

**Briefing**



# **UK-Türkiye trade deal**

**Response to Department for Business and Trade consultation**

## **Introduction**

1. The TUC welcomes the opportunity to respond to the Department for Business and Trade consultation on an updated UK- Türkiye trade deal.<sup>1</sup>
2. The TUC and our sister trade union confederations in Türkiye KESK and DISK issued a statement in January 2021 calling for the UK-Türkiye trade agreement signed in 2020 to be suspended due to abuses of labour and human rights in Türkiye.<sup>2</sup>
3. The TUC, KESK and DISK believe the UK-Türkiye trade agreement should not be updated as the UK government proposes as this would further endorse the government of Türkiye which is abusing workers' rights and severely repressing political opponents, as detailed below.
4. The UK government should use diplomatic channels to raise concerns about these abuses and not enter trade talks with Türkiye until they are addressed.

## **Anti-union measures**

### **Anti-union laws**

5. Public sector workers do not have the right to strike in Türkiye. KESK which covers workers in the public sector have concerns that the collective bargaining structure does not offer a platform where unions can freely express their views on workers' rights. They are also concerned it does not include an effective appeal mechanism and does not include measures to address gender discrimination. There continue to be high membership thresholds and slow authorisation process for union recognition before collective bargaining or strike action can take place. To achieve recognition unions must have 50 per cent membership of an enterprise in addition to having at least one per cent density in the entire sector, with the boundaries of the sector defined by law. Unions organising in one sector are restricted from organising in another.<sup>3</sup>
6. Once a union has achieved the required membership thresholds, employers are able to delay recognition by invoking legal authorisation processes that usually last several years. Research has shown that in 73 per cent of cases, employers are able to bust the union by the time the authorisation process has been completed by victimising or dismissing members and representatives meaning that the union was not able to be recognised.<sup>4</sup>

### **Dismissals, trials, imprisonments**

7. Following the 2016 state of emergency, more than 150,000 public servants (including teachers, police and military officials, doctors, and judges and prosecutors) many of whom were also union members, were dismissed or suspended with little or no right to appeal.
8. In 2017, the Government set up an Inquiry Commission to investigate state of emergency practices. As of January 2022, of the 127,292 applications that were submitted to the

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<sup>1</sup> [Trade with Türkiye: call for input - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/uk-turkey-trade-deal)

<sup>2</sup> <https://www.tuc.org.uk/unions-uk-and-turkiye-call-uk-turkiye-trade-deal-be-suspended-until-workers-rights-are-respected>

<sup>3</sup> ibid

<sup>4</sup> ibid

Commission, only 17,960 so far have resulted in public officers being reinstated while 109,332 application were rejected.<sup>5</sup>

9. 4284 of the dismissed civil servants were members of KESK. They have been targeted as union members, with KESK stating:

*'These dismissals are based on superiors' impression on our colleagues; keeping an unlawful record of our members; monitoring lawful and legitimate social media postings that can never be considered an offence in any administrative system based on rule of law and democratic principle.'*<sup>6</sup>

10. In addition to dismissals, many leading KESK members are held up in continuous court hearings on spurious terrorism charges, based on poorly-evidence or un-evidenced accusations of links to the Kurdish PKK. <sup>7</sup> Some high profile KESK leaders, for example Gönül Erden - former president of KESK healthcare affiliate SES – remained imprisoned for over a year without sentencing before being released into house arrest with no verdict returned.<sup>8</sup>
11. The risk of legal persecution extends to workers in other sectors. In 2017, 14 members TÜMTİS transport union (a TÜRK-İŞ affiliate) were given sentences between 1.5 and 6.5 years for 'for recruiting new members and obstructing the freedom of conducting business.'<sup>9</sup>

## Strike bans

12. The current legislative framework for strike action in Türkiye is set by the 2012 Law No.6356 on Trade Unions and Collective Labour Agreements. Strikes are only legal in the case of failures to reach agreement within a government-authorised collective bargaining agreement. Strikes to enforce union recognition are illegal. This, combined with the deliberately lengthy legal process in place before authorisation for collective bargaining can be secured, has led to union busting by employers and is a significant restriction on the right to strike.<sup>10</sup>
13. The 2012 law also gives the government power to ban any strike on grounds of either national security or public health, with no clear limits to what can be defined in terms of 'national security'. Recent reports from DİSK have highlighted strikes in the metal working sector - in foreign owned, non-defence industry private sector factories - were banned on 'national security' grounds at the behest of employers, demonstrating explicit collusion between employers and government to undertake union busting.
14. Since 2015, the government has banned 227 lawful strikes. Meanwhile protesting and public demonstrations have become riskier. The police intervened brutally in an unofficial strike at an automotive parts plant in January 2022, taking nearly 200 workers into custody.<sup>11</sup>

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<sup>5</sup> <https://soe.tccb.gov.tr>

<sup>6</sup> ibid

<sup>7</sup> [UNISON Attends the Trial of Trade Unionists in Türkiye \(2022\)](#)

Trade Union Freedom on Trial in Türkiye (2022)

In Türkiye trade unionists face politically motivated injustice (2023).

<sup>8</sup> Ibid (2023)

<sup>9</sup> [Global Rights Index 2018. International Trade Union Confederation \(2018\).](#)

<sup>10</sup> Trade Union Freedom on Trial in Türkiye (2022).

<sup>11</sup> [200 Turkish Workers Detained After Protesting Dismissal of Colleagues Over Unionization Efforts. Duvar English \(2022\).](#)

## Political repression

### Repression of political opposition

15. During the state of emergency 150,000 people were detained, including 78,000 people detained under anti-terror laws. Among those arrested were at least 87 mayors, nine MPs from the Equality and Democracy Party (DEM), 300 journalists and 570 lawyers. Amnesty International has documented reports of widespread beatings, torture, and other forms of ill-treatment.<sup>12</sup>
16. The invasion of Northern Iraq and Syria has been accompanied by further repression of opposition forces. Erdoğan has called the opposition DEM the “political extension” of the PKK. The DEM has rejected this association, saying it wants a negotiated settlement to the conflict. Nonetheless, 108 opposition politicians were brought to trial on terrorism charges in 2022, a move widely understood to be an attempt at impacting the upcoming presidential election.<sup>13</sup> At the same time, Istanbul’s high profile opposition CHP Mayor was sentenced to over two years and banned from politics for referring to Türkiye’s supreme electoral council as ‘fools.’<sup>14</sup>
17. The TUC has concerns about the repression of Kurdish rights organisations and over the imprisonment of Kurdish leader Abdullah Öcalan who has been in prison since 1999. The Freedom for Öcalan campaign is a UK trade union-backed initiative to secure his release as a way to create conditions for peace negotiations.<sup>15</sup>

### Attacks on the media

18. During the state of emergency some 166 media outlets and 1,719 NGOs were closed by executive decree. Attacks on freedom of expression extended to the internet and social media, with over 100,000 websites blocked and Twitter receiving more than 7,000 censorship requests from the courts and state in 2017 alone.<sup>16</sup>
19. Reporters Without Borders (RSF) notes that Türkiye is now ‘the world’s biggest jailer of professional journalists’, who commonly spend more than one year in jail before trial and often receive long sentences, and that ‘all possible means are used to undermine critics.’<sup>17</sup>

## Women’s rights

20. Women face high levels of discrimination and inequality in Türkiye.<sup>18</sup> Since the state of emergency in 2016 the number of women arrested and imprisoned has increased with children forced to live in prison with their mothers. Over 21,000 women have been dismissed from the public sector by statutory decrees passed and almost 1500 women academics removed from their roles. Tens of thousands of women workers are facing judicial proceedings and punishments.

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<sup>12</sup> [Aftermath of the failed Türkiye coup: Torture, beatings and rape. Amnesty International \(2018\).](#)

<sup>13</sup> [Erdoğan Targets Türkiye’s Kurdish ‘Kingmakers’. Financial Times \(2022\)](#)

<sup>14</sup> [Istanbul mayor Ekrem İmamoğlu sentenced to jail over ‘fools’ insult. Guardian \(2022\).](#)

<sup>15</sup> [Freedom for Öcalan campaign on Twitter.](#)

<sup>16</sup> The Rise of the Far Right (2020).

<sup>17</sup> [Reporters Without Borders](#)

<sup>18</sup> [Türkiye ranks 130th for sexual inequality in World Economic Forum’s 2018 Global Gender Gap report. SPOT \(2018\)](#)

21. Türkiye has high rates of femicide, and they have been increasing year on year, with 474 women murdered in 2019,<sup>19</sup> double the number in 2011 when Türkiye signed the Istanbul Convention. The increasingly dangerous situation for women, lack of action by authorities and threat of withdrawing from the Convention resulted in protests throughout the summer of 2020.<sup>20</sup>

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<sup>19</sup> [Murder in Türkiye sparks outrage over rising violence against women'. The Guardian \(2020\).](#)

<sup>20</sup> [In Türkiye, women rise up to stop withdrawal from Istanbul Convention. Global Voices \(2020\).](#)