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HTUR/FW

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Retirees' union being prosecuted in breach of international legislation

Dear Prime Minister,

The ITUC, which represents more than 168 million workers through its 305 affiliated organisations in 153 countries and territories, including Turkey, writes to you to protest the series of lawsuits which are being filed against the Turkish Trade Union of Retirees (Emekli-Sen). The final objective seems to be the closure of the union.

According to the information we received from one of our Turkish affiliates, the Confederation of Progressive Trade Unions of Turkey (DISK), Ankara's 17th Central Judicial Court had already rejected the case brought by the Turkish Interior Ministry, just like all previous court cases which had been brought against Emekli-Sen arguing that retirees don't have the right to establish a union. However, the Turkish Interior Ministry decided to appeal against that decision, and now the Turkish Supreme Court appears to have ordered the closure of Emekli-Sen on the grounds that Article 51 of the Turkish Constitution does not allow for retirees to establish a union.

However, Mr. Prime Minister, Article 90 of the Turkish Constitution states that Turkey is bound to let international legislation prevail over its own national legislation. Both the UN's as well as the European Declaration on Human Rights state that everybody has the right to form a trade union to protect his or her personal interests. Furthermore, there is no reason why a retired worker should not have the right to establish and/or be a member of a trade union.

This matter brings back grim memories of the case of teachers' union Egitim Sen, in which the authorities repeatedly tried to close down Egitim Sen on the basis of an equally irrelevant legal argument – a clause in the union's statutes which had already been removed in order to comply with the court's demands, notwithstanding the fact that it was perfectly in line with international legislation.

Furthermore, in the course of 2005, no less than five trade unions, and in the course of 2006, two public sector unions, suffered interference in their constitutions by the Ministry of Labour and Social Security, or by the Ankara local government. It seems that a pattern of abuse of Turkey's legal system to harass or even close down trade unions, against which the ITUC and the former ICFTU have repeatedly protested, is still in place.

This is particularly regrettable as in recent years your country has achieved progress in the field of bringing its labour legislation in line with international standards. While national legislation is being amended at a high pace, the implementation on the ground appears to continue to be problematic.

Furthermore, Turkey has ratified International Labour Organisation (ILO) Convention 87 on freedom of association, which explicitly stipulates that every worker has the right to establish and join the organisation of his own choosing. Article 3 of Convention 87 even states that "*workers' and employers' organisations shall have the right to draw up their constitutions and rules*" and that "*the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof*".

It appears that tomorrow, 20 September 2007, Ankara's 17th Central Judicial Court will rule whether it sticks with its initial decision and rejects the case, or whether it follows Turkey's Supreme Court and orders the closure of Emekli-Sen. Just like in the Egitim Sen case, the closure of a trade union on the basis of a groundless verdict could considerably undermine Turkey's position in the accession negotiations with the EU. I therefore urge your Government to fully respect trade union rights. Should Emekli-Sen be closed down anyway, the ITUC would have to consider filing a complaint against your Government with the ILO Committee on Freedom of Association.

Yours sincerely,

A handwritten signature in black ink that reads "Guy Ryda". The signature is written in a cursive style with a large 'G' and 'R'.

General Secretary