



05 November 2016

INFORMATION NOTE ON RECENTLY ISSUED EMERGENCY DECREES

AKP ruling who wants to suppress opposition and reduce all dissentients to a silence uses the emergency laws and the State of Emergency as a tool.

All dismissals and suspensions from public enterprises are still continuing. Lastly, on October 29, 2016, at the midnight, two new emergency decrees having the force of law were issued upon approval of the Council of Ministers. As a result, since July 25 (when the state of emergency declared) the number of emergency decrees having the force of law has increased to 10.

On the basis of Decree No. 675 dated 29.10. 2016, 10131 employees more are dismissed from public enterprises such as several ministries and some other public institutions. Emergency Decree No. 675 also states that the public employees who dismissed from office in accordance with the Decree cannot be employed in any public enterprises anymore, and displaced employees cannot be taken to the jobs that are directly or indirectly linked with public enterprises. Dismissed employees are also asked to empty the lodgments that are provided by the public institutions.

The institutions from where employees were dismissed and number of displaced public employees are as follows:

Turkish Grand National Assembly: 32 (11 of them are advisors)

Supreme Court: 183

Supreme Court of Public Accounts: 69

General Secretariat of National Security Council: 1

Directorate General of Press and Information: 28

Banking Regulation and Supervision Agency: 8

Religious Affairs Administration: 249

Undersecretariat for the Treasury: 12

Capital Markets Board: 7

General Directorate for Foundations: 4

Directorate of Turks and Related Folks in Foreign Countries (Yabancı Ülkelerdeki Akralar, Türkler Müdürlüğü): 1

Ministry for EU: 2

Turkish Accreditation Agency: 1

Ministry of Justice: 2534

Ministry of Science, Industry and Technology: 30

Scientific and Technological Research Council of Turkey: 1

Turkish Standards Institution: 32

Ministry of Environment and Urban Planning: 48

General Directorate of Land Registers: 52

Ministry of Foreign Affairs: 102

Ministry of Energy and Natural Resources: 10

Ministry of Youth and Sports: 36

Ministry of Agriculture: 172

Ministry of Customs and Trade: 19

Coast Guard Command: 2

Turkish Statistical Institute: 23

Development Bank of Istanbul: 7

Ministry of Culture and Tourism: 11

Ministry of National Education: 2219

Ministry of Defense: 7

Ministry of Forestry: 83

Ministry of Health: 2774

Universities: 1267

Student Selection and Placement Center: 3

Turkish Armed Forces: 101

In total 10.131

1174 of those 10131 displaced public employees are the members of KESK affiliated trade unions. 589 employees of 2219 who are dismissed from the Ministry of Education and 26 academics who dismissed from universities are the member of KESK affiliated trade union EĞİTİM SEN. 441 of 2774 who dismissed from the Ministry of Health are the members of SES, a KESK affiliate in health sector.

There are many executive board members who dismissed in accordance with the Emergency Decree No 675. Ms. Gulistan Atasoy, Women Secretary of KESK, Ms. Canan Calagan former Women Secretary of KESK and Mr. Fikret Çalağan an executive board member of SES, chairpersons of Adana, Aydın, Mersin and Diyarbakır No 1 Branch Offices of EĞİTİM SEN are among displaced employees. Beside her displacement, Ms. Gulistan Atasoy, the KESK's Women Secretary is not allowed to travel abroad. She planned to participate in the ETUC Women Committee Meeting on November 2, 2016, but she learned at the airport that her right to travel abroad is restricted.

If the Emergency Decree No 672 dated 01.09.2016 is also considered, total number of dismissed employees from the Ministry of National Education is 38294 and number of displaced academics is 3613.

Numbers of KESK affiliated trade union members and leaders who dismissed upon the Decree No.675 dated 29 October 2016 are as follows:

EĞİTİM SEN (Education and Science Workers Union): 589 Ministry of Education + 26 Universities=615 (at least)

SES: 441

DİVES: 56

BES: 23

ESM: 16

YAPI YOL SEN: 12

TARIM ORKAM SEN: 5

KÜLTÜR SANAT SEN: 3

TÜM BEL SEN: 2

HABER SEN: 1

In total: 1174 KESK members

With dismissals, the fundamental principles of international laws have been violated. There is not provided concrete legal evidences for displacements. Even, there is not right to defend for displaced employees.

Via dismissing and suspending public employees from offices, the AKP ruling targets KESK which is struggling for the trade union rights and freedoms. Our Confederation has a firm attitude against the coups and the group which is named as FETO terror organization today. Our Confederation's struggle for trade union rights and freedoms and all activities, however, are being considered as crime element. That is why 1174 members of our affiliated trade unions were dismissed in accordance with the political decisions of the administrators of public institutions and the information gathered from pro-government trade unions. On the other hand, some of the public administrators who had played a role in dismissals and suspensions of our members were arrested or dismissed from their duties within the scope of investigations after the coup attempt and on the basis of alleged links with the FETÖ/PDY organization. For example, in İzmir and Antalya, some inspectors who were in an effort to charge the members of Eğitim Sen are in prison now and some of them are dismissed within the scope of investigations on the coup attempt.

In addition, process of investigation for people who were dismissed in accordance with previous emergency decrees becomes indefinite. In Turkey, in accordance with the Article 145 of Law on Civil Servants No. 657, disciplinary investigation launched against displaced civil servants shall be finalized at least in 3 months. If any decision about the dismissed civil servant is not made after three month investigation period, the civil servant will be returned back to duty. The same article also states that if there is a criminal investigation against the dismissed, the chief who is authorized to dismiss the employee shall investigate relevant person's situation every two months and shall decide whether person will return back to duty. The Article 13 of Emergency Decree, however, arranges that this two month period cannot be applicable during the State of Emergency Period.

Emergency Decree No. 675 also suppresses the media, as 15 broadcasting corporation (newspapers, news agencies and magazines on culture) were closed in accordance with it.

The other Emergency Decree issued on October 29, 2016 is Emergency Decree No. 676. Via this decree many laws are amended permanently. The rectorship elections are abolished and the president of the republic shall appoint rectors. Right to defense is restricted as the number of lawyers is limited. Such amendments go beyond the scope of state of emergency and making practices of the "state of emergency" permanent all these amendments are in contradiction with the Constitution.

It is also known that precarious work is tried to be generalized in the public sector and especially in the education sector through the emergency decrees. It is reported that contracted employees are being recruited instead of civil servants who are dismissed from offices. These recruitments are made on the basis of oral exam results.

In accordance with the Article 76 of the Emergency Decree No. 676 dated 29.10.2016, contracted employment in the Ministry of Health become prevalent and the authority to make an oral exam in order to recruit contracted employees is given to the Ministry. It is reported that authorities in the Ministry of Education ask irrelevant questions to the applicants during the oral exams to recruit contracted teachers and accordingly the applicants who are not in line with the political views of AKP are eliminated. There is no doubt that the similar practices will be experienced in recruitments in the health sector.

Briefly, the AKP government hires precarious employees by employing contracted workers and refers to results of oral exams which are utilized to select applicants who support AKP's political views.

The picture in Turkey, in every respects including working life has become darker. Despite of the repression of political power, KESK continues struggling for job security, trade union rights and freedoms, peace and democracy as it has done since its establishment. However, it is clear that we need international solidarity more than ever, especially during this period in which fascism is being institutionalized.