



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 18 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

EJDM | Platanenstrasse 13 | D - 40233 Düsseldorf

Mr. Ahmet Davutoğlu
Prime Minister
Republic of Turkey
Vekaletler Caddesi, Başbakanlık Merkez
Bina
Kızılay Ankara
Turkey

London/Düsseldorf, 18 February 2015

By e-mail ozelkalem@basbakanlik.gov.tr

ELDH Protests the Decree of the Cabinet of Turkey to Postpone the Strikes in Metal Industry

Dear Mr. Prime Minister,

I am writing this letter to you on behalf of ELDH www.eldh.eu which represents lawyers in 18 European countries, to urge you to withdraw the decree postponing the strike in the metal industry, which has been called by Birleşik Metal-İş, and create a proper environment whereby free collective bargaining negotiations can take place.

ELDH is severely concerned to learn that your Cabinet has postponed, in reality banned, the strikes in the metal industry covering 38 companies that Birleşik Metal-İş partly launched on 29 January 2015 and would start on 19 February 2015 in ten different cities of Turkey.

It is unbelievable that your Cabinet is banning the strikes on account of “national security,” as stated in the decree published in the Official Gazette from 30 January 2015 and without giving any reason for this decision. We vehemently protest this act to ban these legitimate strikes. We do consider that this is a clear violation of the right to strike, which is one of the fundamental rights of workers, guaranteed by the Constitution of Turkey as well as international conventions--ratified by your Government--and the jurisprudence of the International Labour Organization (ILO).

Even the council of state has asked the government to clarify the reasons for suspending a strike by steel workers, questioning the nature of the “national security” concerns behind the cabinet decision.

ELDH European Association of Lawyers for Democracy & World Human Rights
President: Professor Bill Bowring, London | E-Mail: bill.bowring@eldh.eu | Phone +44 (0)781 048 34 39
Présidente d'honneur: Professeure Monique Chemillier-Gendreau, Paris
Secretary General: Rechtsanwalt Thomas Schmidt, Düsseldorf | E-Mail: thomas.schmidt@eldh.eu |
Phone +49 - 211 - 444 001, FAX 0049 - 211 - 444 027
Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D - 40233 Düsseldorf (Germany)
Website: www.eldh.eu

It is clear that your Government has regularly misused relevant article of the Turkish Law on Trade Unions and Collective Labour Agreement, number 6356. In particular, since you came to power, a series of strikes in the rubber, glass, mining and metal sectors have been banned arguing that they are “prejudicial to national security”. Using this pretext to ban a strike in manufacturing sectors does not have any rational or legal grounds. Instead, it is our firm conviction that your Government is favouring business interests rather than protecting the rights of workers.

The Turkish Government should know that its decision to ban the strikes constitutes a breach of international labour norms and standards as defined in articles 53rd, 54th and 55th of the Turkish Constitution and in the ILO Convention No. 87. As a matter of fact, the ILO’s Committee on Freedom of Association ruled that the Government of Turkey, in suspending a strike in the sector on the grounds that the strike would be a threat to national security, was in violation of the principles of freedom of association.

I would like to recall you that the very same ILO Committee noted with regret the decision of the Council of Ministers to suspend a strike on grounds of national security, without any apparent relationship between the industries in question (tire, glass, municipality services and state-run undertakings) and national security.

Fundamental workers’ rights, particularly the right to strike, are no longer respected in Turkey. We receive daily reports of brutal labour rights violations being committed in Turkey. Another example are the incidents in the mining sector in Turkey. This must come to an end.

Therefore, ELDH calls on the Turkish Government to respect in full fundamental workers’ rights.

I anticipate your quick reply.

Sincerely,



Thomas Schmidt
Secretary General

CC:

Guy Ryder, Director-General, ILO
Media