detainees about the nature of the investigation or accusation against them. Instances of torture and ill-treatment of Gypsy persons have been reported during these periods of detention, but none of those who divulged this information were willing to pursue redress for fear of further persecution. Police officials also assault Gypsy children working in the streets of towns and cities, beat them, confiscate whatever monies they have in their possession, and often deport them to the outskirts of the town.

Gypsy women are subjected to violence from state actors in similar circumstances when caught begging or fortune-telling in the streets. The widespread perception of Gypsy women as 'loose' and immoral makes them targets as suspected prostitutes, even at very young ages.

Non-state actors are also involved in perpetrating acts of violence against Gypsies in Turkey. The situation of Dom Gypsies in south eastern Turkey, for example, is one of frequent abuse at the hands of other communities. Women are especially vulnerable, as marriages into these communities place them in danger if their identity is discovered. The research documented instances of marital rape, torture and even murder by husbands and family members, under the guise of so-called 'honour killings'. Confrontations between groups of young Gypsies and other groups have taken place in İstanbul in areas where these groups are both in competition for scarce resources (trying to access the same narrow economic niches), and where competing notions of identity conflict, or adherence to religious observance is deemed 'lacking' in the Gypsy community by others. Public celebration of weddings can lead to confrontations in neighbourhoods where there are mixed populations, and these can turn violent when conceptions of nationalism come into play.

Violence against Turkish Gypsies is part of a culture of 'normalised' violence that both exists in wider society and has been internalised within the communities themselves, in turn feeding stereotypes regarding Gypsy neighbourhoods as dangerous, violent places filled with blood-feuds and heavily armed populations. Such stereotypes thus legitimise any violence carried out by state actors against Turkish Gypsies in the eyes of the wider society.

Marginalisation of Turkish Gypsies in education

Schooling in Turkey is a fundamental right for all citizens in the Republic and the state both encourages and, on occasions, coerces parents into sending their children to school as a legal requirement, particularly in areas where traditional notions exist about the dishonour of sending girls to school. Support for education is widely regarded as a necessary and positive attribute of modern citizenship, with concomitant notions of 'backwardness' amongst those communities that deny girls and young women the opportunity for education. Education is also strictly non-segregated on gender lines or on ethnic lines, as stipulated by the Turkish Constitution, where the formal language of instruction is Turkish (except in those institutions identified within the framework of the Treaty of Lausanne, that teach the curriculum through French, Italian, Greek or English or private educational establishments, licensed by the state). Religious education in the mainstream education system is tightly controlled and monitored (though this issue is one that is being highly contested at present), and the system of religious schools (imam-hatip liseleri) that exists in Turkey is considered as a wholly diverse conduit in education, and their graduates need to achieve higher points in the entrance exams to mainstream colleges and universities.

This brief outline being given, the obstacles for Gypsy children and young people in accessing quality education are many and diverse. There are associated costs with education in Turkey that mean that children from poor Gypsy families (the vast majority) are unable to participate fully; specifically the costs of books, pens and pencils, clothing (most schools require a uniform), shoes, money for school projects undertaken during the term, and the registration costs (usually hidden in terms of donations to the school funds) are all beyond the financial capacities of these families. The necessity for many children to work and contribute to the family income is also a major inhibitor to their successful participation. The transition from basic schooling to high school is one that is all-too-frequently not made by Gypsy children, due to predominantly economic reasons. Thus, the likelihood of young people going on to achieve higher qualifications, or even to attend university, is very low indeed.

Economy is not the only reason that Turkish Gypsy children under-achieve at school at all levels. Prejudice is widespread and antipathy in the classroom is often led by negative attitudes from teachers that are emulated by other students. Gypsy children are frequently made to sit at the back of the class, in a group that receives little or no attention and is reduced to simple copying, drawing or behaviour that stems from boredom and disaffection. Aspirations remain low in an environment where expectations are correspondingly poor. Low expectations for Gypsy children have been made obvious on a number of occasions when prejudices about the in-educability of Gypsy children were expressed by teachers to researchers, or the widely held belief that Gypsy children and their families are not interested in education per se.

In some schools where the population is almost overwhelmingly from the local Gypsy community, the tendency for other children to be withdrawn is high, effectively creating segregated schooling. These schools then receive poorer resources, teachers are less motivated, and the cycle of under-achievement deepens. Allocation of support for poorer families is usually at the bequest of the teachers in classes, and frequently Gypsy children are denied this support despite obvious need. Prejudicial attitudes of school administration isolate Gypsy parents from the school environment and their children's education; in some instances, even the physical presence of Gypsy parents in the school premises is prohibited and they must await their children at the school gate. Absences from school are treated as entirely normal (in distinct contrast to the efforts made to enrol girls and young women elsewhere), often resulting in children 'disappearing' from the school rolls entirely. Gypsy children are actively excluded from school activities surrounding national events or graduation in some schools, except in the role of performers of music, the one area that schools allocate to Gypsy children as potentially contributing to school life.

Violence in schools by students bullying or harassing Gypsy children is commonplace, with little or no intervention on the part of the school management. In global terms, Turkish Gypsy children as a group are the least educated, lowest achieving, poorest attending and most illiterate in the education system.

Exclusion of Turkish Gypsies from employment

The economic situation for many Turkish Gypsies from all groups is almost unremittingly dire. Even in the group that represent the 'elite' in Gypsy communities, the musicians, the situation is rapidly declining for a variety of reasons outside of the prejudice and discrimination that affects the majority of them. In most cases, access to secure, permanent employment that enjoys social insurance cover and contractual security is entirely absent. Employment is almost always temporary, part-time and frequently off-the-cards (paid without any records, taxes, and insurance or social security contributions); it is also hazardous and carried out without any regard for health and safety considerations in many instances. What employment there is for Turkish Gypsies is concentrated in the unskilled, manual labour sector, with little opportunity in semi-skilled or skilled artisan occupations. The belief that Gypsies are shiftless, idle and incompetent workers is axiomatic. The limitations upon Turkish Gypsies extend to employers denying the possibility of promotion or advancement to workers, arbitrary dismissal and withholding of insurance payments, leaving unemployed workers with no access to social security.

The vast majority have no employment to speak of and exist on what little they can garner from occasional labouring, peddling or begging, often under the guise of selling small goods on the street. Recruitment to government services and the state bureaucracy is effectively closed by prejudice and poor education, as is working in business proper, the education sector, the health

sector, or advancement through the military services. Whilst there are examples of individuals who work as police officers, engineers or university lecturers, these are exceptional and these individuals do so by 'passing' as non-Gypsies in most cases.

Discrimination against Turkish Gypsies in access to health care and social assistance

The difficulties in accessing these services are both a consequence of the lack of personal documentation and prejudice. The 'green card' system that allows poorer people to secure treatment for illness or as a result of accidents is only partially accessible for many Turkish Gypsies, and especially problematic for the mobile groups. There are frequent instances of reluctance, and sometimes refusal, to treat Gypsy patients who present themselves at hospitals and general clinics, or dismissive behaviour on the part of doctors. Such reports seriously question the quality of medical care services available to Gypsies. On the other hand, even when an ailment is diagnosed, the cost of medicines is prohibitive for many individuals and treatment is therefore substandard or altogether inaccessible.

Dental care is especially poor and the traditional recourse (in eastern regions) to unregistered Dom Gypsy practitioners is being curtailed by the enforcement of hygiene regulations that are positive in intention but negative in impact.

Respiratory illnesses are endemic amongst Turkish Gypsy populations, most often linked to poor housing and smoking, particularly amongst Gypsy women where the incidence is some three or four times the national average, according to observations from general clinic practitioners. Occupational injuries are also widespread amongst Gypsy men, largely as a result of working in poor conditions without adequate protection or long-term exposure to hazardous conditions or inclement weather.

Access to social assistance is equally restricted. Although many families do receive some level of support from the state and local authority, this is neither comprehensive enough, nor is it based upon any thoroughgoing assessment criteria of real needs.

Difficulties in accessing personal documents

There are high numbers of Turkish Gypsies for whom the lack of personal documents is a major barrier to accessing a range of basic rights. Though the research did not find many examples of extreme cases where citizenship itself was at issue, Gypsies in Turkey encounter many difficulties in accessing personal documents including, but not necessarily limited to, birth certificates, personal identification cards, papers related to residency (especially problematic amongst the many mobile groups the research teams encountered or those dispossessed by the demolition of their homes), documents related to accessing health services (the so-called 'Green Card' or identification of the right to health care by poorer people), social security papers and passports.

The lack of one or more of these papers can lead to problems registering children at local schools, for example, and effectively deny access to crucial services or further documentation necessary to realise certain rights such as voting or property rights. In one instance, the local authority in Adana reportedly attempted to address this issue with an “amnesty” for all Roma lacking personal documentation, to ensure they had sufficient identification in the future.⁴

Exclusion of Turkish Gypsies from participation in public affairs

The representation of Turkish Gypsies at all but the most basic levels of the political structure is a fact in the political life of Gypsy communities. Whilst there are examples of local authority representatives (muhtar), elected by local communities, these officials are limited in powers and authority to basic tasks such as registration in particular neighbourhoods and bringing the attention of the local authority (belediye) to particular practical issues such as street cleaning or road repairs. There are reportedly examples of Turkish Gypsies who have achieved office at higher levels, but these are never individuals who have been willing to publicly acknowledge their origins.

The few Turkish Gypsies who are appointed to positions within the Turkish education system achieve their success again by ‘passing’ as non-Gypsies. Once again those teachers, school principles and administrators who are working in the education system do not declare their ethnic origin for fear of prejudice and discrimination against them or, if they do, they experience daily the expressions of such from their colleagues.

There are very few Turkish Gypsies at work in the state bureaucratic system at all but the lowest levels. Engagement with local authorities for most Gypsies is one that is limited to particular aspects, namely their participation during elections when particular parties make efforts to secure their support. These efforts have reportedly been in the nature of monetary offers to individuals in the community who are perceived to be able to mobilise others from the community, or promises of economic and social regeneration that rarely materialise in the aftermath of any successful candidature. Aside from this, the bureaucracy at any level in Turkey has almost no contact with Gypsies as administrators or bureaucrats themselves.

⁴ Contribution by a local government official in Adana during discussions at the ERRRC/hCa/EDROM Human Rights Training Workshop, Adana, 19 May 2007.

Destruction and marginalisation: Violations of the right to adequate housing

Domestic and international law provisions on the right to adequate housing

The right to housing is a fundamental human right and it incorporates rights such as freedom from discrimination in access to housing and related services, the right to peaceful enjoyment of possessions, the right to an adequate standard of living, the right to respect for private and family life, and the right to protection from forced evictions and the provision of alternative accommodation.

The Constitution of Turkey, at Article 5, lists as a fundamental aim and duty of the state to “strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social state governed by the rule of law; and to provide the conditions required for the development of the individual's material and spiritual existence.” Article 56 of the Constitution ensures everyone's right to live in a healthy environment and makes it the state's responsibility to improve the natural environment. Article 57 declares that the state will “take measures to meet the need for housing within the framework of a plan which takes into account the characteristics of cities and environmental conditions and supports community housing projects.”

Adequate standard of living

The most comprehensive standards of the right to adequate housing are elaborated in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and General Comments 4 and 7 by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) which interpret the normative contents of this Article. Article 11(1) of ICESCR provides that: “The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living [...] including adequate food, clothing and housing, and to the continuous improvement of living conditions.” General Comment No. 4 on the right to adequate housing under Article 11(1) of the ICESCR states: “The right to adequate housing applies to everyone” and the “[...] enjoyment of this right must, in accordance with Article 2(2) of the Covenant, not be subject to any form of discrimination.” The Committee further states that the right to housing “should be seen as the right to live somewhere in security, peace and dignity.” It is not just the right to housing, but to adequate housing. The elements of adequacy were defined by the Committee as including:

“a) Legal security of tenure. Tenure takes a variety of forms, including [...] emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring

- legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;
- b) Availability of services, materials, facilities and infrastructure [...] All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;
 - c) Affordability [...];
 - d) Habitability [...];
 - e) Accessibility [...];
 - f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;
 - g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, *inter alia*, modern technological facilities, as appropriate are also ensured.”⁵

General Comment No. 15 of CESCR defines access to potable water as a human right, thus obliging signatories to not directly or indirectly block access to potable water. It is clearly stated that: “Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.” With respect to the non-discrimination principle, the Committee states “Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups [...]” The Committee finally notes “Water is required for a range of different purposes, besides personal and domestic uses, to realize many of the Covenant rights. For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health). Water is essential for securing livelihoods (right to gain a living by work) and enjoying certain cultural practices (right

⁵ Committee on Economic, Social and Cultural Rights, General Comment 4, The right to adequate housing, (Sixth session, 1991), U.N. Doc. E/1992/23, annex III at 114 (1991). Available at: <http://www1.umn.edu/humanrts/gencomm/epcomm4.htm>.

to take part in cultural life). Nevertheless, priority in the allocation of water must be given to the right to water for personal and domestic uses.”⁶

Forced evictions

Forced evictions are considered to be *prima facie* incompatible with human rights standards.⁷ The CESCR, in its General Comment 7, defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from their homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”⁸

General Comment 7 recognises the interrelationship and interdependency of all human rights, and that forced evictions therefore frequently violate other human rights. It states, at paragraph 4, “[...] while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.”

Paragraph 10 of the Comment notes that, “Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. [...] The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.”

Furthermore paragraph 13 provides that: “States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders [...].”

Paragraph 14 adds: “In cases where an eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality [...].”

⁶ Committee on Economic, Social and Cultural Rights, General Comment 15, The Right to Water (Articles 11 and 12 of the Covenant), (Twenty-ninth session, 2002), U.N. Doc. E/C.12/2002/11.

⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 4 “The right to adequate housing (Art.11.1): 13/12/91, par.18.

⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 7 “The right to adequate housing (Art.11.1): forced evictions. 20/05/97. par. 3. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument).

Finally, paragraph 16 states, “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

Protection against arbitrary interference with privacy is guaranteed by a number of international instruments. Article 17 of the International Covenant on Civil and Political Rights (ICCPR) stipulates that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.” Article 8 of the European Convention on Human Rights (ECHR) guarantees respect for private and family life, stating, “There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.” Forced evictions and extreme housing conditions may rise to the level of cruel and degrading treatment or punishment, as banned under Article 3 of the ECHR.⁹

Destruction of Gypsy communities

The demolition of Gypsy communities has been a constant factor in the rapid urbanisation of Turkish cities, since at least the 1950’s. Commercial redevelopment and urban renewal were primarily the reasons for the displacement of communities. Such measures affected all poorer communities in Turkey, and were not consistently targeted at one group. Gypsy communities, however, have been more vulnerable than others as they frequently inhabited older areas in the heart of towns and cities that could be profitably sold to agencies and corporate interests. In addition to disruption of personal life and security, the demolition of Gypsy communities and their forced removal has damaged Gypsy culture immeasurably through detaching those elements of communities that retained the traditions and customs of the past from younger generations. The resultant break-down in many cases has led to poverty and marginalisation.

The enactment in 2005 of the Urban Renewal Law No 5366 gave impetus to a number of urban transformation projects, many of which resulted in massive destruction and dislocation of Gypsy communities throughout Turkey. The legislation itself is deeply flawed and its

⁹ Selçuk and Asker v. Turkey, judgment by the European Court of Human Rights dated 24 April 1998. Application numbers 00023 184/94 and 00023 185/94; Bilgin v. Turkey, judgment by the European Court of Human Rights dated 24 April 1998. Application numbers 00023 184/94 and 00023 185/94.

application is widely perceived to have a disparate impact on Gypsy communities as Gypsy neighbourhoods are overly represented in the areas 'zoned' for redevelopment.¹⁰

The evictions documented in this report violated international law. As a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, Turkey is obliged to protect everyone from arbitrary or unlawful interference with their home and family, as well as take steps to realise the right to adequate housing. Forced evictions violate both these basic obligations and result in multiple other human rights violations.

Forced evictions of Gypsy communities from areas slated for urban renewal have often been carried out without due notice for the residents and without adequate consultation with the community prior to any action taking place; in some instances law enforcement officers and local authority security officers (*zabıta*) have used excessive force to coerce people to leave their accommodations; and no alternative accommodation or due care and regard for the residents has been provided once their property was demolished. Access to legal representation for persons affected by such actions is severely limited, and has only been available through the intervention by various activists and advocates. In very many cases the relocation of Gypsy neighbourhoods is an ad hoc affair or one where no concern is shown regarding the amenities and conditions for the displaced population. "They've sent us to a spot even God doesn't give a damn about, we've been sent to exile", stated one of the interviewees in Erzincan, in the eastern Anatolian region.¹¹

The instances of such demolition are increasingly widespread, with enormous impact on the fabric of long-established communities, such as that of Çiğin Bağları in Ankara, now almost totally demolished and the community forcibly relocated to outlying neighbourhoods or migrating to İstanbul and other urban centres.

In earlier years, the Gypsy community of Kuştepe in İstanbul, originally located in the Zincirlikuyu area of İstanbul, were forcibly evicted in the course of development of an area of housing for journalists around 1955, as older residents remember. The Kuştepe quarter was built upon what were, at the time, green areas by the Gypsies who moved there, using whatever materials they could obtain. The area was also the destination of numbers of Alevi Gypsies who

¹⁰ The detrimental consequences of urban transformation projects on Romani communities were also highlighted by the European Commission in its 2007 report on Turkey's progress toward EU accession. The European Commission stated: "Further to an April 2006 decision by the Council of Ministers, an urban renewal programme targeting "wrecked urban areas" is being implemented. In this context Roma neighbourhoods have been demolished in several provinces, in particular in İstanbul. İstanbul municipalities have taken no steps to provide shelter, basic sanitary facilities or other social and economic services for Roma people after the demolitions. Inhabitants of the Sulukule district in İstanbul and civil society organisations have applied to the Administrative Court of İstanbul to suspend the expropriations and evacuation of the district." See European Commission, Turkey 2007 Progress Report, pp. 22-23. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.

¹¹ ERRC/hCa/EDROM interviews, Erzincan, 14 October 2006.

had been forced to migrate from Ankara's Çiçin Bağları neighbourhood in the first demolition there during the 1970's.

Dolapdere in İstanbul was an area of largely Greek and Armenian settlement, as evinced by the remaining churches in the district. With the emigration of the original population after the xenophobic riots of the mid-1950's,¹² the area was re-inhabited by Gypsies from Zincirlikuyu and elsewhere in the city (expanding rapidly on the European shore) who had been displaced, and from the rural-urban migration then taking place in Turkey, especially in the developing west of the country.

The basket-makers of the Eminönü district of İstanbul were removed during the development of the area in the 1990's and 'decanted' to the distant suburb of Gaziosmanpaşa, where municipal services are unreliable (there has been no proper water supply in some streets for over two years now). The community had been in Eminönü for some centuries and had at one time (1643) paid for the restoration and rebuilding of the Sepetçiler Kasrı on the Golden Horn shore, in recognition of the Sultan İbrahim's patronage of their guild.

Currently, there are a number of urban renewal projects that threaten demolition or have actually succeeded in the destruction of Gypsy communities: Sulukule, Kağıthane, Küçükbakkalköy, Dolapdere (Hacıhüsrev), Kuştepe and Gaziosmanpaşa (where it was originally suggested in newspaper reports that some of the dislocated Sulukule community were going to be re-housed) in İstanbul, Çiçin Bağları in Ankara, Yeniköy in Diyarbakır, Turgutreis in Mersin, Kınalıçam in Yusufeli, 28 Haziran mahallesi in İzmit, Çarşı and Taksim mahallesi in Erzurum, and Gündoğan in Balıkesir (this list is not exhaustive). Other areas of İstanbul, such as Kasımpaşa where a new sports complex has been developed or Galata where property redevelopment has dislocated the Gypsy communities, have also been affected in the last four years.

The researchers were able to establish where further demolitions were likely to take place in the future, such as Turgutreis mahallesi in Mersin, scheduled for summer 2008 to enable the construction of a new private hospital. Discussions between the affected communities and local authority officials charged with the responsibility of carrying out these actions were not productive as of the time of the ERRC/hCa/EDROM visit, in that the responses to the concerns

¹² The riots in İstanbul in September 1955 saw the widespread destruction of Greek, Armenian and Jewish properties in the wake of a false report that the house of Mustafa Kemal Atatürk in Thessaloniki, Greece, had been bombed. Thousands of Greek-owned businesses, schools, churches and private homes were attacked and destroyed; men were forcibly circumcised and women raped and beaten. See Mehmet Ali Birand, "The shame of Sept. 6-7 is always with us", Turkish Daily News, 7 September 2005; Speros Vryonis, Jr. (2005), *The Mechanism of Catastrophe: The Turkish Pogrom of September 6-7, 1955, and the Destruction of the Greek Community of İstanbul*, New York: Greekworks.

raised on behalf of the residents threatened with eviction, or who have already experienced this, were not met with concrete steps to address these concerns or effects.¹³

Sulukule

More recently, between 2006 and 2008, the Sulukule district located in the historical peninsula of İstanbul at the foot of the Byzantine Wall in the Municipality of Fatih, has focused public attention in Turkey and internationally¹⁴ following the municipality's decision to proceed with an urban renewal project, involving the demolition of the old neighbourhood. The urban renovation project, in effect since November 2007, foresees the eviction of about 5,000 persons - - an estimated 3,500 of whom are Romani -- from the old neighbourhood and their transfer to housing complexes at the Taşoluk district located some 40 kilometres away from the city centre. The demolitions in Sulukule threaten to expose many of its residents to precarious housing conditions and to negatively impact their access to jobs and social services. More than a half of those to be evicted do not own property and are not entitled to any compensation. The prices of rents outside Sulukule, including the housing in Taşoluk, are not affordable to many of the current Sulukule tenants.

Sulukule first suffered in the mid-1960's when destruction of large areas of the original Gypsy quarter caused many residents to leave or relocate to nearby locations. The community again experienced disruption after 1995 when the municipal authority and police sought to close down the music and entertainment venues, effectively throwing the community into poverty and immiseration.

On 13 July 2006, the Housing Development Administration of Turkey (Türkiye Toplu Konut İdaresi (TOKİ) and Fatih Municipality signed an agreement for constructing new buildings in the area, involving the demolition of most of the existing neighbourhood. According to local activists from the Sulukule Roma Association, the renovation plan was made without any consultation with local residents and the interests of the local community were not represented in the planning process.¹⁵ The view of Fatih Municipality was that the project offers an opportunity for the residents to move to modern and safe apartments.¹⁶

In December 2006, the government endorsed the rapid expropriation of the land in Sulukule. Owners were reportedly offered a compensation of YTL 7,000-25,000 (approximately 3,500-

¹³ ERRC/hCa/EDROM interview with Adnan Keser, Mersin, July 2007.

¹⁴ See for example, BBC News, "İstanbul's Roma Face Upheaval". Available at: <http://news.bbc.co.uk/2/hi/europe/7036045.stm>.

¹⁵ Sulukule Roma Association. Press release "Demolition of Historic Romani Neighborhoods in İstanbul". Available at: www.idw.idebate.org/roma/countryarticles.php.

¹⁶ ERRC interviews with Fatih Municipality officials, İstanbul, September 2006.

12,500 EUR) to be paid over the course of five years. As a result, many of the owners sold their houses to third parties.

Litigation against the Sulukule urban regeneration project

In December 2007, the ERRC, hCa, and EDROM acting on behalf of four residents of the Sulukule neighbourhood in Istanbul and the Sulukule Roma Association, challenged the urban renovation project for the neighbourhood developed by the Fatih Municipality in the jurisdiction of which Sulukule is located, before the Istanbul Administrative Court.

In their complaint the applicants ask the court to suspend the implementation of the urban renovation project and to annul the Fatih Municipal Council's decision 2007/156 for the implementation of the project on the grounds that it is in contravention to the national Constitution, a number of domestic legislative acts, as well as international human rights law. In particular, the applicants claim that the implementation of the project is in violation of the Constitutional protection of the right to property and heritage as well as the protection of historical, cultural and natural assets. Furthermore, the complaint asserts that the project violates rights protected under the European Convention for the Protection of Human Rights and Fundamental Freedoms - the right to private and family life (Article 8); the prohibition of discrimination (Article 14) in connection with Article 8; as well as the right to peaceful enjoyment of one's possessions (Article 1, Protocol 1). Moreover, it is in breach of UNESCO instruments regulating world heritage.

On 28 January 2008, the Court requested the position of the Municipality in response to the Applicants' allegations and stated that it would deliver its decision on the requested interim measures having received the Municipality's standpoint. In the meantime, Fatih Municipality proceeded with demolishing houses in Sulukule. In February 2008, more than 50 houses were demolished.

On 25th February 2008, the applicants filed a motion for an immediate order to cease the implementation of the project by Fatih Municipality pending decision of the court. The applicants called for an immediate action by the court based on the threat of grave and irreparable harm.

On 3 March 2008, a second motion was filed by the applicants referring to the claims of 31 December 2007 and 25 February 2008.

On 13 March 2008 another seven houses belonging to Romani families were demolished in Sulukule regardless of the fact that the notice for demolition stated that the houses should be evacuated by the end of March 2008. Two of the houses were destroyed while they were still inhabited by tenants. As a result, approximately fifteen people, among them seven children, were rendered homeless. No alternative accommodation has been provided to the tenants.



The demolition of a historical wooden house in Sulukule, October 2006



The demolitions in Sulukule / İstanbul, October 2006

The situation of the tenants in Sulukule, who comprise more than a half of the neighbourhood's residents, however, is highly precarious. Tenants are not entitled to any compensation; most of them have a monthly income of less than 220 EUR and cannot afford renting accommodation outside of Sulukule where prices are several times higher than in the old neighbourhood.¹⁷ In December 2007, Fatih Municipality allocated apartments for 204 tenants in Taşoluk, an area located about forty kilometres away from Sulukule.¹⁸ As of March 2008, however no contracts were signed for these apartments due to the fact that banks required YTL 800-1300 (approximately 400-650 EUR) as stamp tax from the tenants and the amounts were unaffordable for the tenants. The majority of the tenants living in demolished houses had to relocate to districts other than Sulukule, where the rents are 4-5 times higher than their former quarters. Those who could not afford increases in their rental payments took refuge in the houses of their relatives or rooms that their neighbours provided.

In the meantime, Fatih Municipality proceeded with demolishing houses in Sulukule. As of the end of March 2008, over 50 houses were demolished. In certain instances demolitions proceeded reportedly in violation of the law. According to information from the Sulukule Platform, on 11 February 2008, Fatih Municipality demolished nine houses, two of which were officially registered cultural heritage sites. According to Turkish legislation, such buildings cannot undergo even minor renovations without permission from the Cultural and Natural Assets Protection Council.¹⁹ By the time the houses were destroyed, such permission had reportedly not been obtained by the municipality. There are reportedly total of forty-five houses protected on the grounds of cultural heritage in Sulukule. On 13 March 2008, another seven houses belonging to the Romani families were demolished in Sulukule. Two of the seven houses were destroyed while they were still inhabited by tenants. No alternative accommodation has been provided to the tenants. Furthermore, although the notification for demolition stated that the houses have to be evacuated by the end of March 2008, the municipal authorities did not observe the deadline they had set themselves. As a result, approximately fifteen people, among them seven children, were rendered homeless. In addition, during the demolition two

¹⁷ According to a research conducted by the Sulukule Platform, 13% of the tenants used to pay less than 100 YTL (approximately 50 EUR), 60% paid less than 200 YTL (approximately 100 EUR), and 80% paid less than 300 YTL (approximately 150 EUR 150). In the districts neighbouring Sulukule, the prices of rents start from 600 YTL (approximately 300 EUR).

¹⁸ Renters can acquire ownership of the apartments by paying monthly instalments of 275-475 YTL (approx. Euro 138- 238) depending on size of the apartments, over a fifteen year period.

¹⁹ The Law on Protection of Cultural and Natural Assets (No. 2863), issued in 1983, defines all cultural and natural assets – known or to be discovered – as state property. The Ministry of Culture's Higher Council for Protection of Cultural and Natural Assets determines the general principles governing protection areas, and forms local Protection Councils that are required to implement those principles in terms of formation and management of candidate reserves. According to its founding legislation, any governmental organization (including municipal authorities) and the courts must abide by the decisions of local Protection Councils. Infringements are subject to heavy fines or 2-5 years' imprisonment.

neighbouring buildings were seriously damaged and private property of the people who could not gather their belongings in time were destroyed.

Elsewhere, the destruction of Gypsy communities has followed similar patterns with urban redevelopment used to dislocate and displace communities in city locations, often quite central, and deposit them on the outskirts of towns in settlements that lack basic amenities and facilities.

Municipal authorities reverse demolition plans after negotiations with Roma

The ERRC/hCa/EDROM documented one instance in which the negative impact on Roma as a result of the Urban Transformation Law enforcement has been avoided as a result of cooperation between the municipality and the local Romani communities. In early 2007, Konak municipality of İzmir developed an urban transformation plan targeting the Ege neighbourhood. The neighbourhood is home to approximately 6,000 people, most of whom are Roma. According to the urban transformation plan the majority of Ege neighbourhood would be transformed into a “green zone” for which the land was to be expropriated and the Romani community was to be evacuated.

The Romani community, in cooperation with Chamber of Architects and the Chamber of City Planners, started negotiations with the municipal authorities. As a result, on 15 June 2007 the Konak municipality amended the plan according to the demands and concerns of the Romani residents and the project to transform the Ege neighbourhood into a green zone was cancelled.

Furthermore, on 26 October 2007, another meeting was held with the participation of ERRC/hCa/EDROM legal consultant Hilal Küey, representatives of the Chamber of City Planners, representatives of the Federation of Aegean Roma Associations and representatives of the İzmir Metropolitan Municipality. At this meeting, six alternative plans prepared by Faculty of Architecture of Ege University to rehabilitate Ege neighbourhood were presented and discussed. All of these projects envisaged transformation of the Ege neighbourhood while protecting the existing social and cultural fabric. Romani representatives supported the alternative plans in general, however raised their concerns on certain issues. The participants decided to present the plans in a larger meeting enabling the participation of the local inhabitants and carry out the discussion further. The ERRC/hCa/EDROM continue monitor the developments through attorney Hilal Küey.

Kağıthane

On a number of occasions, destruction of Romani communities involved heavy police forces and violent action against the communities. In the Kağıthane district of İstanbul, according to testimonies of local residents, in August 2006, the neighbourhood was awoken in the early morning hours by the arrival of large numbers of police and municipal security officers

(zabıta).²⁰ Residents asserted that they had not had any notification prior to the demolition, and that the arrival of the special forces (Çevik Kuvvet) in the morning had been the first indication of the impending action. The police officers and zabıta used tear-gas against the inhabitants and there were a number of confrontations that resulted in the burning of eight houses by the residents themselves. The residents also asserted that no demolition order was presented to them; the only documentation presented by the zabıta was an internal memo informing these officers about the impending action. The authorities also failed to provide any information about the body that issued the eviction order, its legal grounds, and the appropriate body for appealing such decisions.

Of the thirty-three original houses, some sixteen were demolished at this time, including three that had legal registration [the neighbourhood had twenty houses that had been given a temporary deed (tapu tahsis belgesi), and thirteen were described as illegal (gecekondu)]. No alternative accommodation was offered and an attempt by one of the residents and leader of the community, Cemil Atmaca, to bring a legal case against the demolitions was unsuccessful.

As of September 2006, when the ERRC/hCa/EDROM visited the Kağıthane district, demolitions had been going on for at least one year, according to Roma from the neighbourhood. At some point in 2005, prior to the first demolitions, İstanbul Metropolitan Municipality announced the upcoming implementation of the regeneration programme to the residents and reportedly offered compensation for the demolition of 30,000 YTL (approximately 15,000 EUR) to persons who had legal housing, and 2,000 YTL (approximately 1,000 EUR) to tenants. With the promise of these monies, some of the property owners had begun to demolish their houses themselves and researchers spoke to one older man who had demolished his own house the week previous to the visit but had received no compensation for doing so and had reportedly been told by the mayor of Kağıthane that all compensation for the demolition had already been paid in full.

According to the residents of Kağıthane's Yahya Kemal mahallesi, the place had been home to many of them for some fifty or sixty years (historically, the presence of Gypsies in this part of the city is well-documented during the Ottoman period, as entertainers during the festivals and holidays when people would resort to the 'Sweet Waters' of the area). The regeneration programme for the prevention of slum dwellings foresees a sports complex to be built on this land. Part of the project is reportedly under the auspices of the İstanbul Water Authority (İSKİ), which had demolished six houses in preparation for constructing a new water pipe below the previous dwellings. The İSKİ had reportedly offered compensation equal to that offered by the municipality as well as alternative accommodation in the Gaziosmanpaşa district, some forty kilometres outside of the central city.

²⁰ ERRC/hCa/EDROM interviews, İstanbul, 20 September 2006.

As a consequence of the events, researchers were told that several children had been traumatised and were afraid to leave the house or stay away from home. Following the evictions and demolition, the inhabitants had been forced to either move in with relatives or build shelters on the sites of their former homes, where they remained as of February 2008.

Küçükbakkalköy

In July 2006, bulldozers, accompanied by several hundred police officers, arrived at around 5:30 AM at Tevfik Fikret Street in İstanbul's Küçükbakkalköy neighbourhood and started demolishing the housing of Roma living in the neighbourhood.²¹

The demolitions affected around seventy-eighty houses. According to residents of the neighbourhood, they had not been notified for the demolition operation. Police had reportedly told the residents that they had come to carry out cleaning and asked them to wait in the street. While the Romani residents were waiting in the street, bulldozers started demolishing their houses with all the property and effects (and the domestic pets in some cases) inside the houses. Some of the inhabitants climbed up onto their roofs in order to stop the destruction of houses, acting as 'human shields'. After some hours of stalemate in this confrontation, (sometime around 10:00 AM according to the residents researchers spoke to), the police launched tear gas and forcibly began removing people from the houses.

At least one instance of what appears to be the use of demolition to 'punish' an individual or family appears to have taken place in the Küçükbakkalköy neighbourhood when a family dwelling was demolished even though the family possessed proper documentation certifying that the house was legally built. No explanation for this action was offered at the time but an apology for making a "mistake".

According to the testimonies of interviewed Roma, in November 2005, municipal officials notified the inhabitants of Tevfik Fikret Street that they had to leave the area due to the forthcoming reconstruction project. At that time, most of the Romani families who had legal documents for their houses sold the houses to a company which had obtained permission to construct apartment buildings in the area. A number of Roma did not agree to sell their houses because the houses were very small and the money received for them would not have been sufficient to buy another house or even rent a house for more than a very short period of time. The families who did not sell their houses remained in the area.

After the first demolitions in July 2006, around 30 Romani individuals remained in the area living in extremely substandard conditions in makeshift structures, amidst piles of rubble and trash. On 23 November, the ERRC/hCa/EDROM research team witnessed the last demolitions

²¹ ERRC/hCa/EDROM interviews with residents of Küçükbakkalköy neighbourhood, İstanbul, September 2006.

in Küçükbakkalköy, targeting the makeshift structures. Police in riot gear was present at the spot. The last remaining Romani house demolished on that occasion belonged to Yüksel Dum's father. Mr Dum's own house was demolished in July and until that point the entire expanded family, consisting of seventeen people, lived in the father's house. According to Mr Dum's testimony, his father had the deed (tapu) of his house and showed the document to the authorities before the demolition.

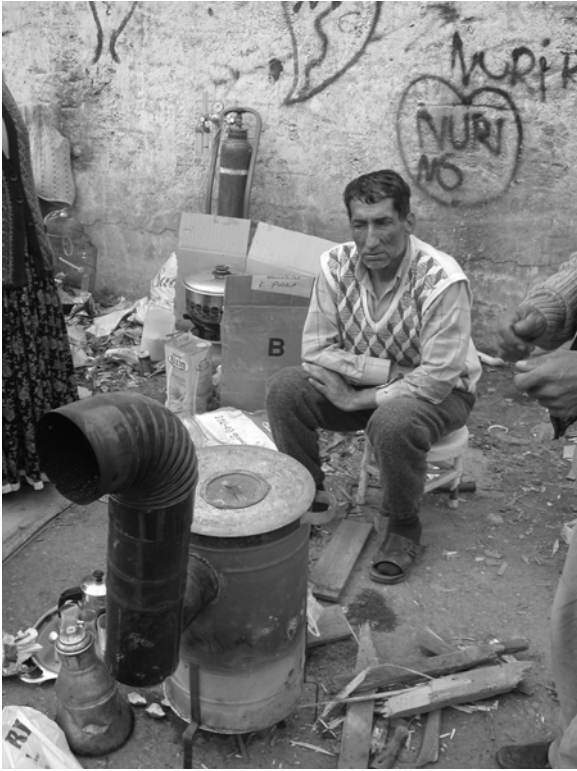
The only house spared by the bulldozers in the settlement belonged to a non-Romani family, who reportedly were promised that they would receive a flat in the new apartment complex to be built on that land.²²

Litigating against destruction of property

On 26 September 2006, two houses and ten-fifteen makeshift sheds were demolished in the Romani neighbourhood of Küçükbakkalköy within the Kadiköy district of İstanbul. One of the houses demolished belonged to the father of Yüksel Dum, a local community leader. Mr Dum's own home was destroyed four months previously, forcing his seventeen-member family to live in the house of his father, who legally owned his property. No written announcement was provided before the demolitions, which targeted mainly sheds, which the people erected on the site of their houses which had been demolished in the summer of 2007. With support from the ERRC/hCa/EDROM, a local attorney filed an administrative complaint and a civil claim for damages in November 2007 against the Kadiköy municipality and the Office of the Governor of İstanbul on behalf of Yüksel Dum for the demolition of his and his father's houses as well as on behalf of Sevgi Yöksekova and Yılmaz Gölge for the demolition of their houses. The latter two applicants obtained legal aid for the action on the grounds of low income. The third applicant, Yüksel Dum, was denied legal aid, although he met the formal requirements and launched an appeal. At the time this report was published, the appeal procedure for legal aid was pending before the court.

²² ERRC/hCa/EDROM interview with Yüksel Dum, İstanbul, November 2006.

FIELD RESEARCH



Küçükbakkalköy / İstanbul, September 2006



The Roma woman seen in the photo was living in a tent in the Küçükbakkalköy area because her house was demolished, and she died a few months after the photo was taken, September 2006



ERRC/EDROM/hCa team's visit to Küçükbakkalköy, September 2006



The demolitions in Küçükbakkalköy / İstanbul, September 2006

Diyarbakır

The destruction of urban Gypsy communities involved military action in the region surrounding Diyarbakır during the conflicts of the 1980's and 1990's. Military operations in the south eastern part of Turkey resulted in the destruction of large numbers of villages, many of which were wholly or in substantial part made up of Dom Gypsy communities. This aspect of dislocation has been the focus of international concern for the Kurdish communities but little attention until now has been paid to the issue in relation to the Gypsy communities of the region. The Yeniköy mahalle is one example of this. Made up of previously rural Gypsy populations displaced by the conflict in the southeast, the neighbourhood has suffered from demolition over the previous fifteen years, with some residents rebuilding and some forced to migrate. As of the end of 2007, according to local people, the neighbourhood has been threatened with demolition again subject to the local authority plans for developing the area close to the airport.

Some parts of the Yeniköy mahalle were already demolished in an action in 2002, and six or seven families who were affected have been living in temporary shelters on the site of the demolition since then. The number of families affected was around thirty, but the majority of them moved to other quarters of the city, often into housing abandoned by previous populations. Those left at the site were families that had received little or no compensation as they had no documentation for the properties destroyed, and were forced to settle in shanties with no running water, no legal access to services such as electricity or sanitation and no access to health care, social assistance and education for the children.²³

Destruction of Romani housing continued in Diyarbakır in 2006 when between five to ten houses were demolished in the hills close to the city to clear the area for construction of a highway. Many of the residents had settled in this area in the aftermath of their villages being destroyed by the army in actions against separatist guerrillas during the conflicts in the region, and had previously lost all their possessions. Most of them did not have title deeds to their properties, and at the time of the interview the majority had moved to live with relatives or rented accommodation in the poorer quarters of the city (Hançepek, Bağlar and Yeniköy).²⁴ In compensation, people were reportedly paid 750-1000 YTL (approximately 380-510 EUR) for each dwelling demolished. With these amounts they could secure but a few months of rental accommodation. The municipal authority (the greater city council) had not offered the residents any alternative housing arrangements; moreover the announcement about the demolition was made some ten days in advance, giving very little time for residents to make any alternative arrangements.

²³ ERRC/hCa/EDROM interview with Mehmet Demir, Diyarbakır, October 2006.

²⁴ ERRC/hCa/EDROM interview with Mehmet Demir, Diyarbakır, October 2006.

Substandard housing conditions

In the overwhelming number of demolitions of Gypsy communities, alternative accommodation or compensation was not provided by the responsible authorities; where alternative accommodation has been provided, the housing was located in areas far away from the central parts of the city, a fact which posed serious problems for the affected people regarding access to employment opportunities and which created excessive burdens for the budgets of poor people. Compensation for housing demolition has usually been very low compared to market prices and prices of rent, and offered only to those residents of communities who accept and relocate immediately.

As a consequence of destruction of their housing, many individuals have been forced into extremely substandard conditions. The proliferation of shanties at the site of demolished Gypsy communities is one of the most salient indicators of a change in policy by the municipal authorities in recent years. In Küçükbakkalköy, Kağıthane, Avcılar, Tahtakale, Silivri and Sulukule in or near İstanbul, shanty-housing has been resorted to by Gypsy communities forced out of their homes, frequently at short notice or no notice whatsoever. The shelters in the town of Saray, in Tekirdağ Province in Thrace, where people live in plastic-covered shacks with one or two 'rooms', no running water, no electricity (outside of what is often secured illegally from the mains supply) and entirely inadequate protection against any degree of bad weather, are not limited to those groups who have recently settled or 'stopped', having previously been travelling. The Gypsy community of Saray was forced from the centre of the city in 1998, and made to settle about 1 kilometre from the commercial district, with no municipal services provided. In the past 1-2 years, the community had expanded with the arrival of previously nomadic groups, now living in shanty dwellings on the outskirts of the neighbourhood.

Extremely substandard conditions, often following demolitions, have reportedly caused several deaths.

In the Kağıthane district of İstanbul, the families whose housing were destroyed in August 2006, continued living on the site in barracks assembled from the remains of their previous housing due to the lack of other accommodation options. In at least one instance, exposure to substandard conditions reportedly caused the death of a young baby. In November 2006, Zeynep Açıbüken, the 5-month-old child of Sultan Eser, an 18-year-old Romani woman from İstanbul, died following the destruction of the family's home in the Yahya Kemal neighbourhood. According to the testimony of Ms Eser, her family was forced to live in a tent after local authorities demolished their home in İstanbul. Ms Eser stated that the baby had developed difficulties breathing and coughed all the time. She took the baby to the local medical clinic where the doctors gave her some medication. However, Ms Eser awoke one morning to find that her baby was not breathing, and she was unable to find anyone to take her to a

hospital. When she returned to her tent, Ms Eser stated that she watched her baby die. In the month following her babies death, according to Ms Eser, municipal authorities had been going to her tent everyday trying to take the family's tent away.²⁵

Silivri

On 2 January 2008, a fire broke out in the Yeni Mahalle in Silivri, near İstanbul, causing the death of 10-month-old Yaşam Güreşir and her uncle Yılmaz Güreşir. According to local residents, the fire was caused by an overturned stove, that quickly set alight the plastic and wooden shelter and three nearby shelters that were at that point unoccupied.²⁶

Roma living in the Silivri district are a relatively old community, settling in the area some forty-six years ago. Roma reside in two neighbourhoods, Yeni mahalle and Fatih mahalle. Some fifteen years previously, the community at Yeni mahalle had received permission from the local municipality to construct up to twenty dwellings. In the following years, this number had grown through marriages and a number of nomadic or peripatetic groups which joined the community, so that by 2007 there were some twenty houses and twenty-five or so tents in total in the neighbourhood.

On 15 August 2007, the municipality moved in with bulldozers and machinery to demolish the Yeni mahalle, both small houses and tents. Some Roma were aware of the demolitions, while others claimed that they were not informed and had only had a very brief time to remove their belongings before the houses were demolished. No immediate alternative accommodation was made available to the occupants of the informal housing and shelters when the demolition was carried out. Two weeks after the demolition, following pressure by the community on the municipal authorities, tents for the families were provided by the Turkish Red Crescent. A few families took them but most rejected them as unsafe and dangerous.

In early November 2007, the municipality responded to repeated concerns by the muhtar (government representative elected by the local community) that the construction of a new sports stadium and pitches near the neighbourhood threatened to cause floods. The community was evacuated to the local sports hall. Fifty-five families were moved to the hall, where conditions were very cramped, noisy and sanitary arrangements proved inadequate. Several days later, the majority of the group living in the sports hall decided to temporarily return to their tents, salvage their belongings and rebuild the shelters. By the beginning of December, some

²⁵ On 29 November 2007, the ERRC and the Accessible Life Foundation sent a letter of concern to Mr Selami Öztürk, Chairman of the İstanbul's Kadıköy Municipality, urging the municipal authorities to cease without delay its actions leading to severe human rights violations and to design and implement an acceptable solution of the housing situation of the affected Roma, in consultation with the communities concerned.

²⁶ ERRC/hCa/EDROM interviews with Mahmut Alkan (muhtar) and other residents of Yenimahalle, Silivri, 12 January 2008.

forty or so families had returned to the site, by that time covered in mud and detritus from the floodwaters. The families rebuilt their shelters and reclaimed what belongings they could, reconnecting electricity supplies through cables that lay on water-logged ground and over ramshackle shelters. The decision to return to these tents was not forced upon the Roma, but made by themselves in light of the difficult circumstances in the over-crowded sports hall.

At the time of the researchers visit to Yenimahalle, the living conditions were dire. The environment was wet and muddy; there were heaps of earth and rubble from the demolition and the previous passage of the bulldozers creating obstacles to easy movement across the site. The shelters were scattered in amongst the remains of previous tents filled with mud and slime.

The temporary housing offered by the municipality to the owners of legal housing is located some fifteen kilometres away from Yeni mahalle, next to a municipal recycling unit where large rubbish trucks arrive constantly. The Silivri mayor has reportedly promised service transport for the new residents to bring them into town and ensure the children can access schools, but one interviewee suggested that the real reason for this distance was the construction of new, expensive apartment blocks on the old site of the Gypsy neighbourhood: "They don't want us too close for fear of crime [...]." The facility's unsuitability as a site for even temporary housing has been raised on a number of occasions by the muhtar. He also expressed doubts as to whether the temporary housing project would be complete in the summer of 2008 as suggested by the mayor.

The increasing spatial separation of Gypsy communities from the rest of urban society in Turkey is a marked feature of urban redevelopment in the country. Even where the dislocated community organise themselves (as in Çanakkale when Romani residents evicted from the town centre and relocated to the very distant outskirts organised themselves to buy a statue of Mustafa Kemal Atatürk, a flag and flag-pole and built their dwellings around a 'square' where they erected these. They also elected a muhtar who promptly presented himself to the mayor's office to ask for amenities for the neighbourhood. Officials at the mayor's office were surprised as they told him they didn't have a Mustafa Kemal Atatürk neighbourhood in Çanakkale, but after some discussion they did agree to supply some services to the community in September 2006.

Discrimination in access to housing

Gypsy people in different parts of the country testified about discriminatory denial of housing. In the Agora neighbourhood of İzmir, a 70-year-old woman described how she cannot get a house to rent in her own neighbourhood or in other neighbourhoods as the owners know she is Roma.²⁷ In Kızıltepe near the city of Mardin, a 44-year-old man was living in a tent with fifteen children. He wanted to rent an apartment for his family, however despite the money he

²⁷ ERRC/hCa/EDROM interviews, İzmir, August 2006.

suggested that he could pay, landlords and house owners refused to rent a house for his family, reportedly since they were Dom.²⁸

In some instances, local non-Romani residents have attempted to expel Roma from neighbourhoods. In Kadıköy, İstanbul, reportedly the local muhtar in the neighbourhood was behind the collection of signatures on a petition to remove the Gypsies from the neighbourhood.²⁹ In a similar incident, in the Hançepök neighbourhood of Diyarbakır, local Kurdish residents reportedly collected around 2,000 signatures on a petition they presented to the local muhtar asking for forced removal of the Gypsies from the area. In the latter case, however, the muhtar reportedly refused to support the petitioners.

Recommendations by international organisations and bodies the concerning Roma/Gypsies and the right to adequate housing

In recent years a number of international institutions and bodies have called on national governments to comply with their obligations to protect, respect and fulfil the right to housing with respect to Romani/Gypsy communities within their jurisdiction and undertake targeted positive measures to improve the housing situation of Roma/Gypsies. In 2000, the United Nations Committee on the Elimination of All Forms of Racial Discrimination (CERD) adopted General Recommendation 27 on “Discrimination against Roma”, part 4 of which deals specifically with measures to improve living conditions of Roma/Gypsy communities.³⁰ In 2003, the Organization for Security and Co-operation in Europe (OSCE) adopted its Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, which includes specific recommendations to Participating States in the area of housing and living conditions of Roma.³¹ In 2005, the Committee of Ministers of the Council of Europe adopted Recommendation Rec (2005)4 on improving the housing conditions of Roma and Travellers in Europe.³² Also in 2005, the European Parliament resolution on the situation of Roma in the European Union called upon EU Member States to undertake measures “to bring about deghettoisation, to combat discriminatory practices in providing housing and to assist individual Roma in finding alternative, sanitary housing.”³³ Turkey as a party to UN treaties and a Member State of the Council of Europe, as well as a candidate for EU accession, should take into account these

²⁸ ERRC/hCa/EDROM interviews, Mersin, October 2006.

²⁹ ERRC/hCa/EDROM interview, İstanbul, August 2006.

³⁰ The full text of the recommendation is available at:

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/11f3d6d130ab8e09c125694a0054932b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/11f3d6d130ab8e09c125694a0054932b?Opendocument).

³¹ The full text of the document is available at: http://www.osce.org/documents/odhr/2003/11/1562_en.pdf.

³² The text of the recommendation available at:

<https://wcd.coe.int/ViewDoc.jsp?id=825545&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

³³ European Parliament Resolution on the situation of Roma in the European Union, adopted 28 April 2005, paragraph 19. The full text of the resolution is available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0151+0+DOC+XML+V0//EN>.

recommendations in developing its own policies for tackling the housing rights problems facing Gypsy communities.

Torture, inhuman and degrading treatment

Domestic and international law provisions

The individual's right to life and physical integrity is protected by Article 17 of Turkey's Constitution. Paragraph 3 of the same article guarantees everyone's right not to be subjected to torture or ill-treatment and penalties or treatment incompatible with human dignity.

Article 19 of the Constitution ensures everyone's right to liberty and security of person. It also defines that conditions in which individuals against whom there are strong indications of having committed an offence can be arrested: it must be based on the decision of a judge (except when a person is caught in the act of committing an offence, or in cases where delay is likely to thwart the course of justice); solely for the purposes of preventing escape, or preventing the destruction or alteration of evidence as well as in similar other circumstances which necessitate detention and are prescribed by law; individuals arrested or detained shall be promptly notified of the grounds for their arrest or detention and the charges against them; the person arrested or detained shall be brought before a judge within at latest forty-eight hours and in the case of offences committed collectively within at most four days; no one can be deprived of his or her liberty beyond this time without the decision of a judge; the arrest or detention of a person shall be notified to next of kin immediately; persons under detention have the right to request trial within a reasonable time or to be released during investigation or prosecution; persons deprived of their liberty under any circumstances are entitled to apply to the appropriate judicial authority for speedy conclusion of proceedings regarding their situation and for their release if the restriction placed upon them is not lawful; damage suffered by persons subjected to treatment contrary to the above provisions is to be compensated by the State. Article 38 lays down the principle that criminal responsibility must be personal and no one can be held guilty until proven guilty in a court of law.

The prohibition of torture or cruel, inhuman or degrading treatment or punishment is a non-derogable norm of international human rights law. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) defines torture as, "[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or

with the consent or acquiescence of a public official or other person acting in an official capacity”.³⁴ This prohibition is also contained in Articles 4 and 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Article 3 of ECHR imposes upon states the obligation to carry out an effective official investigation into an allegation of serious ill-treatment, which is capable of leading to the identification and punishment of those responsible.³⁵ This obligation is “supplemented by Article 13, which requires an effective remedy, entailing effective access for the complainant to the investigatory process and the payment of compensation where appropriate”.³⁶

In the case *Nachova v. Bulgaria*, the European Court observed that “racial violence is a particular affront to human dignity and, in view of its perilous consequences, requires from the authorities special vigilance and a vigorous reaction. It is for this reason that the authorities must use all available means to combat racism and racist violence, thereby reinforcing democracy’s vision of a society in which diversity is not perceived as a threat but as a source of its enrichment”.³⁷ The Court held for the first time that the prohibition of discrimination under Article 14 of the Convention had a procedural component, which required the state to investigate whether discrimination may have played a role in the violation of the Convention right (in this case, killing). The failure to do so, despite indications of racial motivation, amounts to discrimination.

The enjoyment of the right to liberty and security of person; the right to equality before the courts and tribunals; and the right to equality before the law and to the equal protection of the law without discrimination based on racial or ethnic origin are also guaranteed by the ICCPR (Articles 9(1), 14(1), and 26 respectively). Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) calls on governments “to prohibit and eliminate racial discrimination in all its forms and guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law” in the enjoyment, amongst others, of: “(a) The right to equal treatment before the tribunals and all other organs administering justice; (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution [...]”.

³⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1.

³⁵ *Assenov and Others v Bulgaria*, judgment of the European Court. Application No. 24760/94.

³⁶ Philip Leach, *Taking a Case to the European Court of Human Rights*, Second Edition, 2005. Oxford University Press, p. 202. See also ECHR *Tekin* judgment, *Kaya v Turkey*, *Ergi v Turkey*, *Assenov and Others v Bulgaria*, para.102.

³⁷ *Nachova and Others v. Bulgaria* [GC], judgment of the European Court dated 6 July 2005. Application Nos. 43577/98 and 43579/98, para. 145.

In its 2007 assessment, the European Commission noted that although the Turkish legal framework includes a comprehensive set of safeguards against torture and ill-treatment, cases still occur, especially before detention starts: “The fight against impunity of human rights violations remains an area of concern. There is a lack of prompt, impartial and independent investigation into allegations of human rights violations by members of security forces. Furthermore, judicial proceedings into allegations of torture and ill-treatment are often delayed by the lack of efficient trial procedures or abuse of such procedures.”³⁸ There is no independent monitoring of places of detention by independent national bodies, pending the adoption of the Optional Protocol to the UN Convention against Torture. The US State Department also reported the in spite of the fact that the constitution and law prohibit such practices, members of the security forces continue to torture, beat, and otherwise abuse persons: “Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in occasional cases, promoted them during their trials, which often took years.”³⁹ The use of statements obtained in the absence of legal counsel or which are not confirmed in front of a judge is prohibited by the Criminal Procedure Code. The European Commission reported that there are cases where lower Courts have not removed such evidence from the case file, although allegations of ill-treatment were made by the defendant.⁴⁰

Violence against Gypsies by police and non-state actors

On the 23 August 2006 while the ERRC/hCa/EDROM researchers were visiting the Kartal neighbourhood in Bursa, there was a police operation in a house in the neighbourhood, allegedly searching for narcotics. Roma being interviewed at the time in the local tea-house told researchers, “Gypsies are expected to be criminals as a matter-of-course. This kind of operation is frequent in the neighbourhood and discrimination can be harsh towards the ones who look more ‘Gypsy’”.

According to testimonies of Gypsy individuals interviewed by the ERRC/hCa/EDROM in different parts of the country, ill-treatment and arbitrary detention by police are not isolated occurrences. Roma are racially profiled by police as crime suspects and subjected to arbitrary stops and detention. In the Küçükbakkalköy neighbourhood of İstanbul, a 41-year-old man told the ERRC/hCa/EDROM that, “Police always accuse us [Gypsies] of being thieves and blame us for all kinds of crime, while the police co-operate with the real criminals. The police also attack

³⁸ European Commission; Turkey 2007 Progress Report, Brussels, 6.11.2007 SEC (2007) 1436.

³⁹ US Department of State; Country Reports on Human Rights Practices - 2007. 11 March 2008. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2007/100589.htm>.

⁴⁰ European Commission; Turkey 2007 Progress Report, Brussels, 6.11.2007 SEC (2007) 1436.

us when we sell things in the streets, and they try to take away from us whatever we sell and talk to us in an offensive way”.⁴¹

The problem of police violence, however, has been difficult to document due to reluctance of victims and witnesses to testify. There is almost total non-reporting of police violence against Gypsies in Turkey, due to victims’ fear of reprisals. None of the victims of such actions interviewed in the course of this research had considered undertaking legal action against agents of the state. Challenging the state by pursuing legal redress for violations by police is predominantly seen to be a declaration of oppositional views that is inevitably equated with separatism. Most attempts to discuss these issues in the course of research resulted in an intervention from the wider group that suggests “We don’t need outsiders like you stirring up this country”⁴², and charges that the underlying research is aimed at undermining the state. As conflicts between Romani communities and Kurds in İstanbul in February 2006,⁴³ and in continuing situations in the southeast of the country demonstrate, there is a strong identification with the state against its ‘opponents’ amongst Turkish Gypsies. One Romani resident of Dolapdere, İstanbul, commented that he is committed to equality for everyone in the Republic except Kurds, as they do not want to be part of the Republic, whereas Roma were clearly both loyal and determinedly committed citizens.⁴⁴

In Kırklareli, Eastern Thrace, in September 2006 researchers spoke to Mr Z.K. who described the events of the 30 August, when a major police raid took place in the neighbourhood. Mr Z.K. estimated that between forty and fifty members of the police’s special squad (Özel Tim) had participated in the operation, together with motorcycle police, numerous police cars and busses. The reason for the raid was not known to Mr Z.K. but he assumed it was the result of a quarrel that had happened in the neighbourhood a short time previously. He claimed that this kind of operation happens two or three times a year. During these operations, the police used offensive language and abused the residents, which had sometimes resulted in physical scuffles and arrests.

In İstanbul’s Küçükbakkalköy district, scene of large-scale demolition operations, one Romani neighbourhood was subject to twenty-four hour closed-circuit camera surveillance. Police operations had been regular during the past few years. Researchers were told, “An operation usually starts at 5:30 AM or 6:00 AM and goes on until 9:00 PM or later. If you don’t have food at your home, you are hungry that day”. The police reportedly use dogs, armoured personnel

⁴¹ ERRC/hCa/EDROM interviews, İstanbul, September 2006.

⁴² This remark was made to researchers in Kuştepe, İstanbul, in January 2007, and frequently alluded to in many of the research missions.

⁴³ In April 2006, residents of İstanbul’s Dolapdere neighbourhood, the majority of whom are Romani, chased PKK (Kurdistan Worker’s Party) supporters with axes and knives when it became clear who exactly the group was representing. Around 200 PKK supporters had run towards the Dolapdere neighbourhood after police forces chased them away from İstanbul’s Taksim square. See Roma Daily News, 3 April 2006, available at: http://groups.yahoo.com/group/Roma_Daily_News/message/4713.

⁴⁴ ERRC/hCa/EDROM interview, İstanbul, January 2007.

carriers, and tear gas during these operations. Special Forces teams are always present. “They break the doors to get in, remove individuals from the house then beat them in the street before handcuffing them and searching the house for drugs and weapons. They mostly take all of the male residents into custody. Usually, people are not seriously injured but the police beat people with truncheons constantly. This violence is always accompanied by offensive language and abuse”, researchers were told. Because of the tear gas, one woman reportedly had had an asthma attack during one of these operations, but the police refused to believe her. She was accused of play-acting and beaten by the police.

A Dom Gypsy man, Y.K., in his late fifties, who identifies strongly with the surrounding community of Gypsies, all of whom use the self-appellation of Dom, testified to the ERRC/hCa/EDROM about an incident involving police violence and arbitrary detention which had taken place several years previously in Diyarbakır.⁴⁵ During the Ramazan period (the fasting month or "oruç" for Muslims), a night-time robbery of nine kilos of gold took place on the second day. The gold-makers were located in the neighbourhood around the Ulu Cami area of the old city, inside the Byzantine walls, in the complex of jewellery shops and ateliers there. Upon discovery of the theft, the police immediately surrounded the Hançepek mahalle, one of the bigger neighbourhoods where there is a sizeable Dom population, and rounded up all the Dom men for detention in the local police stations. All were later released after about seven or eight hours except Y.K., who was kept in detention for nine days without any explanation. During this period he was tortured by having freezing water from high-pressure hoses poured upon him for hours, beaten and hung by his wrists from the cell wall with his arms behind him. On the tenth day, after another interrogation by a police officer, Y.K. was “tossed into the street” where relatives were waiting for him. Y.K. was at no point offered counsel or legal representation, nor was a medical check carried out. Y.K. stated that the gold had been seized in İzmir, where it had been taken by the thieves who were members of an illegal organisation and not Dom.

Y.K. was unwilling to pursue legal action, fearing that such action would result in further retaliations. He believed that Dom are subject to prejudice and racism from the wider community and the state. A Kurdish coffee-shop owner, and friend to Y.K., who was present stated that the subject of the criminality of the Dom always came up, despite the obvious fact that most of the large-scale crime committed in Diyarbakır was related to the operation of illegal organisations and their financing through criminal activities. Police was reportedly aware of this but preferred to blame Dom in order to avoid confronting potentially armed guerrillas.

In İstanbul’s Kuştepe neighbourhood, the ERRC/hCa/EDROM documented a case of police violence and arbitrary detention of a young man which took place in July 2006.⁴⁶ The story was

⁴⁵ ERRC/hCa/EDROM interview, Diyarbakır, October 2006.

⁴⁶ ERRC/hCa/EDROM interview, İstanbul, 30 January 2007.

told to researchers by the young man's father, who did not let researchers speak directly to his son. The son was working at the time in a furniture shop, and the father feared that this would make the owner of the shop suspicious and his son could lose his job.

According to the father's testimony, C.B. was arrested by police officers and taken into custody for one night, in the Çağlayan area of İstanbul. C.B. was a flower-seller working on the urban highway that crosses the city, in Beşiktaş. He was walking between the cars that had halted in the traffic of the mid-evening rush hour, selling flowers to the motorists and passengers when a motor-cycle policeman challenged him using the megaphone on the bike. When C.B. tried to leave the scene the police officer drove his motorcycle into him. C.B. was then taken to the local health clinic in Beşiktaş where he was examined and pronounced fit by the clinicians to undergo interrogation by the arresting officer. He was taken to the police station and beaten by the police officer whilst in custody. His family was informed of his whereabouts at 1:00 AM; he was eventually released into his father's care 5:00 AM without charge, no explanation (other than he attempted to flee when challenged by a police officer and the police were searching for another street-peddler that they confused with him) and no official comment upon his injuries. C.B. was reportedly unable to walk for two weeks following his detention. The family did not pursue any complaint because of fears of further 'trouble' with the police.

Other cases of arbitrary detention and torture by police were reported by Gypsies in Erzincan, in the eastern Anatolian region of Turkey. In one instance, following a violent argument between shop-owners who refused to serve Roma and some of those being refused, three or four persons were wounded by fire arms. The police took several Gypsies into custody and kept them for ten days. One man testified that he was tortured with electricity.⁴⁷

A number of incidents involving violence against Gypsies by non-Gypsy individuals demonstrate that the discourse of racism and exclusion is common to all non-Gypsy communities in Turkey, and that Gypsy individuals are exposed to vulnerability regardless of the composition of the surrounding population. The most serious cases of abuse, involving murder and torture have been documented in south eastern Turkey and affected the communities in the areas of Van, Silvan, Kızıltepe and Diyarbakır. Women and children are particularly vulnerable to violence.

In Silvan, two shepherd boys were reportedly murdered in September 2006. According to the family, whom researchers visited in October 2006, the two brothers Velat (16-years-old) and Hakim (14-years-old) were killed on 23 September 2006.⁴⁸ They had been working for seven months as the shepherds of 280 cattle in the nearby Görmez village, when they were allegedly murdered only four days before their contract with the village's council of elders was due to finish. Velat called his brother Nevzat (in Silvan with the rest of the family at the time) on the

⁴⁷ ERRC/hCa/EDROM interview, Erzincan, October 2006.

⁴⁸ ERRC/hCa/EDROM interviews with the family of the deceased, Silvan, October 2006.

23 September 2006. This was the last news the family heard from them, and they believe the boys were killed immediately after. Following this conversation, the family had telephoned the boys, but did not receive an answer. On the following day, the family contacted the villagers in Görmez and were told the boys had run away to İstanbul. The family reported the two boys missing to the gendarmerie, however, the officers allegedly refused to investigate the case. On 27 September, the family themselves went to the village in order to search for the boys and Nevzat found the bodies of his two brothers at a nearby river. He told researchers that they appeared to have been dead for some days. The family's attempt to reconstruct the sequence of events suggested that the two boys had been captured on 25 September 2006, shortly after their phone conversation with their brother in Silvan. They believe the boys were kept in a stable where Velat was stabbed to death, and that Hakim had escaped, but eventually was caught, strangled and stabbed to death.

The family in Silvan again contacted the gendarmerie, who made an initial report of the incident but reportedly failed to show any further interest. The family believed that the murders were carried out by two persons in the village of Görmez and had been in contact with their respective fathers, in order to deal with this incident themselves. The latter had refused to respond to the family saying their sons had not committed the crime, adding that they would not discuss with 'Gypsies'. The villagers had also refused to pay the wages for the seven months the sons had worked for them, some 5,500 YTL (approximately 2,700 EUR). The family further implied that the villagers had 'connections' with the state and had received weapons.

The family told researchers that they had no means to force the villagers to address the incident, as the state had not "done anything". "In Turkey there are three types of people: Turks, Kurds and Gypsies; and we are strangers in between Kurds and Turks", said Nevzat, brother to the deceased boys. Without any resolution or restitution, the family were determined to take matters into their own hands (a situation still common in the south and eastern parts of Turkey).

Incidents of extreme violence recorded by researchers indicated that the primary source of inter-communal discrimination in these areas is between Kurds and Gypsy groups. The hostility of local Kurdish communities, compounded by wider societal prejudices, creates an atmosphere of total exclusion of Dom and Romani communities. A similar pattern appears to exist in the north east of Turkey where Laz communities are also overtly hostile to Lom groups in the region.

The abuse of Dom women who marry into Kurdish families but hide their identity was a common theme during the researchers' visits in the southern and eastern part of Turkey. In Van, a woman's husband started abusing her after finding out she was Dom (she had married into a Kurdish family), and the woman was forced to return to her father's house. Because of the 'dishonour' this brought upon the Dom family, her older brother took her back to the house of the husband, where she was subject to further abuse. Then on an unspecified day in 1997, during an incursion into the village by guerrillas and an ensuing gun-battle, the husband had

reportedly pushed his Dom wife into the street and shot her in the back, blaming her death on the PKK.⁴⁹

In another instance, a Dom Gypsy musician in Van told the story of his sister who had been married for some seven or eight years into a Kurdish family before her husband realised she was Dom. The woman was subjected to torture by her husband, who reportedly cut her breasts with scissors and made her pull carts. The woman's brother also mentioned that she had been "made to sleep with corpses" (though it wasn't clear what this meant). The woman had eventually killed her husband with the help of her brothers and son, and was arrested by the police for the crime. She was imprisoned for 5 years in İstanbul (as the case made it unsafe for her to serve her sentence in the region), and now lives there anonymously with her older son, working in a supermarket. Researchers were told they live in isolation, not revealing that they are Dom but passing as Kurds.

Incidents recorded in the northeast of the country also highlighted the discrimination of other communities against Gypsies in Turkish society. The small Black Sea town of Ardeşen, (also called "Artaşen" in Laz), is some forty-eight kilometres along the coast road from Rize towards the Georgian border. Despite government attempts to control flourishing home-made small arms production with the opening of an official manufacturing plant, fire-arms are widely available and tensions between the ethnic Laz community and the Lom Gypsies are coloured by these circumstances (researchers were told of the fear of gun attacks from the local Laz youth). The Lom Gypsies of the town are not engaged in the economic activities centred around tea growing or in the industrial manufacturing, but are reduced to day-labouring and part-time construction work, or unemployment.

Two years before the researcher's visit in September 2007, a young Lom man had set out with some Laz friends to visit his grandfather and take a large sum of money for the family to invest in land. On the road, the Laz boys (in their late teens) had turned on the young Lom and fatally beaten him before stealing the money and dumping him into the sea. When his body was washed up on the shore a day or two later, the police had arrested the young men who had accompanied him. The perpetrators were tried and received light sentences as they were underage. Since this incident, the Laz youth in the town had reportedly taken to openly abusing young Lom men and women and if any resistance is shown, they draw their pistols and threatened the individuals and their families, taunting them that they would have no justice even if they were to be killed.⁵⁰

In at least one instance, researchers documented a case of an attempted lynching of Turkish Gypsies in the city of Afyon, in the Aegean region of Turkey. On 29 April 2006, a crowd of

⁴⁹ ERRC/hCa/EDROM interview, Van, October 2006.

⁵⁰ ERRC/hCa/EDROM interviews, Ardeşen, September 2007.

angry non-Roma attacked a Gypsy family and burned several homes belonging to Gypsies. The crowd was reportedly instigated by the alleged abuse of female students by two Gypsy youth in a local school. Following a confrontation between the school director and the Gypsy youths at a local bazaar, a crowd gathered threatening to burn the Gypsy youths and their family alive. Despite intervention of local police, the crowd beat several Gypsies who were present, followed the two boys and their family to the house where they had hidden and set the house on fire. Several local officials tried to calm the crowd and bring the events under control. Reportedly, no one was arrested or brought to justice for the violent action against the Gypsies.

The incidence of police abuse and violence by non-state actors against Turkish Gypsies requires the urgent intervention by the Turkish authorities to ensure that members of Gypsy communities enjoy equal protection of the law. In addressing these problems, the Turkish state should take notice of the recommendations elaborated by international organisations and bodies.

Recommendations by international organisations and bodies concerning violence against Roma/Gypsies

Racially-motivated violence against Roma/Gypsies has been condemned by the international community and national governments urged to prevent, investigate and punish all acts of violence against members of these communities. In 1998, the European Commission against Racism and Intolerance of the Council of Europe issued its General Recommendation N° 3 on combating racism and intolerance against Roma/Gypsies, which calls on Council of Europe Member States to “take the appropriate measures to ensure that justice is fully and promptly done in cases concerning violations of the fundamental rights of Roma/Gypsies.”⁵¹ General Recommendation 27 of the CERD Committee calls on governments, amongst other things, “To ensure protection of the security and integrity of Roma, without any discrimination, by adopting measures for preventing racially motivated acts of violence against them; to ensure prompt action by the police, the prosecutors and the judiciary for investigating and punishing such acts; and to ensure that perpetrators, be they public officials or other persons, do not enjoy any degree of impunity.”⁵² The Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area also addresses specifically the issue of police abuse of Roma/Gypsies and recommends, among other things, that Participating States “should develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in

⁵¹ European Commission against Racism and Intolerance, General Recommendation No 3, Combating racism and intolerance against Roma/Gypsies, Strasbourg, 6 March 1998. The full text of the recommendation is available at: http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General_themes/1-Policy_Recommendations/Recommendation_N3/1-Recommendation_n%C2%B03.asp.

⁵² CERD, General Recommendation 27, “Discrimination against Roma”, paragraph 12.

the police among Roma and Sinti people.”⁵³ In 2006, the European Parliament resolution on the situation of Roma women in the European Union highlighted the vulnerability of Romani women to acts of violence and urged public authorities “to promptly investigate allegations of extreme human rights abuses against Romani women, swiftly punish perpetrators and provide adequate compensation to victims” as well as to “ensure that programmes are developed to provide services to Romani victims of domestic violence and exercise particular vigilance with respect to the trafficking of Romani women”.⁵⁴

Exclusion from employment

Domestic and international law provisions

The Turkish Constitution provides that “everyone has the right and duty to work”⁵⁵ and the state will “take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labour, to promote employment, to create suitable economic conditions for preventing unemployment and to secure labour peace.”⁵⁶ Concerning working conditions, the Constitution ensures that “no one shall be required to perform work unsuited to his age, sex, and capacity”,⁵⁷ that “minors, women and persons with physical or mental disabilities, shall enjoy special protection with regard to working conditions”⁵⁸ and that “all workers have the right to rest and leisure”.⁵⁹

The research showed that Roma are almost entirely excluded from permanent employment and social security. Employment is almost always temporary, non-registered, unskilled labour and is often carried out without any regard for health and safety considerations.

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination states: “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights...the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just

⁵³ OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, paragraph 28. Paragraphs 28-32 of the Action Plan relate to the issue of Roma/Gypsies and police.

⁵⁴ European Parliament resolution on the situation of Roma women in the European Union, P6_TA(2006)0244, paragraph 2. The full text of the resolution is available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0244+0+DOC+XML+V0//EN>.

⁵⁵ Article 49(1).

⁵⁶ Article 49(2).

⁵⁷ Article 50(1).

⁵⁸ Article 50(2).

⁵⁹ Article 50(3).

and favourable remuneration.”⁶⁰ The International Labour Organisation’s (ILO) Convention No 111 Concerning Discrimination in Respect of Employment and Occupation of 1958, requires State Parties to “Declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating discrimination in respect thereof.” The obligation to guarantee non-discrimination with respect to the enjoyment of this right is also contained in the International Covenant on Economic, Social and Cultural Rights, the European Social Charter the EU Race Equality and Employment Directives.

Discrimination against Gypsies in access to employment

Amongst some Gypsy communities in Turkey, the degree of structural unemployment is extremely high. In Diyarbakır amongst Dom Gypsies, for example, second and third generation unemployment is very common, and the number of young men with jobs is barely one percent of the approximately 14,000 Dom in the region. During interviews, researchers were told that Dom women were absent from the employment sector entirely.⁶¹

Employment in the majority of cases researched is insecure, lacking any social insurance or social benefits as part of the overall employment ‘package’, in common with much employment for all groups of people in Turkey. The majority of employment opportunities are in the low-skilled or unskilled sectors, and restricted to a number of what might be described as ‘ethniced niches’, or jobs consistently identified by the surrounding non-Gypsy communities as “Gypsy jobs” or “Gypsy business”, often with a pejorative association of underhandedness or shady dealings.

Gypsies face specific disadvantages and prejudices in employment related to their ethnicity, where access to jobs is denied on this basis, or only menial tasks are open to Gypsies outside of the limited range of ‘traditional’ occupations, frequently themselves seen as low-skilled. In Erzurum, eastern Anatolia, a man who presented himself as Özgün referred to discrimination against Gypsies: “The employers place a great importance on which area you live in. If you say you live in the Sanayi mahallesi, then you haven’t got a chance. Once I applied for a job with a wholesaler and he refused to give it to me after he found out where I lived.”⁶² In a similar vein, a respondent from the Akıncılar mahallesi in Adana, southeast Turkey, related how he got off the bus well before his stop in order to ‘hide’ where he lives and therefore his identity from those he works with.⁶³

In August 2006, in the Konak mahallesi in İzmir, a person called Necdet told researchers he felt his job applications were being turned down because he was Romani. He thought the reason for

⁶⁰ Article 5(i). Available at: <http://www2.ohchr.org/english/law/cerd.htm>

⁶¹ ERRC/hCa/EDROM interviews, Diyarbakır, October 2006.

⁶² ERRC/hCa/EDROM interview, Erzurum, October 2006.

⁶³ ERRC/hCa/EDROM interview, Adana, September 2006.

this was the negative images people have of Roma in Turkey. In Çorlu, Tekirdağ Province in Eastern Thrace, a Romani man named Yüksel told ERRC/hCa/EDROM that two years previously he had become the chief waiter in a restaurant employing between twenty or thirty persons. The other employees had complained to the owner, asking him “So what is this, a ‘gypsy’ is to lord it over us [...]” and eventually Yüksel quit his job because he could not work in this kind of environment. In the same town, a Romani woman testified that her daughter had applied for a job in a store but they did not employ her after learning about where she lived, as they automatically understood that she was a Gypsy. In order for her son to get a job in a factory, the family had to give a wrong address.

According to the testimony of a leader of the Romani community in Kırklareli, north western Turkey, in the autumn of 2004, he had had a meeting with the governor’s office in order to discuss the problems of employment for the Roma in the city. The head of the governor’s employment office called the Zorlu Linen factory and explained that he was calling on behalf of the vice-governor to a member of the board, who he had contacted. The loudspeaker of the telephone was activated, so that the Romani leader could follow the conversation. The representative of Zorlu Linen asked whether the people in search of work were Roma, and when the officer from the governor’s office affirmed this, the reply from the representative of Zorlu Linen was “I am sorry, but we have a board decision not to employ Roma.”⁶⁴

The same Romani leader told researchers about an employment-training scheme that had been organised between the Romani association, the Adult Education and Training Centre (Halk Eğitim Merkezi) and a local business in 2005. The idea of the scheme was to provide experience in the textile industry and the local business (Şampiyon Tekstil) employed thirty-five Roma at the factory for three months. After this period, during which the Roma received no payments or social security contributions, they were dismissed. The Halk Eğitim Merkezi had provided them with certificates for completing the training. The Romani association had taken the case up and in the following six-months had pursued it vigorously, but only part of the payments due to the Romani workers had been recovered through this action.

The problem of unemployment is also compounded by the length of time that unemployment lasts on average for Gypsies, when the periods can stretch to effectively mean almost permanent unemployment for large numbers of Gypsies, especially in areas where the economic infrastructure is also particularly weak. In the south eastern and eastern parts of Turkey for example, researchers were told by Mr Fehmi Kaya, 42-years-old and unemployed, that he had been trying to find job for some years, but no one wanted to give jobs to Rom Gypsies in Diyarbakır. He added that the way non-Gypsies treated him made him to feel like a dog.⁶⁵ In areas that are more stable economically, such as western Turkey and the Thrace region in

⁶⁴ ERRC/hCa/EDROM interview, Kırklareli, September 2006.

⁶⁵ ERRC/hCa/EDROM interview, Diyarbakır, October 2006.

particular, the incidence of unemployment in areas is dramatically different; the Aydoğdu mahallesi of Tekirdağ has a very high rate of unemployment amongst the adult male Gypsy population that contrasts strongly with the surrounding community, where economic growth is being driven by expansion in the building sector and tourism and there are a range of opportunities arising from this.

Amongst Gypsy women, discrimination in access to employment was also common as testified to researchers in the Çinçin Bağları mahallesi in Ankara and in Bodrum. S.D., a 25-year-old woman, had started working in a patisserie shop in Ankara, in June 2006. She began having problems when a non-Gypsy colleague started complaining about her to the owner of the business, compounded with constant verbal abuse and insults from them. They made the comment about her being a 'Gypsy' and therefore 'naturally' incapable of doing anything right. As a result, she felt she had to give up and leave the job. Also, at her previous job, while working as a waitress, she was sent to work in the kitchen where customers could not see her because of their negative reactions, and eventually she was sacked after a short time.⁶⁶

In Bodrum, in the south western Aegean Region of the country, researchers talked to a Romani woman who, like her colleagues, migrated from İstanbul because she could not find work there. The woman testified that she had witnessed some local Turkish girls yelling agitatedly because they thought the *hamam* (Turkish bath) women attendants were from Sulukule (i.e. they were Gypsies), which they had seen and heard about on the television and did not like.⁶⁷ The woman had reportedly assured them, "No, no we are not from there; we are from Fatih [the most religious area of the city]."

The limitations in employment might also be broadly said to include the military and discrimination in recruitment is present in this sector as in all other ones. During military service for young men (and Turkish Gypsies are very positive about this, arguing that it is one of the distinctions that makes them 'loyal' citizens), the most frequent experience is that of being allocated to the band, according to many interviewees. This was viewed as a benefit by many, who suggested that in this way, wider prejudices against them as Gypsies were limited and there was a degree of solidarity from being with other Rom, Dom and Lom. The kind of training that was given was also seen as valuable, as during their military service many Gypsy musicians had learned to read music formally. However, beyond the duty served by these soldiers for their 18-month terms, entry to the armed services is limited in terms of a career.

The leader of the Romani organisation in Kırklareli, in Eastern Thrace, had applied to the Turkish navy school and passed the written, oral and physical exams. He was subsequently rejected without any explanation. When he called the General Command in Ankara he was told

⁶⁶ ERRRC/hCa/EDROM interview, Ankara, October 2006.

⁶⁷ ERRRC/hCa/EDROM interview, Bodrum, October 2006.

that he did not “meet the necessary conditions”. When he asked for more details he was told that he should stop asking more questions in order not to cause himself trouble. The man wanted to take up this case legally, but his application to do so was rejected by five different courts: first the local court, then a higher court, then the military court, then Ankara's 10th administrative court and, finally, the Council of State (Danıştay). After his failure with the Turkish legal system, the man considered taking the case to the European Court of Human Rights. He felt that Romani people are excluded “even though we are not terrorists”. He believed discrimination is of a general character, and also prevents them from getting jobs.⁶⁸

Another significant factor in the question of unemployment is the extent to which the real levels are ‘hidden’ by seasonal, partial or occasional employment. The seasonal employment that occurs in the agricultural sector in Thrace and much of western Turkey offers very temporary incomes to large numbers of Gypsies in these areas, or who migrate from other areas such as the east and south eastern regions. Fruit and vegetable picking, and other cash crops are a mainstay form of income for many groups in Turkey, and especially numbers of Gypsies who rely upon this for the substantial part of their annual income. The daily rates of those labouring in the fields is extremely low; around a third of a New Turkish Lira is common amongst the onion pickers in western Anatolia, working in very poor conditions and dealing with loads of many kilos. Most harvesting work is similarly poorly paid for Gypsies (although this is not uncommon with other groups who are also paid as little, especially Kurds).

‘Gypsy’ employment is concentrated in certain occupational niches as suggested above, and these can be outlined in the following ways:

Service sector: Street shoe-cleaners, porters, scrap collectors, basket-sellers, bath attendants, flower-sellers (dominated by women who control both the wholesale and retail markets), peddlers (especially of small goods for brides-to-be in eastern Turkey and frequently Alevi), garbage collectors and recyclers (in urban centres and frequently groups that have previously had another occupation, such as the bear-leaders of İstanbul who turned to recycling when this was banned in 1995), fortune-tellers (especially in tourist centres such as İzmir, where Gypsy women from Çanakkale dominate the market, dealing in both flower-selling and fortune-telling), traders with other Roma communities (selling fabrics and clothing to the Kalé from Scandinavia, for example, though the extent of trading networks has as yet been under-researched), horse traders, carriage drivers (especially in the tourist areas such as the Marmara Islands -- Heybeliada, Büyükada, Kınalıada and others -- İzmir, the Aegean and Mediterranean resorts) and carters (in Kırklareli, Eastern Thrace, for example).

⁶⁸ ERRC/hCa/EDROM interview, Kırklareli, September 2006.

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Agricultural sector: Agricultural day-labourers in fruit and vegetable picking, cotton picking and mushroom picking (the community in Gaziosmanpaşa collect for the restaurants in İstanbul, for example).

Craft production: Basket weaving/making, knife making, metal work and ironmongery (including foundry work), 'traditional' dentistry (amongst Dom), silver jewellery making (amongst some of the Dom), sieve making, fence making and *zurna* making (servicing the musicians who play)

Entertainment sector: Musicianship and dancing (the latter amongst particular groups or professionals only such as those from Sulukule in İstanbul), puppeteers (Karagöz), story-tellers and epic poets (amongst Dom from Diyarbakır).

Industrial sector: Miners, industrial labourers in a variety of manufacturing and production processes (usually 'piece-work' as in filling matchboxes or making thermostats for irons, when the cost of mechanically producing these is greater than paying the labour costs) and clothing manufacturing.

This is not an exhaustive list, but gives the main occupational descriptions provided by respondents. In almost all of the above categories, the work is described as insecure, partial, seasonal or without any of the social insurance and tax contributions that attend other employment amongst the majority population. The list does not include the many Gypsies who rely upon, and are increasingly forced to rely upon, begging as a result of widening disparities between income groups in Turkey. Nor does it describe the 'hidden' economy of importing goods (cigarettes, alcohol) illegally that Gypsies are part of (although this is usually organised by other groups that use the Gypsies as lowly intermediaries). The question of involvement in criminal activities has also been raised and it was affirmed that small scale dealing in hashish and marijuana is widespread in some communities, though it was emphasised never 'hard' drugs, like other groups. The question of the extent to which Gypsies were or are involved in the sex trade also occurred on some occasions and was discussed frankly by respondents in İstanbul and Mersin, who admitted that these things had taken place at one time in the community, but with changing social and especially religious attitudes, it no longer happened.

The situation for those caught in cycles of structural unemployment, social exclusion and marginalisation for generations meant that, for some people, resorting to petty theft was a necessary measure. The Cono community of Mersin, southern Turkey, were clear that if they had any opportunity to access 'normal' employment and education they would cease to be involved in petty crime, but they had no choice as they had been 'branded' thieves for many decades and this had become a self-fulfilling prophecy for the group. Despite this reputation as 'hereditary' criminals, the Cono were profound in their Alevi beliefs and adhered to the tenets of Alevism as far as they were able. Marginalised even by other Gypsy groups in the area, they

nevertheless spoke remnants of Romanes amongst themselves and articulated their own identity as Gypsies.⁶⁹

Recommendations by international organisations and bodies concerning access of Roma/Gypsies to employment

Endemic discrimination against Roma/Gypsies in employment and their exclusion from the labour market has prompted international concern and calls on national governments to remedy the situation. The 2000 Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area details recommendations to Participating States, including promotion of qualified Roma and Sinti in public employment and the development of vocational training programmes, etc.⁷⁰ The Committee of Ministers of the Council of Europe dedicated a specific recommendation, Rec (2001)17, on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe.⁷¹ The 2005 Resolution of the European Parliament also urged Member States and candidate countries “to take concrete measures to improve the access of Roma to labour markets with the aim of securing better long-term employment”.⁷² In 2006, European Parliament on the situation of Roma women in the European Union calls specific attention to the very high unemployment rates among Romani women and urges governments to address the serious barriers posed by direct discrimination in hiring procedures.⁷³

Barriers to equal access to education and training

Domestic and international law provisions

Article 42 of the Turkish Constitution guarantees “no one shall be deprived of the right of learning and education”. Article 4 of the National Education Fundamental Act⁷⁴ ensures, “educational institutions are open to all, with no distinction of language, race, sex and religion” and “no privilege shall be granted to any individual, family, group or class in education.”

⁶⁹ ERRC/hCa/EDROM interview, Mersin, May 2007.

⁷⁰ See paragraphs 48-52 of the OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area.

⁷¹ Council of Europe, Committee of Ministers, Recommendation Rec (2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe. The full text of the resolution is available at: <https://wcd.coe.int/ViewDoc.jsp?id=241681&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

⁷² European Parliament resolution on the situation of the Roma in the European Union, P6_TA (2005)0151, paragraph 14.

⁷³ European Parliament resolution on the situation of Roma women in the European Union, P6_TA (2006)0244.

⁷⁴ No. 1739.

At the same time, Romani children suffer multiple forms of discrimination in their right to education. Although “primary education is compulsory for all citizens of both sexes and is free of charge in state schools,”⁷⁵ real access to school of those Romani children, who cannot even afford the costs of proper clothing, books, pens etc. is denied. The allocation of financial support for families is often denied to Romani families despite the obvious need.

There are a number of international legal instruments binding on Turkey that provide for the right to education without discrimination on the grounds of, *inter alia*, race and ethnicity. Articles 2 and 13 of the International Covenant on Economic, Social and Cultural Rights guarantee the right of everyone to education without discrimination. The Committee on Economic, Social and Cultural Rights commentary to Article 13 of the ICESCR indicates that one of the components of the right to education is that education be “accessible to all, especially the most vulnerable groups, in law and in fact, without discrimination.” Furthermore, while many components of the right to education (like all rights in the ICESCR) are subject to progressive realisation, the prohibition against discrimination requires full and immediate application.⁷⁶

Article 5(e)(v) of International Convention on the Elimination of All Forms of Racial Discrimination obliges States Parties to prohibit and eliminate discrimination and to guarantee equality before the law in the enjoyment of the right to education. Article 2, in conjunction with Articles 28 and 29, of the Convention on the Rights of the Child guarantees non-discrimination in the enjoyment of the right to education. Article 2 of Additional Protocol 1 in conjunction with Article 14 of the European Convention on Human Rights bans discrimination in education.

Exclusion of Gypsy children from equal participation in education

Gypsy children are marginalised in the education system as a result of poverty and prejudice. Patterns of overt and subtle discrimination stand in the way of their access to equal education opportunities. Low teacher expectations, low attendance and attainment, early drop-out, low parental levels of basic education and poor resources to support the child's learning are all present to varying degrees in Turkey, even within the same schools.

Most children in the Sulukule's Neslişah and Hatice Sultan neighbourhoods go to school, but only for one or two years. The reason that children do not attend for longer is due to the economic situation of parents, who cannot afford to send their child to school because they cannot afford to buy the requisite books, uniforms, shoes, pens and stationery, or provide lunch

⁷⁵ Article 42(5) of the Constitution.

⁷⁶ Committee on Economic, Social and Cultural Rights. The right to education (Art.13): 08/12/99. E/C.12/1999/10, CESCR General comment 13, para. 31, at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.1999.10,+CESCR+General+comment+13.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.1999.10,+CESCR+General+comment+13.En?OpenDocument).

money and other expenses such as contributions to the school funds that are frequently expected from parents. In 2006, reportedly for the first time, the state provided some basic text books for the children; however, parents received no support for food, clothing, or the other expenses. A further disadvantage that the Romani children have, as compared to their wealthier peers, is that they are not able to access extra tuition after school. This is not free; it costs around 40 YTL (approximately 21 EUR) per month for each 2 - 3 hours of extra help each day, and none of the Romani families interviewed could afford this expense. The highest level of education that children in the community reach is high school, and the men interviewed from the community estimated that perhaps 1 out of 1,000 children actually attain that level of schooling.⁷⁷

The situation regarding access to education for Romani children is dominated by the socio-economic concerns of their families, that combines with the factor of ethnicity in a complex matrix of social exclusion. A number of Romani parents have experienced difficulties in registering their children in schools in the Sulukule neighbourhood in İstanbul, on the basis that they are from the particular quarter associated with negative prejudices about the people therein. It is also the case that anyone from this area (and a number of other areas in İstanbul and across the country) faces the same unwillingness to register their children, regardless of their ethnicity, as the 'mahalle' in question have poor reputation -- the common denominator being that all areas have large populations and anyone from them is considered to be 'Gypsy' regardless of their actual ethnicity. The parents said that children are frequently turned away from several schools before they are actually accepted at any one: "First they tell us to go to one school, then another school, and then when they can't send us anywhere else, they accept our children." In general, children are in mixed classes with both Romani and non-Romani children. However, within the classrooms, Romani children reportedly often sit in separate rows from non-Romani children. In another instance, following evictions in Küçükbakkalköy, İstanbul, children were denied schooling because they were no longer considered residents after their housing had been demolished.

Separation of Romani from non-Romani children within the classroom was reported to the ERRC/hCa/EDROM in many areas of Turkey. In Kağıthane, in İstanbul, parents have reportedly complained about the separation of their children in the classroom to both school principals and teachers but didn't get any reaction.⁷⁸ In Küçükbakkalköy, İstanbul, researchers spoke to an 8-year-old girl about her experience at school. She stated that she was always seated in the last row, farthest away from the teacher. The girl admitted she sometimes had hearing difficulties and that it was hard to concentrate when sitting at the back of the classroom. The girl also told researchers that once she had actually dared to ask the teacher if she could sit in the first row closest to the white board and the teacher replied: "Just this once."⁷⁹

⁷⁷ ERRC/hCa/EDROM interviews, İstanbul, July-August 2006.

⁷⁸ ERRC/hCa/EDROM interviews, İstanbul, September 2006.

⁷⁹ ERRC/hCa/EDROM interviews, İstanbul, October 2006.

S.K. from the Aladağ mahallesi, Bartın, northern Turkey, has four children. She told researchers that one of the most important problems Gypsies face is constant rejection by the two neighbourhood primary schools, each insisting that the other school to take the children. This resulted in children being admitted to school late in the school year and consequently missing classes and falling behind.⁸⁰

Other problems arise when Turkish parents remove their children from schools where there are a large number of Gypsy children effectively creating separate schooling and ensuring the education authority puts little in the way of resources or highly motivated teachers in these schools, continuing the cycle of poor educational achievement for Gypsy children. In Aydın, Germencik mahallesi, researchers interviewing members of the İzmir Roma Association were told that non-Romani students had transferred from the local school to other schools in the area, and that many of the teachers had resigned when the Romani children were enrolled in the school the previous year.⁸¹

A 32-year-old woman in Ankara's Ulucanlar mahallesi, who is married with three children, told researchers that Romani children go to the same school as non-Romani children in the neighbourhood. The school's head teacher is reportedly hostile towards the Romani children, beating them, verbally insulting them and negatively commenting on their clothing. Because of his attitude, non-Romani children also reportedly avoided Romani children, barring them from their games and behaving negatively towards them.⁸²

In İzmir's Tepecik mahallesi, a man named Ahmet talked about the teachers who are working in the neighbourhood schools. They were generally indifferent in terms of the quality of education they gave to children reportedly and, although he had had a conversation about this with the head teacher of the school, there had been no improvement. Ahmet suggested that because it is a Romani neighbourhood, they did not receive an acceptable level of education which resulted in children dropping out of school.⁸³

Gypsy parents themselves have responded to the education system with varying attitudes; some participate in the school management (such as in Dolapdere and Edirne examples), whilst others see little point in motivating their children to attend or achieve. Drop-out rates, especially for girls and young women are high, in common with many other groups in Turkey and similar to patterns for Gypsy education elsewhere in Europe. Education as a means to social inclusion and improvement is recognised widely to be the most important issue facing Romani and Dom communities. However, low expectations are also very much present in the Gypsy communities themselves and aspirations match this in their perceptions of what is possible.

⁸⁰ ERRC/hCa/EDROM interviews, Bartın, September 2006.

⁸¹ ERRC/hCa/EDROM interviews, İzmir, October 2006.

⁸² ERRC/hCa/EDROM interviews, Ankara, August 2006.

⁸³ ERRC/hCa/EDROM interviews, İzmir, August 2006.

A Lom Gypsy woman named Leyla in Şavşat, in the Black Sea region, felt that Lom were discriminated against at school and many other public institutions. She gave an example of her daughter's experience. In the sixth grade her daughter could neither read nor write and, according to her mother, she suffered from some learning disability, possibly dyslexia. Leyla had been unable to persuade the school to investigate this and her daughter was reprimanded by her teacher who told her: "Go home and let your parents teach you".⁸⁴ In the same town, a Lom Gypsy man named Fehamettin told the researchers that some years earlier his daughter was the highest achieving student at her school. In spite of this, the school administration had tried to prevent her from giving the annual student speech at the diploma ceremony, instead awarding this honour to a local doctor's daughter because Fehamettin's daughter was "Posha" and "not decent enough". The family protested and, in the end, their daughter was allowed to give the speech after all. In the area, the children at school were divided into A, B and C classes, where the children of 'respected' families attended class A, whereas the "Posha" children were all grouped into class C.⁸⁵

The question of mother-tongue education is often perceived by European Roma and activists to be a crucial issue, yet Gypsies in Turkey do not, in general, share this view. Competence in English is seen to be far more important and achievable as a means to international communication between Gypsy communities, in all but the most politicised of groups. The state system does not allow for this possibility within the curriculum outside of the recognised minorities and long-established acceptance of English-language education. Minority language education however, could possibly be delivered as part of the work of community organisations or perhaps even adult education. On occasion, requests have been made for this (individuals in the communities in Ayazpaşa, Saray and Dolapdere for example), whilst other communities have adopted a more organic approach and asked for materials to assist their own learning from other Roma elsewhere in Europe, so the growing competence in various forms of Romanes will be a consideration in the future. Domari is much more widely spoken amongst Dom in the eastern parts of Turkey, and it is a part of the cultural transmission for these communities that may come to influence other groups in time. It is not, however, part of the initiatives that have come into place in Turkey recently, recognising a greater cultural diversity in the Republic, and there is no reflection of the Dom or Domari language and culture anywhere in the national curriculum. Clearly the inclusion of information about Gypsies in any positive way in the teaching materials or subjects delivered through the curriculum is seen as violating the principles of Kemalism that so stringently delineate the framework in which all children are educated, and in this, the dominant ideological model of the nation and state as exclusively "Turkish" continues.

⁸⁴ ERRC/hCa/EDROM interviews, Şavşat, August 2007.

⁸⁵ ERRC/hCa/EDROM interviews, Şavşat, August 2007.

In the religious education sector that exists in Turkey (imam hatip schools), there is discrimination too. This sector is seen by many parents as the only alternative to the expense of sending their children to state schools, but prejudice can operate amongst the school instructors and local religious leaders in ways that can forestall access. A young man from Kağıthane in İstanbul, named Aykut, wanted to attend a private Koran school, after a representative from the school entered the neighbourhood in order to recruit young people. Aykut went to the school in order to register, but he was told that they do not accept Gypsies.⁸⁶

In the course of the research, ERRC/hCa/EDROM encountered some positive initiatives, although limited in scope. For example, there are programmes for ‘catch-up’ education in operation in Edirne, at the Cumhuriyet İlköğretim School, which although not directly aimed at Romani students attracts them in the majority by virtue of their preponderance in the student body. Edirne Education Authority (MEB) also pioneered a number of initiatives for socially disadvantaged children in partnership with the British Council and the Ministry for National Education during 2005 and 2006. The impact of these upon Romani communities in the city has reportedly been very positive as they are over-represented in such categories. Hüviyet Bekir İlköğretim School in Dolapdere, İstanbul, has a high percentage of Romani students and has also been keen to address their needs, again as pupils suffering significant disadvantages. Both these schools and others have children’s orchestras made up of Romani children and in Van, for example, there are numbers of Dom working in schools to teach music and folk dancing, as part of the curriculum (though not as ‘Romani’ or ‘Gypsy’ dance). The activities of various local authority culture departments support young Gypsy dance troupes and music groups (in Tekirdağ and elsewhere in the eastern part of the country, for example), as an aspect of Turkish folk culture, and the National Culture Ministry gives support and funding to the Kakava activities held in Edirne each year, together with the governor’s office and the local council.

Within the broad spectrum of education, there are some very dedicated and committed teachers and education professionals who are concerned to address some of these issues as best they can, often through extra hours and hard work without incentive or financial reward. These people are all non-Gypsy, and it was not possible to find one example of a qualified teacher who is from a Romani or other Gypsy background, outside of those musicians or dance instructors operating in schools and adult education. The lack of role models is clearly as significant as the absence of Romani history, language and culture from the curriculum in inspiring Gypsy children.

Recommendations by international organisations and bodies concerning access of Roma/Gypsies to equal education and training

General Recommendation 27 of the Committee on the Elimination of Racial Discrimination devotes a special chapter to measures in the field of education and calls on governments to

⁸⁶ ERRC/hCa/EDROM interviews, İstanbul, September 2006.

support the inclusion of Roma/Gypsies in the education system and curb racial segregation and discrimination in the education system.⁸⁷ In 2000, the Council of Europe Committee of Ministers adopted a specific recommendation No R (2000) 4 on the education of Roma/Gypsy children in Europe.⁸⁸ The Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area notes, “Education is a prerequisite to the participation of Roma and Sinti people in the political, social and economic life of their respective countries on a footing of equality with others” and urges governments to undertake “strong immediate measures in this field.”⁸⁹ The two resolutions of the European Parliament on the situation of Roma in the European Union (2005) and on the situation of Roma women in the European Union (2006) call on Member States to ensure that all Roma have access to mainstream education and that Romani women and girls, in particular, have access on equal terms to quality education.⁹⁰

Barriers to access to health care

Domestic and international law provisions

The right to health is recognised in numerous international instruments. Article 25(1) of the Universal Declaration of Human Rights affirms, “Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services.” Article 12(1) of International Covenant on Economic, Social and Cultural Rights provides that the states parties recognise “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” Additionally, the right to health is recognised, *inter alia*, in Article 5(e)(iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, Articles 11(1)(f) and 12 of Convention on the Elimination of All Forms of Discrimination against Women and Article 24 of Convention on the Rights of the Child. In its General Comment No. 14 on “the right to the highest attainable standard of health”, the Committee on Economic, Social and Cultural Rights states, “Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity [...] the right to health is closely related to and dependent upon the realization of other human rights.” The CESCR also makes clear that the drafting history and the express wording of Article 12(2) of the ICESCR “acknowledge that the right to health embraces a wide range of socio-economic factors that promote conditions in

⁸⁷ Committee on the Elimination of Racial Discrimination, General Recommendation 27, Discrimination against Roma, para. 17 – 26.

⁸⁸ The full text of the recommendation is available at:

http://www.coe.int/T/DG3/RomaTravellers/documentation/recommendations/reeducation20004_en.asp.

⁸⁹ Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, chapter V.

⁹⁰ European Parliament Resolution on the situation of the Roma in the European Union, P6_TA (2005)0151, paragraph 15; European Parliament resolution on the situation of Roma women in the European Union, P6_TA (2006)0244, paragraph 4.

which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment.” Thus individuals’ right to health is not limited to timely and appropriate health care, but also extends to the provision to the extent possible and without discrimination of the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions.⁹¹

Barriers to access to health care

The perceptions with respect to access to medical services of equal standard among numerous Gypsies interviewed in the course of the research reveal endemic prejudice and discrimination in the provision of those services to Romani persons. In at least one instance documented during the research, a Romani man had reportedly died as a result of failure to access medical care. On 6 May 2006, at around 1:00 AM, Y.X., who was shot in the leg, was brought to the state hospital in the town of Çerkezköy. The general surgeon on duty was called, but he reportedly refused to come and take care of the patient. Witnesses claimed that the doctor made racist remarks concerning the Romani man’s ethnic origin while refusing to treat him. There was no other surgeon at the hospital to operate on Y.X. so in the end he was transferred to another hospital in a nearby town. However, Y.X. died on the way to the hospital due to the blood loss. A criminal complaint was filed on behalf of the deceased’s wife against the doctor claiming discriminatory treatment. However, in later stages of the case, the witnesses withdrew their statements, which were crucial to substantiate the racist motivation in the refusal to provide care.⁹²

Problems encountered by persons recognised as belonging to Gypsy communities by medical personnel range from accessing emergency services to discriminatory and differential treatment for Gypsy patients.

According to Roma interviewed in İzmir and Manisa, medical staff in public hospitals subject Romani patients to differential treatment based on their perceived physical differences.⁹³ For example, a 40-year-old Romani woman named Saniye from the Tepecik mahallesi in İzmir attended a public hospital regularly in order to receive treatment for her legs. She stated that whenever she went to the hospital to see the doctor, she felt the negative attitude of the staff, including her doctor. They spoke to her differently and kept her waiting more than other patients. “It is not just my being Roma that makes me different, he [the doctor] speaks with a

⁹¹ See CESCR, General Comment 14, “the right to the highest attainable standard of health”, (twenty-second session, 2000), U.N. doc. E/C.12/2000/4. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En?OpenDocument).

⁹² Case description provided to ERRC/hCa/EDROM by the legal representative of the deceased person’s wife.

⁹³ ERRC/hCa/EDROM interviews, August 2006.

different [negative] tone” she told researchers. In İzmir’s İkiçeşmelik mahallesi, a Romani man named Hasan, who was undergoing treatment for cancer, asserted that doctors and nurses at hospital did not treat him in a polite manner; he felt his Romani origin was the main reason for that.

In Kırklareli, Eastern Thrace, a respondent told researchers that they [Gypsies] “[...] are usually subjected to discrimination and are excluded in the hospitals on the basis of their ‘unhygienic’ conditions and their Romani accents [distinctive in the dropping of the letter ‘h’ at the beginning of words, in Thrace].”⁹⁴ In the Aladağ mahallesi, Bartın, one of the elderly women in the neighbourhood stated that people deliberately avoided them in the hospitals. She suggested, “No matter how cleanly we dress up, staff there do not give us the same service, and other patients will try to move to another chair if we sit next to them while waiting; we have a bad reputation no matter what we do.”⁹⁵ In Şavşat, in the Black Sea Region, researchers were told that in hospitals discrimination against Lom was common. Reportedly, if hospital staff knew patients were “Posha”, then they were made to wait longer than necessary, even if it was an emergency: “If they don’t know you are “Posha” then you get much better service”, according to a Lom Gypsy man named Fehamettin.⁹⁶

ERRC/hCa/EDROM also received allegations from Roma that ambulances refuse to attend incidents in Gypsy neighbourhoods. In Kırklareli, while an interviewee explaining how the fire brigade had failed to react to their call to arrive and stop a recent fire near the Yayla mahallesi, another Romani man from the neighbourhood, named Adnan, joined in the discussion and emphasised that the ambulance did not come to the neighbourhood and in the case of an emergency, they would have to carry the patient covered with blankets by horse carriage to the local hospital.⁹⁷

In at least one instance, the separation of Romani women in maternity wards was reported. A Romani woman from the Aydoğdu mahallesi Tekirdağ in Thrace stated that a year before she had been taken to a separate room for ‘Gypsy’ women in the local hospital.

In Çorlu, Thrace, a Romani member of the Hıdırağa Mahallesi Sosyal Yardımlaşma ve Güzelleştirme Derneği (Social Support and Beautification Association) named Mehmet told researchers about discriminatory treatment experienced in the local hospital during treatment after a fire at their son’s house. His daughter-in-law had been badly burned in the fire and he and his wife were visiting her at the hospital, when a security guard stopped them and refused them entrance to the hospital. Mehmet told researchers that the security guard had seized his wife by the hair and declared that he knew how to treat them. When Mehmet had attempted to

⁹⁴ ERRC/hCa/EDROM interviews, Kırklareli, September 2006.

⁹⁵ ERRC/hCa/EDROM interviews, Bartın, September 2006.

⁹⁶ ERRC/hCa/EDROM interviews, Şavşat, August 2007.

⁹⁷ ERRC/hCa/EDROM interviews, Kırklareli, September 2006.

wrestle his wife from the grasp of the security guard, a fight reportedly broke out and they were taken to the local police station after the hospital administration filed a complaint against them. At the police station, Mehmet insisted on filing a counter-complaint against the security guard and the hospital administration, but the police persuaded both parties to drop these complaints.

Although data about the health status of persons belonging to Gypsy communities does not exist, it is reasonable to assume that, with the effects of poverty and substandard housing, poor health conditions are very high amongst Gypsy communities. In one instance, doctors at an İstanbul hospital which serves Romani communities of Tophane, Dolapdere, Tarlabası and Kuştepe, informed the ERRC/hCa/EDROM that the incidence of chronic respiratory illness is particularly high amongst Gypsy women who constitute approximately one-third of the patient group at that particular hospital.⁹⁸

Recommendations by international organisations and bodies concerning access of Roma/Gypsies to health care

General Recommendation 27 of the UN Committee on the Elimination of Racial Discrimination urges national governments to “ensure Roma equal access to health care and social security services and to eliminate any discriminatory practices against them in this field”.⁹⁹ The Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area also elaborates a number of recommendations in the area of health care and calls on governments to “ensure that Roma and Sinti people have access to health care services on a non-discriminatory basis” and to “promote awareness about the specific needs of the Roma and Sinti population amongst health care personnel”.¹⁰⁰ In 2006, the Council of Europe Committee of Ministers adopted a specific recommendation Rec(2006)10 on better access to health care for Roma and Travellers in Europe, which deals issues such as effective access to health care, housing and health, children and health, sexual and reproductive health.¹⁰¹ The 2005 resolution of the European Parliament on the situation of Roma in the European Union calls on governments “to ensure equal access to health care and social security services for all” and “to end all discriminatory practices” in these fields.¹⁰² The situation of Romani women in health care is highlighted in the 2006 resolution of the European Parliament on the situation of Roma women in the European Union which urges governments to develop and implement policies to ensure

⁹⁸ ERRC/hCa/EDROM interview with Dr Mustafa Özinal, Taksim Hospital, İstanbul, January 2007.

⁹⁹ Committee on the Elimination of Racial Discrimination, General Recommendation 27, Discrimination against Roma, para. 33.

¹⁰⁰ OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, para. 58-63.

¹⁰¹ The full text of the recommendation is available at:

<https://wcd.coe.int/ViewDoc.jsp?id=1019695&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

¹⁰² European Parliament Resolution on the situation of the Roma in the European Union, P6_TA (2005)0151, para. 17.

that women even in the most excluded communities have full access to primary, emergency and preventive health care.¹⁰³

Hate speech

Litigation against anti-Romani speech and incitement to racial hatred

In 2006, the Turkist Pro-Society Budun Association (Türkçü Toplumcu Budun Derneği), an ultra-nationalist organisation, opened a stand in İzmir from which it distributed leaflets, which stated the following: “Dear Turkish women and men! Make another child for Turkishness, because you are being marginalised compared to the betrayers, pickpockets, drug dealers, who are spreading. We are the Turkist Pro-Society Budun People who can give the deserved reply to the Kurdish and Gypsy gangs and bigots.” The Police dismantled the stand; however, the Association went on with the campaign from their internet site. The Contemporary Jurists’ Association (Çağdaş Hukukçular Derneği), a national non-governmental organisation of lawyers, filed a lawsuit against the head of the Budun Association, claiming violation of Article 216 of the Criminal Code which prohibits incitement to racial hatred and enmity. In January 2008, the Attorney General issued an indictment act against the Association for incitement to racial hatred, among others. In March 2008, the ERRC and the hCa were granted the right to join the proceedings against the Budun Association. This is the first time that Article 216 is invoked in connection with hate speech against Gypsies.

Domestic and international law provisions

Article 20 of the International Covenant on Civil and Political Rights states, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Article 4(a) of ICERD requires that States Parties “shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.”

Freedom of expression is an essential human right. However, it is not an absolute right. Based on Article 10(2) of the European Convention on Human Rights, the exercise of this right “may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or

¹⁰³ European Parliament resolution on the situation of Roma women in the European Union, P6_TA (2006)0244, para. 10.

public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Racism, xenophobia and intolerance have been spreading on the internet in Turkey. The Human Rights Agenda Association reported in June 2005 on this problem calling special attention to the activities of four racist organisations and their websites: “National Movement” (Ulusal Hareket), the Fascist Party of Turkey (Türkiye Faşist Partisi), Hüseyin Nihal Atsız and the Idealist Movement.¹⁰⁴ In 2001, the Council of Europe adopted the Convention on Cyber-crime and in 2003 the Additional Protocol to the Convention on Cyber-crime Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems. However, Turkey has so far failed to ratify these conventions.

¹⁰⁴ Human Rights Agenda Association. Crimes of Discrimination, Racism and Hatred in Turkey, p. 9, at: www.rightsagenda.org.

Conclusions

The social stigma of being a Gypsy in Turkey plays a destructive role in the lives of numerous individuals and poses major barriers for them in accessing the rights and benefits guaranteed by the Turkish state. Many Gypsies in Turkey are caught in a cycle of exclusion which often starts at birth with lack of registration and personal documentation; continues with children's marginalisation in the education system; and afterwards with the inescapable poverty trap in an adulthood disrupted by lack of secure housing, jobs, health care and often lack of security against physical violence.

The problems experienced by Turkish Gypsies are often attributed to poverty and tend to be dissolved in general discussions on poverty affecting many other communities. Poverty among some Gypsy communities in Turkey is indeed extreme, and is handed down from generation to generation. However, as the findings of the research elaborated in this chapter indicate, poverty is one factor in a complex of issues facing Turkish Gypsies, all of which are driven by high levels of anti-Gypsy prejudice, unchallenged – and at times promoted – by Turkish authorities.

There is a growing need for reliable research data for the Gypsies of Turkey in a similar sense that this exists for other central and south-east European countries, EU Member States (both older and more recent) or those seeking membership, upon which effective policy development can take place. To date, the kind of information available has been primarily ethnographic and anthropological, restricted in its impact beyond the academic research community. Social and economic determinants have been little addressed and evidence of the effects of discrimination and marginalisation and the degree to which these impact Gypsy communities remain largely anecdotal. Demographic information is lacking and the geographical location of groups in an urban or rural setting is restricted to one or two exceptions. Effective use of research has the potential to improve public policy, enhance public services and contribute to the quality of public debate. Further, knowledge of this research should enable government, civil society and advocacy organisations to make better decisions about how and where they allocate resources and improve services to address inequalities and the effects of prejudice and marginalisation.

The Government of Turkey should consider adopting and implementing a complexity of measures to address the situation of Turkish Gypsies. As a member of the United Nations and the Council of Europe, a Participating State of the Organization for Security and Co-operation in Europe and a candidate for EU accession, the Turkish state should take account of the policies and initiatives developed by these international institutions to improve the situation of Roma. The Government of Turkey should also explore possibilities for cooperating with governments in Central and Southeast Europe in the framework of the Decade of Roma Inclusion 2005-2015, an initiative launched by the Open Society Institute and the World Bank with the purpose of bridging the gap between Roma and non-Roma in education, employment, health care and housing.¹⁰⁵

¹⁰⁵ For more information on the Decade of Roma Inclusion, see <http://www.romadecade.org/>.

Recommendations

In addition to measures needed to bring Turkish legislation in compliance with international standards for the protection of human rights, including protection against racial and other forms of discrimination, as discussed in Chapter 3 of this report, the government of Turkey should also undertake immediate action to curb ongoing human rights violations perpetrated against Gypsies in Turkey. Furthermore, the Government should implement measures to ensure that individuals belonging to Gypsy communities can access fundamental rights, including social and economic rights, on equal basis with other citizens of the Republic. In particular, the Government of Turkey should:

Cease immediately the demolition of Gypsy neighbourhoods until effective protections of the right to adequate housing are guaranteed to the affected communities, in line with international human rights standards. The government should use all appropriate means to protect and promote the right to housing of individuals belonging to Gypsy communities and guarantee protection against forced evictions, including that:

- Evictions do not result in individuals being rendered homeless or vulnerable to other human rights abuses;
- Evictions only proceed where there is a justifiable reason for doing so, in accordance with international human rights law;
- Security of tenure is guaranteed to Romani occupants of houses and land, ensuring, *inter alia*, a general protection from forced evictions;
- Evictions conducted for discriminatory reasons or carried out in a discriminatory fashion are prohibited;
- Due process in accordance with international standards is guaranteed in relation to any forced eviction, including (i) opportunity for genuine consultation; (ii) adequate and reasonable notice; (iii) full disclosure of information concerning the eviction, including purpose for which land or housing will be used; (iv) presence of government officials during eviction; (v) proper identification of those carrying out eviction; (vi) evictions do not proceed in bad weather; (viii) provision of legal remedies; adequate pecuniary and non-pecuniary civil compensation as well as comprehensive criminal and administrative redress in cases of illegal forced evictions; and (ix) provision of legal aid where possible for those seeking redress in courts;
- Adequate alternative housing, resettlement or access to productive land is made available to those affected by evictions that are unable to provide for themselves.

In view of the intensity of urban regeneration projects in the last several years with the resultant destruction of housing, usually belonging to socially vulnerable individuals, the government should consider establishing an institution (Housing Ombudsman or similar) with powers to carry out independent review and assessment of the impact of urban regeneration projects on housing rights.

Discontinue practices of arbitrary arrest and detention of Turkish Gypsies and bring to justice officials responsible for violation of Turkish and international law. The practice of arresting and detaining Gypsies, on the basis of racist stereotypes that exist amongst the law enforcement officers, violates the right to equality before the law and numerous other provisions of human rights law which are binding on the Turkish state. The government is obliged to ensure that no one is detained except in accordance with established procedures and for reasons established by national and international law and standards, and should adopt effective measures to prevent, identify and punish manifestations of racial bias in the law enforcement system. Furthermore, the government should develop and implement training programs aimed at challenging racial bias amongst law enforcement and justice officials.

Finally, the government should take appropriate measures to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not intimidated or otherwise dissuaded from lodging a formal complaint.

Grant amnesty to Turkish Gypsies who are denied access to full citizenship due to lack of personal documentation. The lack of personal documents disadvantages Turkish Gypsies significantly. Ensuring the provision of such documents to all members of the community would facilitate access to full and participative citizenship for those not currently in possession of such. Those Roma/Gypsies who originated outside the Turkish Republic at some point in the past but who have no identity papers should be granted the necessary documentation that would legitimate their official position as members of Turkish Gypsy communities among which they live and work.

Develop targeted policy programmes at national and local levels to deal with the social exclusion of Turkish Gypsies. Such programmes should at a minimum include the following objectives:

In education: To ensure maximum enrolment of Gypsy children at school age; to reduce and prevent school dropout; to prevent discriminatory practices against Gypsy children at school such as the segregation and school harassment of Gypsy children; to provide academic and social support for Gypsy children from vulnerable families.

In health care: To improve sanitary conditions in Gypsy neighbourhoods; to facilitate acquisition of the green card by socially vulnerable Gypsies allowing free access to medical services; to train health care providers and prevent discriminatory practices; to design health promotion programmes for individuals at risk of social exclusion;

In employment: To increase employability of Gypsy adults through literacy training and skills enhancement programmes; to ensure that young Gypsy persons have access to and participate in professional qualification programmes; to support income-generating activities of Gypsy

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families; to counteract discrimination against Gypsies by awareness-raising campaigns on the rights of job-seekers to equal access to the labour market.

In housing: To ensure some form of security of tenure for Gypsy families and to facilitate access to basic amenities and facilities needed to live a human life for families living in extremely substandard housing.

Monitor access to fundamental rights of persons belonging to Gypsy communities. Authorities in Turkey should conduct systematic monitoring of the access of Gypsies to justice, and the effective realisation of fundamental human rights, including economic and social rights. A mechanism should be established for collecting and publishing data disaggregated by ethnicity in sectoral fields of relevance to the realisation of fundamental economic and social rights.

Carry out public information campaigns on human rights and remedies available to victims of human rights abuse, including such public information campaigns addressed to the Gypsy communities.



Diyarbakır Hançepék neighborhood, April 2007

The research team with Doms from Doğubayazıt in Ağrı, August 2007



Gipsy children in Mardin, October 2006



Gipsy children in Mardin, October 2006



A wedding ceremony in Mardin, October 2006



Lom husband and wife, in Artvin, Yusufeli Kınalıçam village, August 2007



Alevi Doms in Ağrı, August 2007



Roma tents in Kars, August 2007



Diyarbakır Silvan, December 2006



Diyarbakır Silvan, December 2006



Kars, August 2007

Development of the Roma Rights Movement in Turkey

Ebru Uzpeder

The Roma rights movement in Turkey, starting a few years ago with the courageous efforts of a small number of pioneering activists in a few towns, is a new phenomenon for Turkey, which has received a justifiable welcome within the human rights community. Before discussing the hopeful story of Roma associations in Turkey, this article will review the development of Turkish legislation on freedom of associations and the state of affairs today.

With the EU integration process gaining speed in Turkey, as it is the case in other legal fields as well, a series of far-reaching legal reforms in the area of freedom of association have been made in recent years. Notwithstanding their deficiencies and lingering undemocratic features, the changes in the legislation on foundations in the period 2002 – 2005 have undoubtedly encouraged the process of founding many Roma and other minority associations and, in broader terms, have given inspiration to ideas and developments in Turkish civil society.

Turkish legislation on associations: A brief history

Pursuant to the first Law on Associations of 1909 (Cemiyetler Kanunu), no permission was required to form an association; the fact that an association was formed should have been reported to the authorities after it had been formed. Similarly, the Law on General Meetings (Genel Toplantılar Kanunu) adopted in the same year, did not require associations to obtain a permission in order to hold meetings as long as the association's activities did not involve violence.

Freedom to hold a meeting and found an association were also cited amongst the “natural rights and freedoms of the Turks” in the first Constitution enacted after the proclamation of the Republic in 1924. With the apparent aim of introducing a more centrist and controlling approach, clauses requiring association members to be older than 18 years old and not have been

convicted of murder or forfeit of civil rights and a provision empowering the government to at any time inspect any act or action of associations were inserted into an amended Law of Associations as the Constitution was enacted.

The 1926 Civil Code (Medeni Kanun) provided a general framework for legal personalities and thus brought a considerably democratic expansion. The Civil Code envisaged that if a community of people disclosed their will of forming an association in its statute, this group assumes a legal personality; and if this legal personality wished, it could make an application to the relevant administration and have the association registered accordingly. The Civil Code further prescribed that, if the objective of an association would be contrary to law or public morality, it could be terminated by a judge; the Civil Code did not cite the grounds for prohibiting associations or restricting their operations due to the fact that founding associations focusing on acts regarded as criminal by law would anyhow be considered a crime. However, the democratic spirit and principles of this law, which was not guided by suspicion of associations and left the control of associations to the members substantially, could not be exercised properly due to the authoritarian nature of the regime during the single-party era that lasted until 1946.

A dominant characteristic of the new Law on Associations enacted in 1938 and its subsequent amendments, as well as of other legislation relevant to freedom of association, was the imposition of prohibitions and restrictions with respect to the objectives and functions of associations and their members. The imposing of a series of restrictions in the Law on Associations aside from the clause of “lawlessness”, constituted the creation opportunity for criminal liability outside of the Criminal Code and limited freedom of association at almost all times. This repressive regime was a major deterrent to the establishment of Roma and other minority associations whose members faced criminal punishment for violating the law and fell at odds with the Ministry of Interior Affairs up until the last few years.

The democratic provisions of the 1926 Civil Code were effectively rendered null and void by amendments to the 1938 Law on Associations, which eliminated self-governing powers of associations by their elected bodies and transferred the governance of associations to the hands of the state. Amendments undertaken in 1946 while Turkey was entering the multi-party era prohibited the formation of associations based on “family ties, communal ties, and race.”

The complicated bureaucratic procedure for founding an association enforced by amendments to the Law on Associations in 1972 effectively introduced a “permission” regime. Furthermore, the amendments increased the number of prohibited grounds for founding associations and restricted the rights of members of associations. Freedom of association of public officials and students was also further curtailed. The restrictions in the 1972 law were justified in the

explanatory notes of the law on the grounds that “the increasing number of associations shows a trend which might be referred to as too much of social life.”¹

The police state concept displayed itself more visibly in both the 1982 Constitution, adopted after the 1980 military coup, and in amendments to the Law on Associations enacted in line with the new Constitution. The new provisions, which suppressed freedom of association through the concept of “public order”, revealed a perception of associations as dangerous for the state and a focal point of potential crime. The prohibitive mentality dominant in the law widened the field of prohibited activities as well as those activities subject to permit, restricted even more the right to form an association and become a member of one, and provided a basis for total state control of associations.

Turkey’s government undertook to reform legislation related to freedom of association in the period 2002 – 2005 in order to bring this area of law in compliance with the European Union’s *acquis communautaire*. The general legal grounds of the amending law dated March 2002 stated that amendments have been undertaken to several laws within the framework of the Turkish National Programme related to the European Union’s *acquis communautaire*, after making reference to the 1999 EU Helsinki Summit at which the Council of the European Union recognised Turkey as a candidate for EU membership. With the advancement of Turkey’s progress towards EU accession in the period 2002 – 2005, democratic reforms which could not have been put into effect for decades took place in a matter of a few years. As a result of this process, a new Law on Associations was enacted in November 2004.

Amending legislation and continuing problems

The work of non-governmental organisations in Turkey, including the Helsinki Citizens’ Assembly (hCa) in the field of freedom of association during the years 2002 – 2005 has revealed that amendments to the legislation on associations notwithstanding, a number of problems continue to exist with the implementation of this legislation. These problems can be summarised as follows:

Problems originating from the judiciary and the administration: Discriminatory practices by judicial officials and public administrators; resistance on the part of the bureaucracy to changes in the field of civil rights and freedoms; lack of knowledge by public officials in the judiciary about amendments to the legislation; perception of some non-governmental organisations as potential criminals and intense court case pressure over NGOs through trials against members of NGOs as well as cases aiming to close down NGOs; domination of the state in NGO-state relationships; and obstacles encountered to the usage of funds from foreign donors.

¹ Helsinki Citizens’ Assembly (September 2002), *Freedom of Expression and Association - A New Legal Framework*, Study Report. Available at: <http://www.hyd.org.tr/?pid=361>

Problems originating from non-governmental organisations: Lack of knowledge of the legislation concerning associations; communication and cooperation deficiencies; the need for the broadening the horizons of non-governmental organisations regarding what might be done in their struggle for rights; and lack of general legal knowledge and the human rights approach that results in the impasse of NGO members when they come face to face with challenges directed at them by the public administration, especially during the founding stage of the association.

Problems originating from the social environment: Deficient democratic culture and civic organisation consciousness; and lack of tolerance for cultural diversity²

The implementation of the new legislation on associations has been problematic, owing especially to the resistance against the new democratic principles on the part of public officials in the judiciary and public administration. However, even though the legislative reforms undertaken in the field of freedom of association have been insufficient, these reforms and especially the rules on founding associations have accelerated the emergence of civil society organisations in a promising way.

Thanks to the amended legislation, restrictions on founding associations have been considerably narrowed; prohibitions related to membership were eliminated; children were allowed to form associations; formalities requiring associations to report international activities have been decreased; the powers of the police have been curtailed; and a notification procedure replaced the permit regime with regards to activities. Despite remaining provisions which allow the banning of associations on the grounds of illegal activities, the scope of such activities has been narrowed. The abolishment of the ban on founding associations on the basis of religion, race, or social class made it possible for the emergence of many associations which would have been prohibited in the past. Along with associations of Kurds and Assyrians which were prohibited in the past, an opportunity has arisen also for Roma to make their own associations. In 1996, for example, the Roma Solidarity and Cooperation Association in İzmir was closed down by the Ministry of Internal Affairs on the grounds of violating the ban on associations founded on ethnic grounds. The application to establish another NGO under the name “Gypsy Solidarity and Cooperation Association” was also refused. Roma activists in İzmir also attempted to register another organisation under the name “Musicians from Thessalonica”. However, in the meanwhile the law changed again and the Association of Roma People in İzmir was re-established in 2006 when the ban on founding associations on an ethnic basis was abolished.³

² Helsinki Citizens' Assembly (February 2004), Freedom of Association in the Process of EU Reforms, the Study Meeting Report. Available at: <http://www.hyd.org.tr/?pid=349>

³ Radikal Daily (12 August 2004), “Freedom to Associations” (Derneklere Özgürlük).

Roma associations in Turkey

Roma people in Turkey have organised themselves by establishing associations in many towns and districts in the last 10 years. Within a very short period of time, Roma organisations have expanded geographically and developed their organisational capacities proving that they are true members of Turkish civil society. The development of the Roma rights movement was especially intensive during the period 2004 – 2007. EDROM (Edirne Roman Derneği / Edirne Roma Association), one of the leading organisations of the Roma movement, was founded in March 2004 during a period in which efforts to integrate with the EU were at a peak.

Edirne Roma Association (EDROM)

EDROM operates in the Thracian region, especially Edirne and Kırklareli, where there is a sizeable Roma population. The association is the first centre for Roma people and gave impetus to mobilisation efforts of Roma in many other towns and districts in Thrace.

The Association, which was initially founded with the name Edirne Gypsy Association for Cultural Research, Solidarity and Development (Edirne Çingene Kültürünü Araştırma, Geliştirme, Yardımlaşma ve Dayanışma Derneği – EDÇİNKAY), changed its name to Edirne Association for Research, Development and Solidarity with Roma / Edirne Roma Association (EDROM) in February 2006 because the majority of associations that are members of the Federation of Roma Associations prefer to call themselves Roma instead of Gypsy.

Unlike Roma in various parts of Turkey, they were for proudly embracing the term “Gypsy” that is laden with derogatory meanings in social life. The activists from EDROM advocated that in order to combat social prejudices, they should be confronted instead of being avoided: Likewise, they regarded the term “Roma” as sounding foreign and literary; so all in all, they wanted to refer to themselves. However, the general tendency among other Roma associations was to employ the term “Roma” (since the word “Gypsy” resonated negatively amongst the general public), and thus, as a sign of respect for the general will, they changed their name as an association.

The association describes their objective as being “To work for the mobilisation of all Roma people in Edirne under an association, in order to seek solutions to their problems, and to eliminate prejudices against Roma people in society.” EDROM undertakes a leading role among Roma associations thanks to collaboration with public authorities, local administrations, other non-governmental organisations and professional chambers. The association, considered as the representative of Roma people in Edirne, sets a unique example through its participation in international platforms and the implementation of EU-funded projects.

Some of EDROM's activities implemented in collaboration with other Roma associations, non-governmental organisations and public authorities since its establishment are as follows:

- First International Roma Symposium, organised in collaboration with Accessible Life Association (Ulaşılabilir Yaşam Derneği - UYD) in 2005;
- Summer camp for poor children, organised in Edirne together with the Community Volunteers Foundation, Governor's Office, and Edirne Municipality in 2006;
- Collective marriage celebration, organised in collaboration with Social Solidarity Foundation of the Edirne Governor's Office and Edirne Municipality in 2006; and
- Circumcision ceremony organised in collaboration with Social Solidarity Foundation of Edirne Governor's Office and Edirne Municipality in 2006.

Projects and activities, implemented by the EDROM in collaboration with international organisations and institutions, can be summarised as follows:

- The project "Promoting Roma Rights in Turkey", implemented in collaboration with the European Roma Rights Centre (ERRC) and the Helsinki Citizens' Assembly (hCa) from 2006-2008. EDROM participated in capacity building and human rights trainings and strengthened its institutional capacity. It visited Dom Groups, located in Diyarbakır, as a part of the field research study of this project and supported them in setting up their own associations.
- Thanks to the experiences gained through the project "Promoting Roma Rights in Turkey", EDROM successfully applied for the EU-funded project implemented by Civil Society Development Center entitled "Strengthening Institutional Capacity of Civil Networks". Within this project, the EDROM implemented the component "Strengthening Institutional Capacity of EDROM for the Culture and Rights of Roma" which aimed to improve the capacities of member associations of the Federation of Roma Associations through a series of trainings. Priorities of the Federation of Roma Associations until 2010 were specified in meetings and a three-year programme was prepared. Furthermore, the building of the website for the Federation of Roma Associations was started. The chief purpose of this website is to provide assistance to Roma associations for the legal problems they face. Finally, EDROM has printed and distributed a booklet, called "Being Roma' (2007);
- Scholarships were provided for 17 Roma children from poor families who were achieving well at school as part of the donation given by Global Dialogue Institute in 2007;
- The Project for Cross-Borders Cultural Collaboration with Roma Folk Music was conducted as part of European Union's Cross-Borders Collaboration Programme between Bulgaria and Turkey. Within this project, a CD containing folk music in Turkish, Roma and Bulgarian, was prepared based on workshops conducted with

musicians selected from Bulgaria and Turkey, and distributed. The main purpose of this project was to introduce young Roma musicians and to encourage them to ensure continuity of their work (2007).

EDROM has also contributed to many nationwide and international meetings and supported surveys and studies on Roma of Turkey implemented by various organisations. The Association is the first point of contact for Roma people in Edirne who have experienced violations of their rights. Furthermore, EDROM provides assistance to Roma in their communication with public authorities, obtaining certificates of poverty, enrolment of Roma children at school or finding jobs for Roma people.

Roma associations and the process of establishing federations

The organisational development of Roma communities in early 2000s, mainly in 2003, which started in Samsun, İzmir, and Edirne, has also resonated in other cities of Turkey in a short period of time. The democratic atmosphere, supported by the EU integration process and the tendency for discussing ethnic issues in a more open way, including through the media, facilitated the boom of associations and increased the visibility of studies on Roma people in Turkey. A warm welcome on the part of the human rights community for the Roma associations in İzmir and Edirne has encouraged initiatives to establish new organisations and cooperation between Roma associations and public authorities at the local level has dispelled fears of being organised.

In the period 2004 – 2007, Roma associations were established in Edirne (city centre, Lalapaşa, İpsala, Enez, and Keşan districts), Tekirdağ (city centre, Muratlı, and Malkara districts), Kırklareli (city centre and Lüleburgaz district), Balıkesir, İzmir (city centre and districts), Mersin (city centre and Ceyhan district), Adana, Ankara, Bartın, Çanakkale (city centre and Evreşe district), Aydın (city centre, Söke, and Kuşadası), Samsun, Zonguldak, Manisa (Akhisar and Salihli district), Diyarbakır, and İstanbul. Today, there are more than 40 associations in 16 different cities of Turkey; however, only a few of them are active.

In February 2006, soon after the associations began to operate, 11 Roma associations established the Federation of Roma Associations (Roman Dernekleri Federasyonu / ROMDEF) under the leadership of EDROM in order to unite their powers and to create effective policies. The number of ROMDEF's members increased to 13 with the participation of two more associations: Association of Roma in Lüleburgaz, Association of Roma in Muratlı – Tekirdağ, Association of Roma in Malkara – Tekirdağ, Association of Modern Roma in İzmir, Association of Roma in Mersin, Association of Roma in Adana, Association of Roma in Keşan, Association of Roma in Ankara (Romankara), Association of Roma in Bartın, Association of Roma in Lalapaşa, Association of Roma in İvrindi – Balıkesir, Association of Roma in Kırklareli, and the Association for Research, Development and Solidarity with Roma (EDROM). According to

information provided by Erdinç Çekiç, President of the Federation, the Federation has almost 5,000 members.

In May 2006, a second federation of Roma associations, composed of some associations that are not members of ROMDEF, was established: Federation of Anatolian Roma Associations (Anadolu Roman Dernekleri Federasyonu). This organisation unites mostly Roma associations that are operating in the Aegean region.

The federation efforts of Roma associations at a time when they are highly inexperienced is an issue being criticised by Roma activists. The inexperience of member associations and lack of institutional capacity and resources prompted some members to vest the federation with unrealistic expectations. Though the federation must operate with the financial support, experience, and knowledge of member associations, it is expected from the board of directors, even from the president of the Federation to assist associations. The most important expectation of member associations from their Federation is to find continuous financial support that will keep their organisations alive. Naturally, the main reason for establishing these federations has been the financial difficulties experienced by these young associations and the need to develop operational ideas that might create effective results.

Working fields of Roma associations

A Roma association in Turkey typically operates in many different areas, ranging from seeking solutions to the housing problems of Roma to occupational trainings, studies related to Roma culture, circumcision and marriage ceremonies, etc. In fact, this broad scope of activities is not always the choice of Roma organisations but is often dictated by the circumstances. The accumulated problems of Roma communities, limited access to social services by Roma and lack of knowledge of human rights approaches amongst Roma create a wide range of problems to be dealt with. Many associations find themselves engaged in activities which they did not initially intend to undertake.

In an article, published in the newspaper Radikal, Erdinç Çekiç, Chairman of EDROM, stated that the establishment of a cooperative for collecting frogs and snails in Edirne and ensuring that people who collect garbage would work in a healthier environment are their prioritised objectives. However he summarised the works completed by EDROM in the last two years as follows: "Twenty-three persons have found jobs, scholarships were given to 16 children, eight houses were repaired, wheelchairs were given to three persons, and books were donated to 60 children. Interviews were made with Roma language speaking whitesmiths, blacksmiths, and caners and a Roma dictionary of 1,050 words was prepared."⁴

⁴ Radikal Daily (30 June 2006), "Let Him/Her be a Roma, but an Organized One" (İlle Roman Olsun Ama Örgütlü Olsun).

EDROM's statute defines the association's objectives as follows:

- To conduct scientific studies in order to research and develop Gypsy culture, and to submit reports and study results to relevant institutions;
- To compose music, dance, and theatre groups, to prepare shows, and to stage them;
- To ensure that courses for illiterate people are opened;
- To ensure that members have regular income by developing their cultural and artistic skills;
- To conduct studies in order to promote inter-communal relationships; to protect and develop positive traditions and customs;
- To increase the education level of children of association's members through scholarships and similar supports; to open local student dormitories and reading halls;
- To promote cooperation and unity between members;
- To reinforce the consciousness of social peace between communities;
- To ensure economic development of members through donations to be received and job opportunities to be created;
- To contribute to increasing the education level of the public through conferences, panels, and the media;
- To establish relationships with relevant organisations and institutions in order to solve problems of Roma communities and to collaborate with them regarding the solutions;
- To be a member of "Foundation of Those Intending to Live and Let Live Humanly", which is planned to be established;
- To prepare projects for developing handicrafts skills;
- To organise trips to the countryside, artistic events, and entertainments to promote unity and togetherness between members and to develop solidarity;
- To encourage events such as charity bazaar, collective circumcision, and sports events;
- To support talented artists; and
- To create job opportunities for members who are in need of work.

Actually, Roma activists are doing their best to have concrete achievements in a sea of problems. Typical areas of activity of Roma associations in Turkey can be summarised under the following topics.

Housing: Activities to provide healthier and safer conditions for those whose houses have been destroyed due to urban transformation projects, together with other relevant human rights organisations, chambers and bar associations; information campaigns, legal advice and lobbying before the public authorities. In this frame work, the Sulukule Roma Association, Istanbul, has established a successful partnership with related organisations and filed a lawsuit against demolition in the neighbourhood. Some Roma organisations such as EDROM and the Mersin Roma Association are trying to find solutions through on site improvement activities for the housing problems of Roma families who live in unhealthy conditions;

Education: Roma associations assist with the school enrolment of Roma children who do not have any identity documents or were displaced; organise summer camps for poor children in collaboration with other NGOs; provide scholarships and education equipment for Roma students; and provide academic support to Roma children. Another channel in the field of education is conducting trainings to build the capacity for Roma associations;

Health: Organising collective circumcision ceremonies for Roma children in their regions is one of the chief activities of many Roma associations. Furthermore these associations assist Roma people in obtaining poverty certificates which are needed to receive free medical services. The Association of Roma in Mersin has also organised a campaign against drug addiction.

Employment and occupational training: Occupational training courses for Roma people; and attempts to create job opportunities for young Roma with the support of the governor's offices, municipalities and chambers of commerce. For instance, the Association of Roma in Mersin organised a bamboo processing course and as result almost 40 Roma teenagers obtained a professional skills.

Cultural studies, research and documentation: Attending and organising national and international meetings and symposiums; and producing publications on Roma in Turkey. EDROM and several other associations also have various projects for promoting Roma music.

Solidarity and charity work: Promoting legal marriages; communicating with authorities to register children who lacks official documents; assisting Roma to obtain social security documents; and solidarity activities such as coal aid to poor families.

Seeking legal redress for human rights violations: The traditional mistrust of law and public authority by Roma has slowly changed in recent days. For example, in April 2007, İzmir Contemporary Roma Association filed a criminal complaint against a renowned actor who stated during an interview, "They made a Gypsy a Sultan and first thing he did was execute his father". Also, in July 2007 some activists from the same association challenged in court their non-admittance to a restaurant on the basis of their ethnicity. The Sulukule Roma Association have also assisted Roma people who were evicted due to urban transformation projects in filing lawsuit against such actions.

Roma associations: Risks and opportunities

Like other non-governmental organisations, Roma associations also face a number of risks while they are trying to achieve their goals and learn to utilise their resources. Identifying these risks and opportunities may increase the effectiveness of their work.

Risks:

The fast expansion of the number of associations, which is not paralleled by an equal advance in the quality of Roma rights advocacy, is an obstacle for cooperation among Roma associations and thus, they cannot work together to create synergy due to varying levels of competence. Though there are currently more than 40 associations in Turkey, very few of them are active.

The efficacy of Roma associations is weakened by the competitive scene, instigated by two separate, rivalling federations. Furthermore, member associations are expecting a solution to their financial problems from the federations' board of directors and even their presidents.

Lack of regular funding for Roma associations is the most important obstacle to maintaining the institutional capacity of Roma associations. Most of them do not have the necessary equipment, such as computers, telephone, fax, internet connection, etc. and have problems paying office rent as well as administrative expenses. But in this regard, same situation is observed in many other associations.

Roma activists tend to attach too much importance to being a member or chairman of the association's board of directors. This causes the management to appear as a tool of governance for association's members and the illusion is created that managers have unlimited powers. It is also observed that being a manager in the association is perceived to be a step towards a political career. This fact is sometimes overshadowing the independence of associations.

The failure of associations to streamline general purposes into concrete objectives not only diminishes their effectiveness, but may also disappoint Roma activists as their valuable efforts in struggling for their rights are wasted by working in too many fronts with limited resources. Since Roma associations typically include an exceedingly comprehensive list of activities in their statutes, their efforts might be inconclusive. As it was noted previously, the existence of various vital problems that must be faced with urgency in Roma communities is an obstacle for the Roma associations to adopt an organised working style.

The common misconception amongst many Roma activists that donors provide support for any kind of "project" related to Roma issues harbinger the "project" myth. Given the financial difficulties of Roma associations, there is a high drive to acquire funding, and even for activities which do not require any financial support to be performed is there a keenness to look for donors.

Most of the Roma associations have difficulties in carrying on their routine association operations since they do not have enough knowledge about the legislation on associations. Especially Roma activists who are becoming organised in Anatolian towns cite the lack of knowledge of the legislation on associations as a crucial problem, principally when the erroneous

application and misguidance from provincial administrations for associations lead them in the wrong direction.

The deficiency of relations between most Roma associations and other human rights organisations does not allow Roma associations to take advantage of the experiences of other civil society organisations. Strong Turkish nationalist attitudes dominating some Roma associations appear to be a serious deterrent for them to take action against rights violations. The perception of justice through the international judicial bodies, particularly the European Court of Human Rights, as a kind of national treason is not rare. Though such attitudes have been softened in recent times, efforts to avoid action which involves confrontation with the state are still prevalent among Roma activists.

Although support offered to Roma associations by local authorities, especially in Anatolia, has promoted self-confidence amongst their members, such support also tends to patronise Roma organisations and slow down their development as independent advocates for the rights of Roma.

Opportunities:

The interest of donor institutions to support activities to promote the rights of Roma and to improve their living standards is increasing. Among the projects that are developed, not only those devised by well established human rights NGOs but also the grassroots Roma NGOs are attracting support.

Increasing support from academic circles, chambers, other NGOs and volunteers for activities against the urban transformation projects encourages grassroots Roma organisations to be more determined in this very tough road for the advocacy of their rights.

The media still provides an important medium for bringing the problems of Roma into the focus of the social agenda, even though it continues to handle Roma issues in a highly superficial and sensational style, presenting Roma people as “musicians and dancers”.

The increasing tendency among international Roma NGOs to implement joint projects with and to provide support to the Roma organisations from Turkey is another factor accelerating the learning process of Roma activists.

The availability of Roma university students is a very significant prospect for Roma associations many of which do not have any educated members. Leaders of these associations are trying to utilise this opportunity by ensuring that educated young people are involved more with the projects and activities.

Changing attitudes towards the law: Until recently, Roma individuals would rarely choose to pursue legal action for discrimination or other rights violations. The reasons for that had to do not only with lack of financial resources and lack of access to legal professionals, but also with mistrust on the part of Roma of the judicial system and its ability to solve their problems. There are indications in recent years that these attitudes are slowly changing and more Roma are prepared to seek legal remedies.

Finally, it can be noted that Roma activists are incorporating values such as civil society ethics, empathy, tolerance towards other cultures and opinions and are trying to develop a new democratic framework, far from the nationalist style of the official discourse, about key concepts such as human rights and the rule of law.



The human rights training of the project, İzmir, January 2007

MOBILISATION



The human rights training of the project, İstanbul, November 2006



The capacity building training of the project, Mersin, November 2006



The advocacy training for the NGO's, İzmir, May 2007

EDROM Experience in Roma Rights Movement

An interview with Erdinç Çekiç, Chairman of EDROM (Edirne Association for Research, Development and Solidarity with Roma / Edirne Roma Association) and Turkish Federation of Roma Associations, regarding the development of the Roma rights movement in Turkey and the experiences of EDROM throughout this process.¹



Erdinç Çekiç, Chairman of EDROM. Photo: Tolga Korkut.

EDÇİNKAY is the first Roma organization in Edirne. How was it founded?

It was founded by seven people in March 2004 but I was not a member in those days, the founding chair was Fikri Ocak. We organised a general assembly in June of the same year. In this general assembly, a new administrative board, with me as the chair, was elected and we have been working since then. EDÇİNKAY² was founded with the thought of establishing a Roma dance group. But following the first general assembly, it adopted a social perspective for its policies and since then we have worked to make it an organisation that voices problems and seeks solutions.

In which areas did you focus in the first days?

In our early days, when we were still inexperienced, we organised the first “Roma Rights Symposium” in Turkey. This was the first event of EDÇİNKAY. EDÇİNKAY managed to organise this symposium at a time when it had still not been reconciled with its own tradition and had not introduced itself to its base, the Roma community. However, it also had positive results; it helped EDÇİNKAY meet the organisations with whom it is collaborating today and introduced this new body which started operating in this field.

The name of the association, EDÇİNKAY, was changed to EDROM. Can you tell us why?

The name of the association was EDÇİNKAY until the end of 2005. In 2006, a time when Roma people were organising rapidly in other cities and founding associations under the name “Roma”, our organisation also appropriated this name by amending its statute. The reason why

¹ The interview was conducted by Ebru Uzpeder on 15 January 2008.

² Edirne Çingene Kültürünü Araştırma, Geliştirme, Yardımlaşma ve Dayanışma Derneği (Edirne Gypsy Association for Cultural Research, Solidarity and Development).

such associations preferred Roma in their names is of course the negative connotations of the word “Gypsy” in Turkish society as well as prejudices against Roma people.

What kind of activities and projects are currently being organised by the association?

Though EDROM is seen today as acting in almost all areas, it is principally active in providing solutions. We are dealing with many different problems such as education, food aid, Roma rights and violations of these rights. We are assisting the Roma people to reach public authorities, and we are discussing the problems of Roma communities with the Prime Minister.

As you know, Turkish legislation on associations has been amended in recent years. What do you think about the impact of these amendments on the emergence of many Roma organisations?

Yes, many Roma associations were founded in recent years thanks to the positive contribution of the legislation on associations. I don't think these associations encountered serious difficulties. In other words, if the associations know the legal framework well, they will not face many difficulties. However, it is a fact that the boards of these associations do not know the laws and regulations sufficiently!

What is the approach of public authorities, such as provincial and municipal authorities, towards Roma associations?

Not in our initial days in Edirne, but since we accelerated the association's operations we have received significant support from municipal authorities and the provincial governor and we have always established close relationships with them. We have even received support from the local police department, for instance, we built the training room at our association thanks to funding given by the local police.

What about political parties, what is their approach?

We have not established close relationships with political parties; however we have met several times with the deputies and ministries of the governing party in order to discuss various problems of Roma people. But we have tried to stay away from political parties.

What can you say about the number of Roma associations currently active in Turkey and the effect they have had?

Currently there are more than forty associations; however the number of associations that are conducting effective and sustained operations for Roma people is around ten. I don't want to cast a negative outlook but Roma people are not performing well despite the fact that they have organised rapidly.

Why do you think that Roma people have organised so rapidly?

First, current efforts to found associations became visible immediately due to the fact that nothing had been made for this purpose until today. Second, as I said before, the efforts were

greatly sped up by the availability of EU funds. Also, while some organisations started to conduct some projects for Roma people, politicians have noticed that organised Roma would mean more votes for them. I believe that these developments have contributed to the rapid founding of associations of Roma people.

What kinds of activities are being realised by Roma associations?

For instance, vocational training courses were organised by the Association of Roma People in Mersin and approximately 40 Roma have jobs now. Our friends in Lüleburgaz are working on welfare issues and particularly trying to ensure that Roma couples who did not have official marriages are legally married. The Association of Roma in Muratlı made big progress on accommodation issues; the association is drafting projects to buy land and construct housing. The Roma association in Ankara (Romankara) is working on a different project, one that will gather young Roma people from Ankara and ensure that they know each other. We, as EDROM, are trying to respond to the various requests that we receive and to resolve a number of problems. We feel a significant responsibility for this issue. Recently, one of our people who built a car from a water engine was hit by a car and the authorities confiscated her vehicle. The poor lady was desperate and she sought our help. We visited the public authorities to find out what happened. We learned that the vehicle was registered at the traffic directorate and when we visited them and explained the issue and provided the documents that the woman was very poor, she received her vehicle and the fines against her were dropped. The happiness that this woman has shown for her vehicle also makes us happy. When Roma people feel that there is someone to support them – when they say that “they are behind us” – this is very important for us. Also, as EDROM, we are organising human rights trainings and symposiums and we are attending international meetings of Roma people, trying to produce ideas for the future of Roma people in Europe.

The associations have aligned themselves under two different umbrella federations. Why are there two different federations of Roma associations in Turkey?

Yes, although the purpose and the objectives are the same, two different federations were established. Of course these are democratic formations; non-governmental initiatives. But it is understood that some associations do not like the path our federation follows or do not like the work of our federation and they decided to establish another one. I don't want to present ours as the sole Roma federation; all of our Roma friends may get involved in new federations and do their best. However, I believe that there are political and economic expectations because there is a belief that financial support will be given from Europe to any kind of organisation related to Roma people.

What are the positive and negative effects of federations to Roma associations?

The federation is the most serious platform around which Roma people establish contact with each other. We have the opportunity to share the experiences of EDROM with other associations under this federation. We discuss not only achievements but also failures so as not

to repeat the same mistakes. It is of course a tool for Roma people to speak louder. However, the most negative aspect of the federation is the fact that it was established too early, before the associations were fully institutionalised. The associations that are a part of the federation expect the federation's management to make up for their deficiencies since they currently do not have resources and experience to become self sufficient. When their expectations can not be met they are demoralised; therefore we try to explain them that the federation was not established to serve the associations. I believe that these issues will be overcome as time passes.

What are some of the problems that Roma associations encounter?

One of the most important problems is the lack of a coherent policy when the association is founded. Founders of associations do not have a clear idea about the mission or action plans of the association for their first two years. The second most important problem is the fact that the financial burden of the association is laid on the hands of only a few people. In most cases, when funding for the administrative expenses of the association is not available, the association ceases its operations. Since Roma people who have economic power in our society are not supporting the associations and insist on staying out of this formation, Roma activists face serious difficulties. I guess some well-off individuals do not want to identify themselves as Roma. Support by persons who are well-established in society could be instrumental in ensuring that the associations are healthy, gain recognition in the areas in which they operate, and establish effective relations with other institutions.

Do you think that Roma associations are contributing to the solution of problems that Roma communities face?

Roma associations have only a very recent history. Currently, they are not in a position to find solutions. Associations are at a stage where they are trying to identify the problems. For instance, as EDROM we have given scholarships to students in the last year. Of course, this cannot be considered as a solution for the problems of education but at least we are trying to take a step towards the solution. We found jobs for 10 people this year and we are making a contribution only to a very small part of the problem, but this is what we can do for the time being.

What kind of relations have you established with the Roma movement in Europe to date?

Currently as EDROM, we are a member of ERGO (European Roma Grassroots Organisation) and ERIO (European Roma Information Office). As the Turkish Federation of Roma Associations, we are a member of ERTF (European Roma and Travellers Forum).

What is your take on the relations between Roma organisations and other non-governmental organisations in Turkey? Do you have a critical opinion?

The answer to this question, from EDROM's perspective, is that we are very lucky. We had a head start in meeting and collaborating with human rights organisations that are working on the problems of Roma people. We have taken advantage of this opportunity. However, I believe that other organisations do not have such advantages and are not as successful as we are. Although

they are collaborating with their local municipalities, they are not very successful in establishing relationships with non-governmental organisations.

Critically, I must state that when a human rights organisation that never worked on the problems of Roma people previously suddenly starts to deal with the issue, I consider it ironic. However, if it is an organisation that was already working on such issues we must respect its efforts to share its knowledge and experience with Roma organisations. We are always trying to find opportunities for collaboration with human rights organisation such as these.

Many Roma in Turkey do not believe that the legal system can help them. How could this problem be overcome?

Roma people are still not aware of the significance of the law as a tool. Roma people must be aware that they have the same constitutional rights as everyone else and that the legal system works for all citizens. We must overcome this mentality first. In other words, it is clear that we cannot progress with the mentality of “who am I to demand my rights from the state”.

Though small, there has been a tangible change in the public opinion about the deeply-rooted problems of Roma people and violations of basic rights. I think that Roma associations have made a contribution to this change in public opinion. What do you think?

Absolutely. Roma associations are useful in revealing the existence of a problem, even the fact that so many Roma associations have been founded highlights the existence of problems. Also, the media is now more interested in the situation of Roma people. For instance, as an association we participated in a serious television programme and discussed whether it was proper to be called Gypsy or Roma for three full hours of a four hour programme.

What kind of changes do you expect for Roma people and associations in 10 years time?

Ten years is a bit too long for my projections. But I believe that if Roma associations continue to operate as they are doing now, they would not be in a more effective or reliable position than they are today. If they try to handle the problems from a proper perspective, maybe 30 percent of them could become more reliable and influential organisations open to collaboration in the eyes of government, other NGOs, or the public. If we fail to talk about our problems, if we fail to ensure that problems are solved within the legal framework, we will not be able to benefit from the European Union accession process properly.

Roma and Nationalism in Turkey

Sinan Gökçen and Sezin Öney

Roma¹ in Turkey face high levels of discrimination, despite their professed loyalty to the notion of “Turkishness” and support for Turkish nationalism. The fact that, unlike many Romani communities throughout Central and South-Eastern Europe, the prevailing part of Roma in Turkey are not confined to segregated settlements does not readily mean that they enjoy the benefits of equal citizens of the Turkish state. Negative stereotypes stigmatising Roma as “fickle” and “superficial” at best, or “criminals” and “vicious” people, are continually reproduced through the media, as well as being muttered as social idioms ad infinitum. On the whole, the general perception of Roma in Turkish society places them at the bottom of the social hierarchy.

Beyond the stereotypical images, little, if anything, is known about Roma in Turkey by the larger society. Ethnic data is not officially gathered and the official state policy does not recognise minorities, except for the so-called “Lausanne Minorities”.² Traditionally tense relations between ethnic and religious groups, which would not or could not assimilate into the “Turkish identity”, and the state have forced most of these groups to hide or even totally reject their original cultural roots. Moreover, almost none of the ethnic groups in Turkey consider themselves as ‘minorities’. Among Kurds, Turkey’s most populous minority, for example, there are strong proponents of the idea that Kurds should be recognised as another majority parallel to the Turkish community rather than be accorded the “diminutive” status of a minority. Needless

¹ The authors of this article use the term “Roma” as a collective reference to a variety of communities (Roma, Dom, Lom) in Turkey usually identified as “Gypsies”, taking into account the fact that the term “Gypsy” in its Turkish version “Çingene” is associated with negative stereotypical images.

² The Republic of Turkey’s official description is that there are no minorities in Turkey, with the exception of those who were mentioned in the post-World War One Lausanne Treaty dated 1923; meaning Greek Orthodox, Armenian Orthodox and Jews. In fact, in the text of the Lausanne Treaty there is no specific mention of any ethno-national origin. The only reference is to non-Muslims. Despite this, according to the state rhetoric, other non-Muslim groups in Turkey, such as the Orthodox Syrians, Catholic Chaldeans, Baha’is and Yezidis are not accepted as minorities. For the text of the Lausanne Treaty, see: http://www.lib.byu.edu/index.php/Treaty_of_Lausanne.

to say, as the concept of “minorityhood” is perceived as demeaning by the state and minorities themselves, little progress is made in terms of the recognition of universal standards of minority rights. Even the so-called “ground-breaking” legal reforms, triggered mostly as a consequence of the European Union accession process, produced modest advancements in both legislation and practice. Against this background, it is not surprising that Roma in Turkey perceive themselves as Turks with a Sunni Muslim affiliation, and tend to avoid public expressions of minority identity. The aspiration of marginalised minorities to “blend in” with the majority is a very understandable and historically familiar phenomenon.

Despite all the aforementioned obstacles, in recent years, a “surfacing” of ethnic identities can be observed. EU funding and political supports have been key aspects in nurturing Turkey’s civil society in the 2000s, assisting it to grow into a dynamic and resourceful factor in public life. Ethno-religious diversity -- a key aspect of Turkish social texture -- has not been dealt with much except for advocacy for the rights of the much repressed Kurdish minority, so it was a novelty that among other ethnic identity questions, the “Roma issue”, too, came to the forefront. Recent studies and civic activity focusing on Romani communities gave impetus to data gathering and furthered activists’ as well as academic and intellectual interest in the plight of Roma in Turkey.

It is also a unique development that Roma themselves are organising fast to promote their rights, and profile their communities through data gathering and research. The emergence of the Roma rights movement and the Romani studies field in Turkey in the mid-2000s is bound to generate public awareness and alternatives to the stereotypical images of Roma. It is especially important that such a grassroots movement earns respect and becomes resourceful enough to have a social impact, because currently there are almost no ‘successful’ Roma figures with the exception of a number of musicians in Turkey. This is not because Roma are unable to become outstanding in their professions but because prosperous Roma feel the need to hide their ethnic background due to fear of ostracisation.

Turkish nationalism and the concept of race

Nationalism has always been in the forefront of Turkey’s political and social agenda throughout the Republican history. In fact, nationalism could be referred to as the cornerstone of the Kemalist ideology that the Republic was founded upon. The key aim of the Republic was to craft a nation-state that would “reach to the contemporary level of civilization” and eventually surpass it.³ That target of the Republic was overtly nationalistic in the sense that it wanted to augment national pride through elevating the Turks to the high level of civilization, which they deserved to be a part of.

³ “Contemporary level of civilization” is a term coined by the founding father of the Republic, Mustafa Kemal Atatürk, to refer to the desirable level of modernisation that the new state of Turkey should strive to reach. The West was seen as the source of this kind of enviable modernisation.

As a consequence of the secession of nationalities from the Ottoman Empire, fighting for their independence starting with Greece in the 1820s, the successive wars of the 19th and early 20th centuries, and the population exchanges of the 1920s, first the Ottoman Empire and then the Republic of Turkey turned more and more into a monochrome society with ever lesser numbers of ethnicities and religions. Aside from the historical turns of the tide, the multi-ethnic and multi-religious imperial heritage of the Ottoman Empire was consciously suppressed in the Republican nation-state of Turkey. Once the initial turmoil of creating a new state was overcome in the late 1920s, the Kemalist ideology developed intensely, displaying more authoritarian, racially segregating and nationalist tendencies.⁴ The concept of the *Türk Tarih Tezi* (National History Thesis) in 1931 is an outstanding example of the racially-motivated aspects of the Kemalist ideology. The thesis ruled that “despite the fact that the Turks mixed with other races”, the Turkish language enabled them to preserve their culture and “their most sacred heritage, the Turkish intelligence”, alongside its other “pure-bred” qualities.⁵

The founding father of the Republic Atatürk and his step daughter Afet İnan, a historian, foresaw the foundations of Turkishness as oneness in politics, language, homeland, race and origin, historical and moral kinship. Although the allusion to race was not the first condition among the main cornerstones of Turkishness, it was a crucial factor for obtaining the ticket of admittance to the new Republican society. Eligibility for state foundations like the Military Lyceum and War Academy and the Mining and Exploration Foundation was premised upon being of the Turkish race.⁶

It is still a matter of academic debate to what extent the Republican elite were swimming on the shores of racism. Regardless of the various personal intentions of the Republican founding fathers, it can be said that they were most probably also embarking on segregationist ideas because they were allured to the fascist winds blowing in Europe, as well as the “milder” social Darwinist and imperialist supremacy idea(l)s.⁷

On the one hand, Turkish nationalism set Westernisation as one of its key goals, but on the other, the yearning for authenticity and qualm regarding the West were perceptible. The emphasis on racial supremacy of the Turks was a way of emulating the Western popular notions concerning the race and mirroring them back, digested as a part of the national ideology for the sake of proving Turkey’s pre-eminence among the nations.

⁴ Gökürk, Eren Deniz (Tol). 2002. “1919-1923 Dönemi Türk Milliyetçilikleri.” In Tanıl Bora (ed.). *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik*. İstanbul: İletişim.

⁵ Ersanlı, Büşra. 1992. *İktidar ve Tarih Türkiye’de “Resmî Tarih” Tezinin Oluşumu (1929-1937)*. İstanbul: Afa Yayınları.

⁶ Ünder, Hasan. 2002. “Türkiye’de Sosyal Darwinizm Düşüncesi.” In Tanıl Bora (ed.). *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik*. İstanbul: İletişim.

⁷ Ibid.

Racist ideologies and Roma

Turkish society has always taken pride in being highly tolerant in welcoming diversity, extending a helping hand to the underprivileged and steering clear of racism. However, the reality happened to be far away from that. There have been frequent instances of ethnic and religious tensions, the underprivileged suffered from discrimination and there were racist demagogues. In the early years of the Republic, Kurdish unrest had been a cause of major distress. In a similar vein, Armenians and Greeks were regarded as potential traitors. The ethno-religious pressures they faced caused many Armenian and Greek citizens to leave the country. Meanwhile, the Kurds were coerced to assimilate. The national education system and the mandatory military service were the cornerstones of education. Nonetheless, the financial deprivation of the regions mostly inhabited by Kurds undermined the effectiveness of the educational system. The traditional practice to keep girls home, uneducated, further contributed to the preservation of the Kurdish language as a mother tongue, despite state pressure to impose Turkish as the primary language. Kurdish nationalism has been a strong movement since the late 19th century. Furthermore, the Kurds possessed political power in Ottoman times. For Roma, who were more urbanised and did not retain a specified national identity, mother tongue and cultural practices were major sources of distinction in the early Republican times. Roma had little resistance power against the strong assimilationist pressures building up in the late 1920s, as compared to other ethnic groups since they did not possess a political movement or solid communal ties.

In general, Roma were not considered as a specific problem by the state elite as they did not oppose nationalist demands. But in the 1920s and 1930s, there were thinkers who believed that Roma should be expelled from the country or assimilated. One of them, Nihal Atsız, wrote that “the Gypsies should be sent back to India” or if that was not possible, they should be relocated in the easternmost town of Hakkari and “molded into real men” there.⁸ Atsız spoke of the “Gypsy problem” as “an internal wound that should be touched upon”.⁹ According to him, “Turkifying the Gypsies and integrating them among us [the Turks] and destroying the purity of the Turkish blood would be murder.”¹⁰ Atsız believed that ethnic cleansing alone could purify the Turkish homeland, Anatolia, from inferior races. Another extreme nationalist ideologue, Reha Oğuz Türkkan, preached that children under three who are of mixed blood line should be executed.¹¹

⁸ Atsız, Nihal. 1992. Makaleler 3 (Articles 3). İstanbul: Baysan Basım ve Yayın.

⁹ Atsız, Nihal. 1997. Makaleler I-IV (Articles I-IV). İstanbul: İrfan Yayınevi

¹⁰ Arslan, Emre. 2002. “Türkiye’de Irkçılık.” In Tanıl Bora (ed.). *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik*. İstanbul: İletişim. See also Bakırcı, Güven. 2002. “Nihal Atsız.” In Tanıl Bora (ed.). *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik*. İstanbul: İletişim.

¹¹ Ertekin, Orhangazi. 2002. “Cumhuriyet Döneminde Türkçülüğün Çatallanan Yolları.” In Tanıl Bora (ed.). *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik*. İstanbul: İletişim.

The primary idea of the Turkish ultranationalists in the founding years of the Republic was to establish Turkish national unity and boost national pride through affirmation of racial superiority. Atatürk never officially supported these views, but did flirt with the idea of Turkish racial pre-eminence in his own way. This is why the 1930s was the prime time for extreme Turkish nationalism and racist rhetoric.

The escalating ideological zeal of the extreme right provoked the reaction of the state and in 1944, some of the most active individuals among the Turkish nationalists, including Atsız, were detained and faced trial in the Martial Courts. They were kept in prison for a year and were released in 1945. Towards the 1950s, Turkey established itself as a foreign ally of the US against the USSR. The severe opposition to communism on the part of the Turkish extreme nationalists at that time made them a useful instrument of the state for decades to come. By the end of the Cold War, they had become an integral part of Turkish political life and established a visible profile with a solid base of supporters in the Turkish society. Nonetheless, the prime time for Turkish extreme nationalism was to come with Turkey's embarking on the rocky road to European Union membership in the 2000s.

Contemporary Turkish nationalism and Roma

Turkey's civil society received an important boost by the EU accession process in financial and political terms. Nonetheless, the liberal atmosphere breathed in by this process was suffocated in the mid-2000s by a nationalist "counter-attack". The EU candidacy was a grand design shaking the very foundations of the Republic, but few could truly assess how fundamental a change was required to accomplish the EU ideals. It should also be mentioned that some EU Member States' reluctance to signal a green light to Turkey's membership, despite already agreed terms, did not help at all clear the tough road ahead for Ankara. In a matter of years, a complex of external and internal factors has blown away optimism which saw Turkey ripe for change and counted the days to EU membership, to give way to thundering nationalist overtures.

As of 2008, it is much more a challenge to discuss minority rights in Turkey than it was in the beginning of the millennium. Lynching attempts on civil society members propagating human rights; murder of the prominent journalist and human rights activist Hrant Dink; assassinations of Christian priests and missionaries; the harsh mood of debates between Kurdish political circles and the "Turks"; the highly nationalist expressions of a sizeable group of people in public events such as the 'Republican Rallies' in 2007; and the overwhelmingly jingoist tone of the media poisoned the formerly liberal atmosphere.

It is an interesting "paradox" that the Roma rights movement in Turkey found a niche for itself to flourish after 2005, despite the fact that nationalist winds blew hard. This paradoxical occurrence, in fact, should be cause of "hope". If the much marginalised Roma of Turkey found the zest to form dozens of civil society organisations, received considerable media attention when

many of the other minorities were attacked by journalists for expressing “different” opinions, and became vocal enough to travel to the Grand National Assembly to criticise the government at times when nationalist expressions peaked, then there should be room for optimism. But it should be noted that Roma in Turkey do not relate their activism to neither minority rights nor any other identity based struggle. Their key objective seems to be “equal citizenship”, i.e. equality of access to rights, especially social and economic rights. Therefore, the mobilisation process among Roma in Turkey by no means defies the nationalist winds. Nonetheless, it is still impressive that Roma are trying to mobilise for civil actions.

A recent case brought before the courts in İzmir in 2007 was indicative of the aforementioned dual nature of the EU process in Turkey. This case, known as the “Budun case”¹², encapsulates the ongoing nationalism versus liberalism debates in Turkey perfectly: On the one hand, there is an ultra-nationalist group that disseminates racist propaganda, and on the other, there are human rights activists who litigate and campaign against racism. However, the proliferation of ultra-nationalist propaganda through numerous media channels, like internet sites, marginal as well as mainstream newspapers, radio and TV stations, is overwhelming. This is complemented by a variety of anti-Semitic, racist and nationalist fiction and non-fiction works. It is even possible to come across appraisals of Hitler in morning hour TV programmes about family life, cooking, etc. The best-sellers of 2005-2007 period are by and large highly nationalistic narratives, rich in hate-speech against various minorities (mostly Armenians and Kurds), in addition to anti-Semitic and/or anti-Western tones. A casual search over the internet shows that racist expressions in various internet sites, blogs and chat forums are abundant.

Roma are not among the prime targets of ultra-nationalist and racist groups in Turkey. This is because the Kurdish Question looms large and tangibly affects everyday realities in the country. There has been an ongoing violent clash between nationalist Kurds and state forces for almost 30 years now, claiming more than 30,000 lives. While Kurds are the prime magnet for racist propaganda, Roma are sometimes apparently associated with the Kurds as the “vile races”. For instance, several internet sites call for attacks on both Kurds and Roma and stamp the latter as an ‘equally lesser group’.

In today’s Turkey, nationalism is a rising trend and all major political parties utilise nationalist rhetoric. A survey conducted by A&G Research shows that 50.1% of the public believes that nationalism is on the rise.¹³ Probably even more important than public perception of Turkish nationalism is the nationalist reactions of people. For example, 81.6% of the respondents indicated that they believed that it was wrong to use the slogan “We are all Armenians” as a reaction to the assassination of journalist and human rights activist Hrant Dink, a member of Turkey’s Armenian community. Meanwhile, 37% of those interviewed stated that their

¹² Details regarding this case can be found in the field research chapter, 107. page of this book.

¹³ Milliyet Daily, 12 March 2007. A&G Araştırma (A&G Research), “Milliyetçilik Yükseliyor” (Nationalism on the Rise).

“nationalist reflexes strengthened” as a result of contemporary events, such as the difficulties that Turkey faces on the way to EU membership, and the nationalist murders of 2007. Another survey indicated that 52.2% of the public was distressed by foreigners buying of land in Turkey. Likewise, 52% believed that the EU is set out to “dismember Turkey”.

Such examples designate that nationalism has the power to determine public attitudes towards socio-political developments in Turkey. It is especially worrisome that human rights activists and foreign donors who support the human rights movement in Turkey are condemned as plotting against the unity of Turkey. So far, this trend does not seem to have effected the Roma rights movement in Turkey. But it can be said that human rights advocacy in general suffers from nationalist pressures. The verbal and written threats and physical assaults curb the dynamism of the local human rights movement, and legal and authoritarian pressures, such as the court cases filed against human rights activists, lead to a huge consumption of time, if anything else. On the whole, human rights activists of Turkey have difficult times keeping their enthusiasm and belief in the human rights struggle alive. It should be underlined that personal conviction in the importance of human rights struggle is still the main driving force behind civic activism as institutionalisation and professionalisation of the NGO sector is still in the process of consolidation.

Conclusion

Currently, the Roma rights movement in Turkey is developing as a struggle for equal citizenship and not for minority rights. Many Romani activists involved in rights litigation or campaigning feel the need to stress that “they are not against the state, but merely looking for justice”. The concept of human rights is still alien to the majority of Turkey’s Roma and they feel uncomfortable when using the term, because they perceive it as contrary to the interests of the state. It is an unfortunate development that at this very early stage of Roma rights activism nationalist propaganda “the EU and ‘other foreign agents’ are aiming to destabilise Turkey by utilising human rights” render it exigent and intimidating for all activists. While the nationalist surge in Turkey might not be strong enough to drown the contemporary development of the Roma rights struggle, it is bound to stall and complicate the already rough road ahead, as well as delay initiation of the crucial discussion of minority rights.

A Study of Research Literature Regarding Turkish Gypsies and the Question of Gypsy Identity

Melike Karlıdağ and Adrian Marsh

This study of material regarding Gypsies in Turkey and the topic of Gypsy identity has two main objectives. The first objective is to investigate and evaluate some of the research that has been carried out about the Gypsies in Turkey so far (especially that by foreign researchers), as a means of examining the research work on Turkish Gypsies from a critical perspective. The second objective is to challenge the impression that the different Gypsy groups in Turkey (Rom, Dom, Lom and those we may describe as Travellers) do not have an ethnicity of their own and have become assimilated into other cultures. A subsidiary intention of this study is to attempt to outline the self-perception of Gypsies in relation to the image that is imposed upon them by majority society, in light of Eriksen's and Mayall's theories of "the self in opposition to the other" and notions of "culture being socially constructed".¹

Ethnicity and Identity: What is ethnicity?

"Ethnicity is an aspect of social relationship between agents who consider themselves as culturally distinctive from members of other groups with whom they have a minimum of regular interaction."²

Before attempting to make a number of observations regarding Gypsy ethnicity in Turkey, and what ethnicity means for Gypsies themselves in terms of group identity or identities, it is appropriate to briefly consider a few interpretations of the broader concept of *ethnicity*. Max Weber, who was one of the earlier sociologists who contemplated the nature of group belonging,

¹ Thomas Eriksen (2002), *Ethnicity and Nationalism: Anthropological Perspectives*, [2nd ed.] Chippenham, England, Pluto Press; David Mayall (2004), *Gypsy Identities, 1500-2000: From Egyptians and Moon-men to the Ethnic Romany*, London, Routledge.

² Eriksen. *Ethnicity and Nationalism: Anthropological Perspectives*, p. 12.

suggested that ethnicity does not necessarily rely upon biological distinctions, but also includes notions of common customs, shared memories of a common past and an attachment to what might be termed certain 'lifestyles', to illustrate his understanding of what ethnicity is.³ Ethnicity is not fixed but represents a category of identification that relies upon notions of both self and other definitions around a series of characteristics or what might be described as elements of diversity, and these can be articulated or manipulated through concrete social actions primarily to achieve political ends and shifts in status.⁴ Weber's understanding of ethnicity strongly suggests that the connections between ethnic identification and political communities lies behind the use of particular cultural aspects to be emphasised, regardless of how important or unimportant they may seem to others, as a point of origin for the group tendency to aggregate or create a closed unit.⁵ This concept of ethnicity as a definition not determined in 'racial' clichés, but as an inspiration for social actions by rational human beings, relates clearly to Weber's understanding of social class. The interplay between ethnicity and class status further contextualises the concept, as self-identification may rely upon notions of common descent, culture, language, religion, shared memories of migration and *diaspora*, but also historical experiences of colonisation, conquest and subjugation. In such terms, the external aspects of diversity used by others may impose another relationship between groups and individuals where more general *meta-identities*, such as 'white European' and 'black African' disrupt or cut across *micro-identities* of 'Roma' and 'Ibo' for example. Thus ethnicity and identity are multi-layered and contextual, according to Weber.

Thomas Hylland Eriksen follows Weber in stressing the importance of ethnicity and identity in the definition of the *self* or what we might call 'self-hood'. By defining the *other*, we automatically define ourselves in opposition. He suggests that ethnic groups in a multiethnic society are, more often than not ranked hierarchically in social classes.⁶ This means that to belong to an ethnic group automatically categorises individuals by social class, determined by the cultural attributes they have or those that are imposed upon them by other groups, what Eriksen calls "socially sanctioned notions of cultural differences – not real ones."⁷

Other interesting ideas concerning ethnicity brought up by Eriksen are concerned with stereotyping and the standardisation of relationships between groups. The presupposed image that groups have about each other establishes fixed behavioural patterns which are unquestioned and followed.⁸ In other words, by placing a person in an ethnic group, members of differing

³ Montserrat Guibernau, John Rex (2005) "Introduction", in M. Guibernau and J. Rex [eds], *The Ethnicity Reader-Nationalism, Multiculturalism and Migration*, Oxford: Marston Book Services Ltd., p. 2-3.

⁴ Max Weber (1978), *Economy and Society*, Berkeley, University of California Press, p. 388.

⁵ *Ibid.*, p.388.

⁶ Eriksen. *Ethnicity and Nationalism: Anthropological Perspectives*, p. 6-8.

⁷ Thomas Eriksen (2001), "Ethnic identity, national identity and intergroup conflict: the significance of personal experiences" in Richard Ashmore, Lee Jussim, and David Wilder [eds.] *Social Identity, Intergroup Conflict and Conflict Reduction*, Oxford, Oxford University Press, p.42-70.

⁸ Eriksen (2002) *op. cit.* p. 23.

groups assume a definite behaviour towards that particular person determined by, in most cases, prejudices and preconceived notions regarding the “nature” of the group the individual comes from.

On David Mayall’s Gypsy ethnicity

Mayall uses the ideas of Fredrik Barth about ethnicity and culture being socially constructed through interaction and group formation, and through self-interest and practical needs, to make a comparison between Gypsy and other cultures.⁹ Ethnic identity is viewed as fluid, subject to change and dependent on external circumstances, in opposition to notions of ‘primordialism’ that suggest identity is given, a constant that is fixed.¹⁰ The former argument makes it clear that Gypsy social flexibility their way of adapting to different societies by using various survival strategies reflecting practical needs and external pressures, is not a unique feature of Gypsies but exercised by all cultures. Gypsy ethnicity and culture is just as flexible as other cultures, which have used similar survival techniques. The main difference between Gypsies and other ethnic groups is that most other ethnic groups claim a bond to territory through a *mythos* [common myths and alleged historical memories that are articulated through a mass public culture] that is a key element of nationalism. Anthony D. Smith suggests the following criteria as defining an “ethnic” or ethnic community: “a named human population of alleged common ancestry, shared memories and elements of common culture with a link to a specific territory and a measure of solidarity [...]”¹¹

This notion and understanding challenges both the claim that Gypsies do not have an ethnicity but have only assimilated to other cultures, by clearly referring to the notions of common ancestry and shared historical memories, but also the identification of Gypsies as a ‘nation’ with a link to a specific territory. Herein lies the basis for the Prague 2000 Declaration of the Roma as a “nation without a territory”, promulgated by the World Romani Congress; an attempt to articulate an ethnicity in the discourse of identity that seeks to adapt such definitions as limited to the concept of the nation-state.¹² Denying the ethnicity of the Gypsies re-enforces their marginalised situation and eliminates their rights as a minority. Mayall argues that not only are the Gypsies being excluded socially and politically as an ethnic group,¹³ but they are also absent to a large extent academically from the general work on ethnicity because of the “ill-defined

⁹ Mayall (2004) op. cit. p. 194, 196, 199.

¹⁰ Reed Coughlan and Jack Eller, (1993), “The poverty of primordialism: the demystification of ethnic attachments”, *Ethnic and Racial Studies*, vol. 10 no.2, (April), p.183-202.

¹¹ Anthony Smith (1996), “Culture Community and Territory: The Politics of Ethnicity and Nationalism”, in *International Affairs* (Royal Institute of International Affairs, 1944-), vol. 72, no. 3 “Ethnicity and International Relations” (July), p. 445-58.

¹² Thomas Acton and Ilona Klimova (2001), “The International Romani Union: an East European answer to West European Questions?”, in Will Guy, *Between Past and Future: the Roma of Central and Eastern Europe*, Hatfield, University of Hertfordshire Press, p.157-219.

¹³ Mayall, op. cit. p. 188.

nature of [this] concept itself [...].”¹⁴ He mentions several possibilities causing group-formation, one of them being “a response to opposition and hostility from the wider society”.¹⁵ This idea suggests that hostility from the general society that excludes the Gypsies helps in the construction of group-formation and a sense of belonging and unity. Also the state is defined as an agent in the formation of groups:

“[...] the state, both historically and in the present, also engages in defining groups and constructing boundaries when identifying people for purposes of persecution or protection from persecution. The state, by defining criminal behaviour, also defines criminals”.¹⁶

In other words, in this process the state is not only fostering inequality between its citizens, but also paving the way for discrimination of certain select groups by discrediting them. The state sets a precedent for the general society by treating some of its citizens as less significant than others, and through this justifies the discrimination of certain groups. Even if the state does not discredit particular groups within its territorial boundaries as a matter of public policy, it still shapes general perceptions of disadvantaged groups as a result of simultaneous and continuous actions against them. Mayall’s work explains, through an in-depth deconstructive methodology, why it is justifiable for Gypsies to be accepted as an ethnic group. He accomplishes this by contrasting the historical developments of the terms ‘race’ (a concept he refutes in his argument)¹⁷ and ethnicity, and the latter’s connection to notions of the primordial identity, with what he identifies as “the most commonly adopted approach in scholarly and other writings on the group”¹⁸ that Gypsies do constitute a distinct *ethnie*, or ethnic community.¹⁹ In this, Mayall does not discount the constantly evolving and changing definitions that attend such approaches; indeed he argues that the necessity of accepting such a process of negotiated and renegotiated ethnicity is part of the “key issue [...] of multiple identities” in defining the Gypsies.²⁰ In the same way, *all* ethnic and national identities in general are contested, constructed and contextualised through myths, imagined pasts and invented traditions, the establishment of boundaries and shared or common characteristics.²¹ The notion that these processes deny the underlying validity of ethnicity itself is common in Romani Studies scholarship and political activism, and this lies at the heart of the debates, arguments and disputes surrounding notions of the formation of identities, their evolution and change over time and circumstances, historical experiences and relationship to other groups. What Mayall describes as the “elusiveness of self-

¹⁴ Ibid. p. 189.

¹⁵ Ibid. p. 235.

¹⁶ Ibid. p. 196.

¹⁷ Ibid. pp. 189-92.

¹⁸ Ibid. p. 189.

¹⁹ Ibid. p. 219.

²⁰ Ibid. p. 237-43.

²¹ Adrian Marsh and Elin Strand (2006), “Introduction” in A. Marsh and E. Strand, *Gypsies and the Problem of Identities: Contextual, Constructed and Contested*, Swedish Research Institute in Istanbul, Transactions 17, Istanbul and London, I. B. Tauris, p. 11-26.

identity... [is a problem]... that cannot, indeed must not, be simply ignored or swept away in pursuit or defence of some mythical or mystical essential whole".²²

In his chapter "Constructing the Ethnic Gypsy"²³, Mayall discusses the key elements which are used by commentators (many of non-Gypsy backgrounds), to define Gypsy ethnicity, such as a narratives of origin (the Indian *diaspora* or dispersal of migrant Gypsy populations from the Indus and Ganges basins),²⁴ language, kinship, ancestry, cultural distinction and persecution by the *gadje* (non-Gypsies).²⁵ By discussing the nature of *Romany* [sic.] ethnicity, Mayall considers "the extent to which the ethnic Gypsy has been formed by the group itself or from outside".²⁶ He is critical of the primordialist desire to stress the Gypsy ethnic identity as culturally static and unchanging. He suggests the dynamic nature of the interaction between Gypsies and the non-Gypsy society, together with creative adaptation, is part of a process of survival, and the multiplicity of identities among the Gypsy groups should be recognised as part of this process, and not one that undermines or denies the "ethnic Romany".²⁷

Gypsy ethnicity in Turkey

Those notions of ethnicity mentioned briefly above are relevant in this study of Gypsy ethnicity in Turkey for several reasons. Firstly, by concluding that ethnicity does not necessarily signify the 'blood ties' of its members, that an ethnic group is not biologically determined within fixed boundaries,²⁸ we can establish that the diversity of Gypsy communities in Turkey, regardless of their 'blood relations', may be considered as an *ethnic* group. This conclusion is based on the following observations:

First, it is difficult to draw clear-cut boundaries between cultures in Turkey because ethnic groups living within this national territory are closely intertwined and cannot be homogeneous and 'racially' or even 'culturally' discreet, but have profoundly influenced each other and have many more characteristics in common than presumed. Based on the notion that culture is dynamic and never fixed, we may assert that all identities are constantly reconstructing and rediscovering themselves. With this in mind, it can be stated that Gypsies, meaning Rom, Dom, Lom and the groups we might define as Travellers, can be classified as related ethnic groups and to some level, share aspects and experiences related to their identity.

²² Mayall op. cit. p.245.

²³ Ibid. p. 219-51.

²⁴ Ibid. p. 220-26; Paola Toninato (2008), "The Making of Gypsy Diasporas", *Diaspora: A Journal of Transnational Studies*, forthcoming.

²⁵ Ibid. p.219.

²⁶ Ibid. p. 233.

²⁷ Ibid. pp. 234-5.

²⁸ Ibid. p. 5.

Secondly, following the Weberian definition of ethnicity as common customs and attachments to a certain way of life, there are more than a few examples of shared customs and shared experiences (including the stereotypical images imposed on them by the majority communities around them) and a way of life among those who are labelled as *Çingene* (Gypsy). Regardless of in which part of Turkey they live, which majority culture dominates them or whether they lead nomadic or sedentary lives, the cultural pattern is still there. This leads to the common experience of poverty and exclusion for these groups as a *direct* result of the social and economic marginalisation these groups are affected by.

The Gypsy identity vis-à-vis the *other*

If we agree with Eriksen regarding his ideas about the connection between ethnic groups and social class, in conjunction with his ideas of ‘the self *contra* the other’, and apply these concepts to Gypsy communities in Turkey, we may find that many of his suggestions conform to the actual circumstances which Gypsies face in Turkish society. The incontestable truth about Gypsies as a group, belonging to the lowest stratum of the social and economic hierarchy in Turkey and maintaining a fixed position as the oppressed of the oppressed is one example. But there are also elements that derive from other factors such as confessional identity that may contradict Eriksen’s arguments.

Contrary to Romani communities in Europe, Gypsies in Turkey are more hesitant to subjectively assume an *ethnic* identity as Gypsies, or even separately as Roma, Lom or Dom, due to a fear of being targeted and harassed by nationalists who seek to portray as ‘separatists’ any groups that assert an identity appearing to disadvantage the notion of national unity. They are therefore hesitant to admit the public discrimination and harassments they endure, and often choose to deny any injustices they are being subjected to. A Turkish Gypsy often asserts their Turkish Muslim identity before their identity as Romani, Dom or Lom, which comes as a ‘sub-identity’ under the national/religious one. Strand argues that the "Romanlar in Turkey" have “the option of activating multiple identities”, and suggests that the characteristic of Islam as an inclusive religion, crosses ethnic boundaries and connects the Turk, Kurd and Gypsy despite their *ethnic* differences, as equals during prayer in the mosque. This is appealing to many Turkish Gypsies.²⁹ “I believe that here lies the crucial difference between the Romanlar of Turkey and the Roma in Europe. A Muslim Roma identifies himself/herself more with a Turkish Muslim, albeit he/she is *gadjo*, and less with a foreign (Christian), *yabancı* Rom.”³⁰

Eriksen is correct when he argues that, in order for an ethnic group to define itself as separate and classify its cultural distinctions, there needs to be a contrast with another ethnic group or

²⁹ Elin Strand (2006), “Romanlar and Ethno-Religious Identity in Turkey: A Comparative Perspective”, in A. Marsh and E. Strand [eds], *Gypsies and the Problem of Identity: Contextual, Constructed and Contested*, Swedish Research Institute in Istanbul, p. 102.

³⁰ *Ibid.* p. 101.

identity. The Romanlar may do this through their antipathy towards Kurds³¹ with whom they nowadays share the same *mahalles* (neighbourhoods). The Romanlar frequently view Kurds as ‘separatists’, traditional or ‘backward’ and a closed group in general,³² and this perception has had an effect on Gypsy civil society in Turkey. Gypsy associations are cautious of making pronouncements that might be perceived as ethnically divisive and viewed as another ‘separatist’ group by the Turkish society, even though they are not considered a threat to the national unity as the Kurdish movement is. The slow growth of Gypsy associations’ activities can be restricted by fear of being associated with negative attributes that potentially conflict with the authorities and their policies concerning ethnicity.

Urban Gypsies in Turkey have differing layers of identity and association in the secondary and close sense of belonging being the *mahalle* or local community, which the members consider them a part of. The mahalles maintain their distinctiveness by contrasting themselves with one another, but recognise each other as related. This sense of relationship is the third layer of identification, with the national (Turkish identity) being the primary identity. Mischek argues that the different mahalles, as a means to distance themselves from common stereotypes imposed on them by the general society, “downplay” one another by constructing a “self” in contradistinction to the “other”. In this way they try to “clear their name” by claiming that the other Gypsies are the “bad” “Çingene”, whereas they are the good Romanlar. Mischek further elaborates on this argument by implying that this particular behaviour and denigration of other mahalles shows that Gypsies themselves reinterpret the stereotypes that majority Turkish society ascribes to the Gypsies.³³

It should be emphasised, based on the argument above that the negative perception the different Gypsy communities have of each other derives from the external images fixed upon them by non-Gypsies. The negative characteristics ascribed to Gypsies as “natural” have been internalised and, to some extent, has become a subjective part of the self-image of Gypsies.

An illustration of this negative self-image, aside from Mischek’s example, is the number of unsuccessful Rom, Dom and Lom children at school. The large number of ‘drop-outs’ before secondary school, and the lack of interest in school among Gypsy children cannot be explained as a cultural trait. It is the product of similar mechanisms, poor expectations by the society in general, by the teachers and even the parents of Gypsy children, and a presupposed notion that these children are not fit for education. These have a crucial impact on their ability to be ‘good’ students.

³¹ Udo Mischek (2006), “Mahalle Identity. Roman (Gypsy) Identity under Urban Conditions”, in *Gypsies and the Problem of Identity*, p. 160.

³² Strand (2006), “Romanlar and Ethno-Religious Identity in Turkey: A Comparative Perspective”, p. 100.

³³ Mischek, “Mahalle Identity: Roman (Gypsy) Identity under Urban Conditions”, p. 159.

“Reaching the Romanlar”

According to Marsh and Strand, the objective of this study was to map certain Romani communities in Istanbul with emphasis on their social situation (education, accommodation, employment and health) within the general society.³⁴ This report makes clear that there is an immense need for further research in Turkey concerning the disadvantaged situation of the Gypsies, regardless of whether they are Rom, Lom or Dom. Marsh and Strand stress the importance of mapping the different communities across Turkey and the conditions they live in, as a means to deal with the discrimination and exclusion they face.

Besides presenting an alternative perspective on Gypsy history, Marsh and Strand also highlight the difference in self-perception between the Romanlar of Istanbul and European Roma. One of the most obvious differences is the assurance, by the Romanlar as well as the non-Gypsy alike, that Romanlar in Turkey are not a ‘minority’ but a part of the larger Turkish entity. The report states: “In Turkey, the notion of regarding the Gypsies as a separate ethnic minority is largely rejected, even by Gypsies themselves as it is seen as divisive and therefore discriminatory.”³⁵

After examining the ethnic and religious affiliations together with the prejudices encountered in society against Gypsies, the report continues with an evaluation of the contemporary awareness and organisational developments taking place in Turkey at the time.³⁶ Although the main assessment concerns the areas “Health”,³⁷ “Housing”,³⁸ and “Employment”³⁹, “Education”,⁴⁰ is clearly highlighted in this feasibility report. The authors suggest that this is the key to the future social inclusion of Gypsies in Turkey.⁴¹ While assessing the attempts in the past to improve the educational situation of Roma elsewhere and suggesting possible alternatives for Romani children of Turkey, this report is seeking to first evaluate the situation in order to evaluate the action needed for an improvement of the life situation not only for a deprived youth, but also for the future of several wide Gypsy communities.⁴²

Origins of Gypsies

The question of the origins of Gypsies has fascinated and intrigued scholars and romantic explorers alike, but significant scholarly research about Roma in Europe was not carried out

³⁴ Ibid. p. 7.

³⁵ Ibid. p. 20-21.

³⁶ Ibid. p. 33-39.

³⁷ Ibid. p.38-9.

³⁸ Ibid. p.38.

³⁹ Ibid. p. 36-7.

⁴⁰ Ibid. p. 33-6.

⁴¹ Ibid. p. 59.

⁴² Marsh and Strand (2006a), “Recommendations”, p. 58-9.

until the end of the 18th century.⁴³ Although there were several bizarre theories and presuppositions about where these people originated, the predominant notion about the origins of Gypsies has become that they had travelled from the regions of northern India.⁴⁴ In Europe where nationalist sentiment was growing rapidly, the need for locating and binding “races” to certain territorial regions was becoming embedded in the concept of the ‘nation-state’. The general idea was that all races, regardless of their “inferiority”, had to have a land of their fathers and therefore had to be categorised and placed somewhere.⁴⁵

A common fixation of early scholars in Europe was their habit to view other non-Western cultures as less ‘developed’, and therefore inferior, but also to come to simplistic and overly determinist conclusions based on comparative study between what is familiar to them in their own habitat and their object of study. These early researchers often viewed Gypsies either by romanticising them as ‘children of nature’ or as a ‘filthy people’ engaged with indecent conduct and occupations such as thievery, depending on the writers’ own perceptions.

Similar to the Gypsy lorists of the 19th and 20th century, the English ethnologist John Crawford was greatly influenced by the ‘racial anthropological’ methods of his time with a focus on physical rather than cultural differences. In his thesis, Crawford presented his argument of Gypsies as *not* originating from India, or even from the northern parts of this region, based on a comparison of physical features and languages, between the people living there and Gypsies in Europe. Crawford particularly stressed the dissimilarities between what we call *Romani* (or more properly *Romanëš*) and the Sanskrit language. Instead of looking at what similarity there may be, in common with most other scholars interested in origins, Crawford was arguing the opposite. He rejected the idea that Gypsies once started their migration from northern India and that they had sufficient language and cultural likenesses, without presenting a convincing alternative theory of origins. The “blackness” of the Hindus and the absence of tribes in India with skin “as fair as the Gypsies in Europe”⁴⁶ along with the variety of colouring in the eyes and complexion of the Gypsies encouraged Crawford to suggest a *racialised* view that, “[...] Gypsies are, in fact, a mixed race, and in blood far more Europeans than Hindus.”⁴⁷

It is obvious that European scholarship adopted a Eurocentric perspective during earlier periods. Most scholars, including the Gypsy lorists of Great Britain, had a wide-ranging interest in Gypsies that reached beyond the boundaries of the nation-state. Turkey and the rest of the

⁴³ See Donald Kenrick (2000), “Romany Origins and Migration Patterns” in *International Journal of Frontier Missions*, Vol. 17, no.3, Fall; Ian Hancock (2002), *We Are the Romani People: Ames am e Rromane dzene*, Paris and Hatfield, Centre de recherches tsiganes and University of Hertfordshire Press, pp.2-14; and Angus Fraser (1992), *The Gypsies, Peoples of Europe Series*, Oxford, Blackwell, p.10-32 for useful surveys.

⁴⁴ See Mayall, p.55-83.

⁴⁵ See Ernest Gellner (1983), *Nation and Nationalism*, Oxford, Blackwell, p. 1-7.

⁴⁶ John Crawford (1865), “On the Origin of the Gypsies”, in *Transactions of the Ethnological Society of London*, Vol. 3. (1865), p. 26.

⁴⁷ Ibid.

'Orient' were only infrequently within the scope of their interest. The absence of much scholarly Gypsy research from these lands is proof of this. There were, however, Gypsy lorists who produced a few documentary articles from Turkey and Persia that can provide us with a glimpse of Gypsies from these earlier years. One such scholar was Alexander G. Paspati, a member of the Gypsy Lore Society, who travelled in the Western Ottoman Empire of his time (the 1860's and 1880's) and wrote about Gypsies in these lands.

Paspati's "Memoir on the Language of Gypsies, as now Used in the Turkish Empire" is a primarily philological work, with an aim of demonstrating the relationship between Sanskrit and the language spoken by Gypsies in Turkey. Paspati also provides a short history of Gypsies in Europe with a brief acknowledgement of the persecution against them in several countries; though he goes on to attribute the causes for this as entirely lying with Gypsies themselves. In Turkey he admits, Gypsies were better treated by the Muslims, whom "[...] are not particularly punctilious in the choice of their wives, [and who]... often marry Gypsy women" unlike the Christian communities, which were less inclined to interact with them and furthermore kept them out from churches and other religious offices.⁴⁸

Like most early intellectuals, Paspati emphasised the differences between Gypsies and non-Gypsies in a way that positioned them outside of the 'civilised' world. He wrote that, "They have no principles, they serve no God but the God of gain and fraud, and they conform to all religions. They excite the voluptuous passions of others, but rarely fall themselves into the sins which they lead others into."⁴⁹ Further, he stated, "History has not traced their mysterious migrations, or noted any sudden irruptions into more cultivated lands. It has marked, however, their rigorous wickedness, their unconquerable propensity to roaming and pilfering, and their universal abhorrence of the customs and religion of the people amongst whom they roamed or dwelt."⁵⁰

A further article written by Paspati for the Journal of the Gypsy Lore Society in 1888 was entitled "Turkish Gypsies". In this article, Paspati presents several interesting observations, such as how Muslim Gypsies were relieved from the exemption tax (the *bedel*) in 1874, usually paid by non-Muslims *in lieu* of doing military service. This is an important event in the history of Turkish Gypsies as Paspati suggests, since up until that time Muslim Gypsies were not considered as genuine and equal to other Muslims in Ottoman law. Aside from this, the article also provides information regarding places where Gypsies lived and the occupations they pursued. They had certain 'traditional' professions that they took up, and were known to be talented violinists, basket makers and ironmongers. Gypsies were not known as robbers and they did not hunt, Paspati asserted.

⁴⁸ Alexander Paspati (1860-1863), "Memoir on the Language of the Gypsies, as Now Used in the Turkish Empire" [trans.] Hamlin, in *C. Journal of the American Oriental Society*, Vol. 7, p. 148.

⁴⁹ *Ibid.* p. 146.

⁵⁰ *Ibid.* p. 150.

Although the author is less critical of Gypsies in this article than he had been in his earlier work, he maintained his attitude of Gypsies as a people indifferent to religion. At the beginning of the article, Paspati tells a story about a Gypsy “bear dancer” who dies in an accident and who is refused a Christian funeral because all his life he was known to be a Muslim called Mustapha. It was later proved he was Christian by the fact that he was not circumcised as a Muslim, and he was eventually buried with the consent of the Christian priest. Paspati comments that, “It is a striking example of their indifference to religion”.⁵¹ With this comment, Paspati assumes that Gypsies adopt religion without any true conviction, questioning their ability to have faith and a will of their own. What Paspati does not consider is the efforts of Mustapha’s close friends to give their friend a proper funeral according to his avowed faith by trying to prove his religious identity. The Muslim name Mustapha adopted may have been an attempt to blend in and be more accepted by the dominant population. Despite his judgmental view of Gypsies, Paspati’s work is requisite due to the factual details about Turkish Gypsies he has provided, which are otherwise hard to come by.

Some Observations on Turkish and Persian Gypsies is another article written by a Gypsy lorist, Dr Herman Arnold. This is a field report following a journey to Persia, through Edirne, İstanbul, Ankara, Kayseri and Erzurum, between August and September 1965. Dr Arnold provides us with very poor observations from Turkey. He principally looks for nomadic Gypsies and tent-dwellers and claims that it is impossible for the foreigner to classify and make a distinction between Gypsy nomads and others.⁵² It appears that Dr Arnold and his team were hurrying to Persia without spending much time in Turkey, since in his article he writes: “Between Üsküdar and Ankara there were no Gypsies to be found.”⁵³ His assumption had been that because Persia and other Middle Eastern countries are more familiar with nomadic lifestyle, the nomadic Gypsies would be found there. The report claims that only near Kayseri did the group see Gypsies again and no other until the Persian frontier.⁵⁴ They mention nothing about the nomadic Dom groups in substantial numbers travelling in the south eastern part of Turkey. It is clear that Persia was the main topic of research for these people, since much of the text is dedicated to the *Koli* Gypsies of Iran. The objective of their mission was to compare the Romanës of Europe with the language spoken by the Koli in Persia; in the section entitled “Linguistic Problems” there is a comment about the disappearance of the “true” Gypsy language spoken in Europe. Dr Arnold claims the Romani language of the European Gypsies is the true and original language, whereas the languages spoken by the non-European Gypsies are merely made up “secret languages”. The linguistic assimilation is blamed on the wider contact of Gypsies with the rest of the population in Persia.

⁵¹ Alexander Paspati (1888), “Turkish Gypsies”, *Journal of the Gypsy Lore Society*, Vol. 1, no. 1, p. 3-5.

⁵² Hermann Arnold (1967), “Some Observations on Turkish and Persian Gypsies” in *Journal of the Gypsy Lore Society*, Vol. XLVI, p. 105.

⁵³ *Ibid.* p. 106.

⁵⁴ *Ibid.*

“Marriages among the Gypsies of Turkey”

The article “Marriages among the Gypsies of Turkey” by Ali Rafet Özkan, published in 2006, is one of a limited number of publications on Turkish Gypsies to be found in recent years. It is included in this review in order to indicate the persistence of stereotypical and stigmatising imagery of Gypsies in academic literature.

The author analyses marital customs among Turkish Gypsies and categorises these customs as “exchange,” “abduction,” and “purchase”. To “exchange” brides means that parents choose to marry off their daughters to families who have daughters of their own that they can offer to their own sons in return. In this way, families facing economic difficulties can avoid dowry expenses. “Purchase” on the other hand means that families negotiate a price for the bride, “buying” her as the author of this article describes it. The final custom is “abduction”, which, according to Özkan, is carried out when the groom does not have the financial means to marry a girl from a richer family. We can see a pattern here that suggests that all three customs are based on economic factors, and Özkan is plainly suggesting that Gypsy marriages are primarily the result of economic relations.

Another point stressed in the article is that Gypsies are not allowed to marry outside of their own culture, viewing “gadjo” as impure. They may however marry those individuals who choose to be a part of the Gypsy community and ‘become’ Gypsy themselves. Özkan boldly asserts:

“The ban on marrying a non-Gypsy is also an issue to which Gypsies attach importance since the Gypsies can preserve their traditions only through endogamy marriages.”⁵⁵

Özkan’s assertions deliberately seek to portray Gypsies as a primitive people, who consciously insulate themselves from the broader society and its development.

Further in his discussion about marital customs among Turkish Gypsies, the author notes that “[...] among the Gypsies in Turkey plural marriages are free and easy, so is divorce. The fact that official marriages are not common [...] paves the way not only to multiple marriages, but also to [multiple]... divorces”⁵⁶ Here is another statement that simultaneously projects negative values and furthers popular prejudices regarding a lack of respect from Gypsies towards the sanctity of marriage.

⁵⁵ Ibid. p. 469.

⁵⁶ Ibid.

Analysing the relationship between men and women in Gypsy communities, the author offers the following comment:

“Thus, male deficiencies such as incompetence, clumsiness, ugliness, etc. are ignored and disregarded. On the other hand, female qualities are ignored and disregarded, in particular, the fact that it is the women who are mostly endowed with the economic burdens of the household. Therefore, it is really unjust for Gypsy women to be always regarded as worthless even though they have significant functions in the family. Moreover, the marriage of a man to a second and even a third wife in dissatisfaction with the self-sacrificing efforts of his principal wife is a clear sign of male supremacy and female worthlessness.”⁵⁷

Although one might give Dr Özkan some credit for expressing a dislike for injustices deriving from sexual stereotyping, his assertions are questionable from being overly generalised and biased, in that an impression is given of the said features being uniquely attributable to Gypsies.

It is quite obvious that the writer lacks the in-depth knowledge regarding Gypsy groups in Turkey that he suggests he possesses, since there are several essential elements he fails to note. Information about the existing variety of religious convictions, and sufficient details concerning the divergence between these groups is most obviously absent from his analysis. When naming the different groups of Gypsies in Turkey, Özkan does not help the reader to distinguish between them. Two of the names he uses, *Posha* and *Mitrip*, are labels used by the majority communities for certain Gypsy groups. The group referred to by the author as *Posha*, for instance, identifies itself as *Lom* and regard the former term as pejorative. Drawing upon field research carried out by the ERRC/hCa/EDROM project “Promoting Roma Rights in Turkey”, it can be asserted that *Lom* have a language of their own, *Lomavren*, and a distinct sense of community. The group *Mitrip*, a term deriving from Arabic and meaning ‘musicians’, mostly live in the eastern and south eastern parts of the country and also have an ‘in group’ name and language of their own, namely *Dom* and *Domari*. When informing the reader about the different customs of marriage, the author indiscriminately lumps all Gypsy groups and communities together, assuming that the customs apply to all in the same manner. He does not mention at all the *Bekraşi* or *Alevi* groups amongst Gypsies, who differ significantly in their ways and customs.

On the whole, this research is not convincing nor compelling enough to be regarded as a satisfactory study of Turkish Gypsies.

⁵⁷ Ibid. p. 464.

Conclusion

From what has been discussed about Gypsy identity and ethnicity, it may be concluded that social exclusion and external stereotyping of Gypsy communities and individuals has caused, and continues to cause, serious damage to the understanding of the Gypsy *self*. This damage leads to a series of consequences such as permanency of Gypsy segregation and mistreatment that restrains Gypsies from ascending the socio-economic hierarchy.

The lack of sufficient research about Gypsy communities of Turkey has two primary causes. Firstly, the disregard that Western scholars and romantic folklorists alike have shown towards Gypsies living in the region (Turkey and the remainder of the Middle East) until today has largely kept Turkish Gypsies as an unknown and unrelated group from other European Roma. The long history of research regarding Gypsies in Western, Central and Eastern Europe has provided substantial information concerning Gypsy communities that has contributed to their self-awareness and directly or indirectly to the discourse of Roma (or perhaps *Rroma*) ethnicity. The discussions around Gypsy identity and discrimination in Europe rarely include Gypsy communities in Turkey, which is a direct cause of this lack of knowledge regarding Turkish Gypsies. There may be said to be insufficient interest shown by scholars and researchers due to an academic Eurocentrism.

Secondly, the political situation in the Republic of Turkey, maintaining as it does what might be described as an assimilationist and nationalist line of reasoning, does not encourage studies and research concerning ethnicity in general which would endorse a culturally pluralist and heterogeneous society. This may be another explanation for the scarcity of research regarding Turkish Gypsies. It is difficult to elicit unbiased substantive research material about Gypsies, as Turkish scholars are sometimes unable to maintain a non-ideological bias when they are studying Gypsy cultures. By and large, the causes for the social exclusion of Turkish Gypsies are being sought exclusively within the Gypsy communities themselves as a result of poverty and marginalisation, rather than a consequence of discrimination and prejudice, as if the Gypsies themselves are to be blamed. In a number of instances, academic research in Turkey sadly encourages rather than dispels prejudices against Gypsies and fails to bring any understanding to the problems they face or offer constructive solutions to their everyday dilemmas.

Bibliography

- Acton, Thomas and Ilona Klimova (2001). "The International Romani Union: an East European answer to West European Questions?", in Will Guy, *Between Past and Future: the Roma of Central and Eastern Europe*, Hatfield, University of Hertfordshire Press.
- Adler, Marcus N. (1907). *The Itinerary of Benjamin of Tudela: a Critical Text, Translation and Commentary*, London, Philip Feldheim Inc.
- Aksan, Virginia H. (Ottoman Political Writing, 1768-1808", *International Journal of Middle East Studies*, vol. 25, no. 1, (Feb.).
- Alford-Andrews, Peter (2002). *Ethnic Groups in the Republic of Turkey*, [with Rüdiger Benninghaus] Beihefte zum Tübinger Atlas des Vorderen Orients Reihe (Geisteswissenschaften) Nr. 60.2, vols. 1 and 2 [1994], Weisbaden: Germany.
- Ali, Tariq (2001). *The Stone Woman*, London, Verso.
- And, Metin (2002). *Osmanlı Tasvir Sanatları: Minyatür*, İstanbul, Türkiye İş Bankası Kültür Yayınları.
- Andreades, Andre M (1948). "Public Finances", in Norman Baynes and H. Moss, *Byzantium: An Introduction to East Roman Civilization*, Oxford, Clarendon Press.
- Arnold, Hermann. "Some observations on Turkish and Persian Gypsies", *JGLS*, 3rd Series, vol. 46 (1967).
- A&G Araştırma (A&G Research). "Milliyetçilik Yükseliyor", *Milliyet Daily*, 12 March 2007.
- Arslan, Emre (2002). "Türkiye'de Irkçılık" (Racism in Turkey), in: Tanıl Bora (ed.) *Modern Türkiye'de Siyasi Düşünce: Milliyetçilik*, İstanbul: İletişim.
- Ashmore, Richard, Lee Jussim, and David Wilder [eds.] *Social Identity, Intergroup Conflict and Conflict Reduction*, Oxford, Oxford University Press.
- Astarian, Garnik (1999-2000). "The Holy Brotherhood: The Yezidi Religious Institution of the "Brother" and the "Sister" of the "Next World", *Iran and the Caucasus*, vol. 3.
- Bahar, Cem (1998). "Sources pour la demographie historique de l'empire Ottoman: Les tahrirs (denombrements) de 1885 et 1907" *Population*, 53e Année, No. 1/2, *Population et histoire* (Jan. - Apr.)
- Bakirezer, Güven (2002). "Nihal Atsız", in: Tanıl Bora (ed.) *Modern Türkiye'de Siyasi Düşünce: Milliyetçilik*, İstanbul: İletişim.
- Barany, Zoltan (2002). *The East European Gypsies: Regime Change, Marginality and Ethno-Politics*, Camb. Cambridge University Press.
- Bates, Daniel G. (1973), *Nomads and farmers. A study of the Yörük of Southeastern Turkey*, Michigan, Ann Arbor.
- Bosworth, Clifford E. (2008). "Kul" in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs [eds.] *Encyclopaedia of Islam*, Brill Online, Malmö University.
- Bowen, H. (2008). "Akçe" in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs [eds.] *Encyclopaedia of Islam*.

- Braude, Benjamin (1982). "Foundation myths of the millet system", In Benjamin Braude and Bernard Lewis [eds.] *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, Volume 1, The Central Lands, New York and London, Holmes and Meier.
- Brown, Philip M. (1927). "The Lausanne Treaty", *The American Journal of International Law*, vol. 21, no.3 (July).
- Canefe, Nergis (2002). "Turkish nationalism and ethno-symbolic analysis: the rules of exception", *Nations and Nationalism*, vol. 8, no.2.
- Clark, Bruce (2006). *Twice A Stranger: How Mass Expulsion Forged Modern Greece and Turkey*, London, Granta.
- Coşgel, Metin M. (2004). "Efficiency and Continuity in Public Finance: the Ottoman System of Taxation" *Department of Economics Working Paper Series*, Storrs, USA, University of Connecticut.
- Coughlan, Reed and Jack Eller, (1993), "The poverty of primordialism: The Demystification of Ethnic Attachments", in *Ethnic and Racial Studies*, vol. 10 no.2, (April).
- Crawford, John. "On the Origin of the Gypsies". *Transactions of the Ethnological Society of London*, Vol. 3. (1865).
- Dostourian, Ara Edmond. "Armenia and the Crusades; the Chronicle of Matthew of Edessa", *Armenian Heritage Series*, University Press of America
- Eldem, Erdem, Daniel Goffman and Bruce Masters (1999), *The Ottoman City between East and West: Aleppo, İzmir and Istanbul*, Cambridge Studies in Islamic Civilization, Cambridge, CUP.
- Eriksen, Thomas H. (2002). *Ethnicity and Nationalism Anthropological Perspectives*, 2nd edition. Chippenham, England, Pluto Press.
- Ersanlı, Büşra (1992). *İktidar ve Tarih Türkiye'de "Resmi Tarih" Tezinin Oluşumu (1929-1937)*, İstanbul: Afa Yayınları.
- Ertekin, Orhangazi. (2002). "Cumhuriyet Döneminde Türkçülüğün Çatallanan Yolları", in: Tanıl Bora (ed.) *Modern Türkiye'de Siyasi Düşünce: Milliyetçilik*, İstanbul: İletişim.
- Forbes-Mainz, Beatrice (1999). *The Rise and Rule of Tamerlane*, Cambs. Cambridge University Press.
- Fögen, Marie Thérèse (1995). "Balsamon on Magic: From Roman Secular Law to Byzantine Canon Law" in Henry Maguire [ed.] *Byzantine Magic*, Washington, D.C. Dumbarton Oaks Research Library and Collection.
- Fraser, Angus (1992). *The Gypsies; Peoples of Europe*, Oxford, Blackwell Publishers Ltd.
- Freedom of Association in the Process of EU Reforms, The Study Meeting Report, Helsinki Citizens' Assembly (February 2004), <<http://www.hyd.org.tr/?pid=349>>
- Freedom of Expression and Association - A New Legal Framework, Study Report, Helsinki Citizens' Assembly (September 2002), <<http://www.hyd.org.tr/?pid=361>>
- Frescobaldi, Lionardo do Niccolò (1818). *Viaggio di L. di Niccolò Frescobaldi In Egitto E In Terra Santa*, G. Manzi [ed.] Rome.
- Gellner, Ernest (1983), *Nation and Nationalism*, Oxford, Blackwell.

- Gilliat-Smith, Bernard. "Report on the Gypsy tribes of north-east Bulgaria", in *Journal of the Gypsy Lore Society*, 1915-1916, New Series, vol. 9, no. 1.
- Ginio, Eyal (2004). "Neither Muslims nor Zimmis: The Gypsies (Roma) in the Ottoman State", in *Romani Studies*, 5th Series, vol. 14, no. 2.
- Gjorgjevic, Tihomir R. "Rumanian Gypsies in Serbia", in *Journal of the Gypsy Lore Society*, 1929, 3rd Series, no. 8.
- Göktürk, Eren Deniz (Tol) (2002). "1919-1923 Dönemi Türk Milliyetçilikleri", in: Tanıl Bora (ed.) *Modern Türkiye'de Siyasi Düşünce: Milliyetçilik*, İstanbul: İletişim.
- Grellman, Heinrich M. G. (1787) *Dissertation on the Gypsies, being an historical enquiry concerning the manner of life, economy, customs and condition of this people in Europe, and their origin*, [trans. Matthew Raper], London, P. Elmsley.
- Guibernau, Montserrat, John Rex (2005) "Introduction", in M. Guibernau and J. Rex [eds] *The Ethnicity Reader- Nationalism, Multiculturalism and Migration*, Oxford: Marston Book Services Ltd.
- Guy, Will (2001). *Between Past and Future: the Roma of Central and Eastern Europe*, Hatfield, University of Hertfordshire Press.
- Çelebi, Evliya (1834-50). *Narrative of Travels in Europe, Asia and Africa, in the Seventeenth Century by Evliya Efendi*, J.von Hammer (Purgstall) [trans. from Turkish], vols. 1-2, London, Oriental Translation Fund of Great Britain and Ireland.
- Halliday, William R. "Some notes upon the Gypsies of Turkey", *Journal of the Gypsy Lore Society*, 1922, 3rd Series, vol. 1, no. 4.
- Hamilton, Bernard and Janet (1998). *Christian and Dualist Heresies in the Byzantine World, c.650 to 1405*, Manchester University Press.
- Hancock, Ian (2002). *We Are the Romani People (Ames am e Rromane dzene)*, Interface Collection 28, Paris and Hatfield, Centre de recherches tsiganes and University of Hertfordshire Press.
- Hancock, Ian (2006). "On Romani Origins and Identity: Questions for Discussion" in Adrian Marsh and Elin Strand [eds.] *Gypsies and the Problem of Identities: Contextual, Constructed and Contested*, Swedish Research Institute in Istanbul Transactions 17, İstanbul and London, I. B. Tauris.
- Hasluck, Margaret. "Firman of A.H. 1013-14 (AD 1604-5) regarding Gypsies in the Western Balkans", *Journal of the Gypsy Lore Society*, January-April 1948, 3rd Series, Vol. 27, nos. 1-2.
- Hirschon, Renée [ed.] (2003). *Crossing the Aegean: an Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, Oxford and New York, Berghahn Books.
- İnalçık, Halil and Donald Quataert [eds.] *An Economic and Social History of the Ottoman Empire, 1300-1914*, Cambs. Cambridge University Press.
- International Romani Studies Network (2005). "Reaching the Romanlar. A report on the feasibility studies "mapping" a number of Roman (Gypsy) communities in İstanbul." British Council, Turkey.
- Karpat, Kemal (1978). "Ottoman Population Records and the Census of 1881/82-1893", in *International Journal of Middle East Studies*, vol. 9, no. 3 (Oct.)
- Karpat, Kemal (1985). *Ottoman Population 1830-1914. Demographic and Social Characteristics*, Turkish and Ottoman Studies, Madison, The University of Wisconsin Press.

- Kenrick, Donald (2000). "Romany Origins and Migration Patterns". *International Journal of Frontier Missions*, Vol. 17:3, Fall 2000.
- Langdon, John S. "Byzantium's Last Offensive in Asia Minor; the documentary evidence for, and hagiographical lore about John III Ducas Vatatzes' crusade against the Turks, 1222 or 1225 to 1231", in *Hellenism: Ancient, Medieval, Modern 7*, New Rochelle N.Y. Aristide D. Caratzes, 1992.
- Levy, Juliette de Bairacli. "The Gypsies of Turkey", in *Journal of the Gypsy Lore Society*, 1952, 3rd Series, no. 31.
- Lewis, G. L. (1955). "The Secret Language of the Geygelli Yörüks", *Zeki Velidi Togan'a Armağan* [A Collection Presented to Zeki Velidi], Istanbul.
- Lewis, Raphaela. (1971). *Everyday Life in Ottoman Turkey*, New York, Dorset Press.
- Lidner, Rudi Paul (1983). *Nomads and Ottomans in Medieval Anatolia*, Indiana University Uralic and Altaic Series vol. 144, Bloomington.
- Macalister, R.A.S. (1913-14). "The *Nawar* or Gypsies of the East" [trans. A. Russell], *Journal of the Gypsy Lore Society*, 1913-1914, New Series, vol. 7.
- Mackintosh-Smith, Tim (1996). *The Travels of Ibn Battuta*, Penguin, Harmondsworth.
- Makdisi, Usamma (2002). "Ottoman Orientalism", *The American Historical Review*, vol. 7, no. 3.
- Malcolm, Malcolm B. "Gypsies as Executioners in Turkey", in *Journal of the Gypsy Lore Society*, 1948, 3rd Series, Vol. 27, no. 1.
- Malcolm, Noel (1996). *A Short History of Bosnia*, [New, Updated Ed.], Basingstoke, Macmillan.
- Malcolm, Noel (1998). *Kosovo: A Short History*, Basingstoke, Macmillan.
- Marcus, Aliza (1996). "Should I Shoot You?": An Eyewitness Account of an Alevi Uprising in Gazi', in *Middle East Report, No. 199, Turkey: Insolvent Ideologies, Fractured State* (Apr. - Jun.)
- Marsh, Adrian and Elin Strand. "Gypsies and Alevis: The Impossibility of Abdallar Identity?", in Hege Irene Markussen (2004), *Alevis and Alevism: Transformed Identities*, Istanbul, Isis Press.
- Marsh, Adrian and Elin Strand (2006). *Gypsies and the Problem of Identities: Contextual, Constructed and Contested*, Swedish Research Institute in Istanbul, Transactions 17, Istanbul and London, I. B. Tauris.
- Marushiakova, Elena and Veselin Popov (2001). *Gypsies in the Ottoman Empire: a Contribution to the History of the Balkans*, Donald Kenrick [ed.], Interface Collection, Paris and Hatfield, Centre de recherches tsiganes and University of Hertfordshire Press
- Matras, Yaron (2002). *Romani: a Linguistic Introduction*, Cambs. Cambridge University Press.
- Mayall, David (2004). *Gypsy Identities 1500-2000: from Egyptians and Moon-men to the Ethnic Romany*, London, Routledge.
- McCarthy, Justin (1979). "Age, family and migration in nineteenth century Black Sea provinces of the Ottoman Empire", in *International Journal of Middle East Studies* vol. 10.
- Mischek, Udo (2006). "Mahalle Identity. Roman (Gypsy) Identity under Urban Conditions", in A. Marsh and E. Strand [eds.] *Gypsies and the Problem of Identity: Contextual, Constructed and Contested*, Swedish Research Institute in Istanbul

- Mitrany, David (1915). "Rumania: her history and politics" in D. G. Hogarth [ed.] *The Balkans: a History of Bulgaria, Serbia, Greece, Rumania, Turkey*, Oxford, Clarendon Press.
- Morgan, David (1991). *The Mongols*, Peoples of Europe Series, Oxford, Basil Blackwell.
- Nihal, Atsız (1992). *Makaleler 3*, İstanbul: Baysan Basım ve Yayın.
- Nihal, Atsız (1997). *Makaleler I-IV*, İstanbul: İrfan Yayınevi.
- Olsson, Tord, Elizabeth Özdalga, and Catherina Raudvere [eds.] (1998), *Alevi Identity: Cultural, Religious and Social Perspectives*, İstanbul and Stockholm, Swedish Research Institute in İstanbul, Transactions 8.
- Özkırımlı, Umut. "Milliyetçilik Araştırması", *Tempo Weekly*, 6 April 2006.
- Paspates, Alexander G. (1888). "Turkish Gypsies" *Journal of the Gypsy Lore Society*, vol. 1, no. 1.
- Penzer, Norman H. (1936), *The Harem: an Account of the Institution as it Existed in the Palace of the Turkish Sultans, with a History of the Grand Seraglio from its Foundation to the Present Time*, Philadelphia, J. B. Lippincott Co.
- Sampson, John (1923). "On the origin and early migration of the Gypsies", *Journal of the Gypsy Lore Society*, 3rd Series, vol. 2.
- Seeman, Sonia Tamar (2006). "Presenting "Gypsy", Re-Presenting Roman: Towards an Archaeology of Aesthetic Production and Social Identity", *Music and Anthropology; the Journal of Musical Anthropology of the Mediterranean*, no. 11.
- Ševčenko, Nancy P. (2002). "Wild Animals in the Byzantine Park", in Anthony Littlewood, Henry Maguire and Joachim Wolschke-Bulmahn [eds.] *Byzantine Garden Culture*, Washington D.C. Dumbarton Oaks Research Library and Collection.
- Shankland, David (2007). "The Alevi in Turkey: The Emergence of a Secular Islamic Tradition", *Islamic Studies Series*, London, Routledge.
- Shaw, Stanford J., Ezel Kural Shaw (1977). *History of the Ottoman Empire and Modern Turkey: Volume 2: Reform, Revolution and Republic: The Rise of Modern Turkey, 1808-1975*, Camb. Cambridge University.
- Shaw, Stanford J.(1978). "The Ottoman census system and population, 1831-1914" *International Journal Middle East Studies*, vol. 9, no. 3 (Oct.).
- Smith, Anthony (1996). "Culture Community and Territory: The Politics of Ethnicity and Nationalism", *International Affairs (Royal Institute of International Affairs, 1944-)*, vol. 72, no. 3 "Ethnicity and International Relations" (July).
- Soulis, George C. "The Gypsies in Byzantium and the Balkans in the Late Middle Ages", *Dumbarton Oaks Papers* 15.
- Strand, Elin (2006). "Romanlar and Ethno-Religious Identity in Turkey: A Comparative Perspective", in A. Marsh and E. Strand [eds] *Gypsies and the Problem of Identity: Contextual, Constructed and Contested*, Swedish Research Institute in İstanbul.
- Svanberg, Ingvar (1982). *A Bibliography of the Turkish-Speaking Tribal Yörüks*, Etnologiska institutionens småskriftsserie, Uppsala, Uppsala University Press.
- Todorov, Nicolai (1983). *The Balkan City, 1400 – 1900*, Seattle and London, University of Washington Press.
- Turner, Ralph Lilley (1927). "On the position of Romani in Indo-Aryan", *Journal of the Gypsy Lore Society*, 3rd Series, vol. 5, no. 4.

Ubcini, Jean Henri A. (1856), *Letters on Turkey*, [trans.] Lady Easthorpe, London.

Ünder, Hasan (2002). “Türkiye’de Sosyal Darwinizm Düşüncesi”, in: Tanıl Bora (ed.) *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik*, İstanbul: İletişim.

Voskanian, Vardan (2003). “The Iranian Loan-words in Lomavren, the Secret Language of the Armenian Gypsies” in *The Journal of Iran and the Caucasus*, vol. 6, no.1-2, Leiden, E.J. Brill.

Vryonis, Spyros Jr. (1971). *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century*, Publications of the Center for Medieval and Renaissance Studies 4, Berkeley, California, UCLA.

Windstedt, E.O. (1909-10). “The Gypsies of Modon and the Wine of Romeney”, *Journal of the Gypsy Lore Society*, New Series, no. 2.

Willems, Wim (1998). *In Search of the True Gypsy; from Enlightenment to Final Solution*, [trans. Don Bloch], London, Frank Cass.

Zeidan, David. “The Alevi of Anatolia”, *Middle East Review of International Affairs*, Vol. 3, No. 4, December 1999.

Zürcher, Erik Jan (1993). *Turkey: A Modern History*, London: I. B. Tauris.

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