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Country Report on Human Rights Practices 2019 - Turkey

Executive Summary

Turkey is a constitutional republic with an executive presidential system and a 600-seat parliament. The unicameral parliament (the Grand National Assembly) exercises legislative authority. In presidential and parliamentary elections in 2018, Organization for Security and Cooperation in Europe (OSCE) observers expressed concern regarding restrictions on media reporting and the campaign environment that restricted the ability of opposition candidates, including the jailing of a presidential candidate at the time, to compete on an equal basis and campaign freely. In March municipal elections, Council of Europe observers expressed similar concerns about limitations on freedom of expression, particularly for the media, and about a legal framework that contributed to an unequal campaign environment. The observers also criticized the Supreme Electoral Council's decision to rerun the Istanbul mayoral race in June and several decisions replacing winning opposition Peoples' Democratic Party (HDP) candidates with second-place governing-party candidates.

The National Police and Jandarma, under the control of the Ministry of Interior, are responsible for security in urban areas and rural and border areas respectively. The military has overall responsibility for border control and external security. Civilian authorities maintained effective control over law enforcement, but mechanisms to investigate and punish abuse and corruption remained inadequate, and impunity remained a problem.

Under broad antiterror legislation the government restricted fundamental freedoms and compromised the rule of law. Since the 2016 coup attempt, authorities have dismissed or suspended more than 45,000 police and military personnel and more than 130,000 civil servants, dismissed one-third of the judiciary, arrested or imprisoned more than 80,000 citizens, and closed more than 1,500 nongovernmental organizations (NGOs) on terrorism-related grounds, primarily for alleged ties to the movement of cleric Fethullah Gulen, whom the government accuses of masterminding the coup attempt, and designated by the government as the leader of the "Fethullah Terrorist Organization" ("FETO").

Significant human rights issues included: reports of arbitrary killings; suspicious deaths of persons in custody; forced disappearances; torture; arbitrary arrest and detention of tens of thousands of persons, including former opposition members of parliament,

lawyers, journalists, foreign citizens, and employees of the U.S. Mission, for purported ties to "terrorist" groups or peaceful legitimate speech; the existence of political prisoners, including elected officials and academics; significant problems with judicial independence; severe restrictions on freedom of expression, the press, and the internet, including violence and threats of violence against journalists, closure of media outlets, and unjustified arrests or criminal prosecution of journalists and others for criticizing government policies or officials, censorship, site blocking and the existence of criminal libel laws; severe restriction of freedoms of assembly, association, and movement; some cases of refoulement of refugees; and violence against women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and members of other minorities.

The government took limited steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses; impunity remained a problem.

Clashes between security forces and the Kurdistan Workers' Party (PKK) terrorist organization and its affiliates continued, although at a reduced level compared with previous years, and resulted in the injury or death of security forces, PKK terrorists, and civilians. The government did not release information on efforts to investigate or prosecute personnel for wrongful or inadvertent deaths of civilians linked to counter-PKK operations.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were credible allegations that the government contributed to civilian deaths in connection with its fight against the terrorist PKK organization in the southeast, although at a markedly reduced level compared with previous years (see section 1.g.). The terrorist group PKK continued to target civilians in its attacks; the government continued to work to block such attacks.

According to the International Crisis Group, in the first 11 months of the year, 26 civilians, 82 security force members, and 343 PKK militants were killed in eastern and southeastern provinces in PKK-related clashes. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK in the southeast. In one such incident in August, government soldiers in a helicopter opened fire in the border province of Hakkari, killing 14-year-old Vedat Ekinci and wounding another person.

The PKK continued its nationwide campaign of attacks on government security forces and, in some cases, civilians. On June 11, PKK terrorists killed two construction workers at a military outpost construction site in Yuksekova, Hakkari. On September 13 in Diyarbakir, PKK terrorists allegedly detonated an improvised explosive device (IED) that killed seven civilians and wounded nine.

There were reports that Jandarma forces, a rural police force that at times is called upon to play a paramilitary role and sometimes act as border guards, shot at asylum seekers of Syrian and other nationalities attempting to cross the border, resulting in civilian killings or injuries. There were credible reports that children were among the asylum seekers killed.

There were credible reports that the country's military operations outside its borders led to the deaths of civilians. On June 27, four Iraqi civilians were reportedly killed by Turkish air strikes in northern Iraq as part of the Turkish military's counter-PKK Operation Claw.

In October Turkish armed forces launched Operation Peace Spring in Syria's northern border region. The UN Office of the High Commissioner for Human Rights, Amnesty International, and Human Rights Watch reported claims from local and regional human rights activists and media organizations that Turkish forces and Turkish-supported armed groups caused civilian casualties, including attacks on civilian infrastructure, attacks on residential areas, and some instances of civilian targeting, as well as some extrajudicial killings, and looting and property seizures in areas newly under Turkish control. The government rejected these reports but acknowledged the need for investigations and accountability related to such reports and relayed that the Turkish-supported Syrian National Army had established mechanisms for investigation and discipline. The government stated that the military took care to avoid civilian casualties throughout the operation.

According to the *Washington Post* and various human rights groups, citing information from multiple sources, Turkey-supported armed group Ahrar al-Sharqiya ambushed the October 12 convoy of Kurdish politician and secretary general of the Future Syria political party, Hevrin Khalaf, killing Khalaf and her driver. In separate incidents in the same area, Ahrar al-Sharqiya allegedly killed other Syrian civilians, including at a hastily established checkpoint.

Reports of civilian casualties differed. As of October the Kurd-led and YPG-affiliated administration's health authority in northeast Syria alleged that at least 218 civilians had been killed during the Turkish offensive. At the same time, Turkish authorities reported that 18 civilians had died, including an infant, and 150 had been injured in Turkey, as a result of mortar attacks they attributed to YPG forces in Syria. Turkish authorities also reported civilian casualties in Turkish-controlled parts of Syria in vehicle-borne improvised explosive device attacks they attributed to the YPG. (For more information see the *Country Reports on Human Rights* for Syria.)

Within Turkey, human rights groups documented several suspicious deaths of detainees in official custody, although reported numbers varied among organizations. The Human Rights Foundation of Turkey (HRFT) reported 38 suspicious deaths in prison related to illness, suicide, violence, or other reasons. In April, Zaki Hasan, arrested on charges of spying for the United Arab Emirates and who authorities connected with the 2018 murder of journalist Jamal Khashoggi, was reported to have committed suicide in Silivri Prison. Family members disputed these claims and alleged an autopsy done by the public prosecutor in Egypt revealed evidence of torture resulting in death.

By law National Intelligence Organization (MIT) members are immune from prosecution, and other security officials involved in fighting terror are also granted immunity from prosecution, making it harder for prosecutors to investigate extrajudicial killings and other human rights abuses by requiring that they obtain permission from both military and civilian leadership prior to pursuing prosecution.

The law authorizes the Ombudsman Institution, the National Human Rights and Equality Institution (NHREI), prosecutors’ offices, criminal courts, and parliament’s Human Rights Commission to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. Civil courts, however, remained the main recourse to prevent impunity. National and international human rights organizations reported credible evidence of torture and inhuman treatment, particularly of detainees in custody, asserting that authorities took insufficient action against abuses. The government did not release information on its efforts to address abuse through disciplinary action and training. In some cases it was alleged that officials sometimes countersued or intimidated individuals who made allegations of abuse in civil courts.

b. Disappearance

Domestic and international human rights groups reported disappearances during the year, some of which these groups alleged were politically motivated. HDP member of parliament Omer Faruk Gergerlioglu reported 28 individuals disappeared or were the victims of politically motivated kidnapping attempts in the first seven months of the year. In August several opposition political party members noted via social media that four of six individuals disappeared around the same time in February, whom authorities suspected of having links with the Gulen movement, had been found after the Ankara Antiterror Branch Office called their families to inform them that the individuals were in police custody. They included Erkan Irmak (reported missing February 16), Salim Zeybek (reported missing February 21), Ozgur Kaya (reported missing on February 13), and Mikail Ugan (reported missing on February 13). In November Mustafa Yilmaz (reported missing on February 19) and Gokhan Turkmen (reported missing February 7) were “found” in Ankara. Eyewitness reports in February alleged that approximately 40 plainclothes police officers in Ankara abducted several of the men and took them away in an unmarked van. The government declined to provide information on efforts to prevent, investigate, and punish such acts.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but domestic and international rights groups reported that some police officers, prison authorities, and military and intelligence units employed the practices. Domestic human rights organizations, the Ankara Bar Association (ABA), political opposition figures, international human rights groups, and others reported that government agents engaged in threats, mistreatment, and possible torture of some persons while in custody. In late May public reports alleged that as many as 100

persons, including former members of the Ministry of Foreign Affairs dismissed under the 2016-18 state of emergency decrees due to suspected ties to the Gulen movement, were mistreated or tortured while in police custody. The ABA released a report that detailed its interviews with alleged victims. Of the six detainees the ABA interviewed, five reported police authorities tortured them. According to their testimonies, authorities blindfolded them and made them kneel, dragged them across a room, hit them on the head and body with a baton, and threatened that unless they "talked," batons would be inserted into their rectums. The Turkish National Police denied the claims.

In February 2018 the UN special rapporteur on torture, Nils Melzer, expressed serious concerns about the rising allegations of torture and other mistreatment in Turkish police custody. Melzer said he was alarmed by allegations that large numbers of individuals suspected of links to the Gulen movement or PKK were exposed to brutal interrogation techniques aimed at extracting forced confessions or coercing detainees to incriminate others. Reported abuse included severe beatings, electrical shocks, exposure to icy water, sleep deprivation, threats, insults, and sexual assault. The special rapporteur stated authorities appeared not to have taken any serious measures to investigate these allegations or to hold perpetrators accountable.

In Van three Kurdish minors between the ages of 14 and 17 said they were subjected to torture while in police custody in February. The youth told the Van Bar Association that police beat them with batons, kicked them in the head, and forced their heads into toilet bowls. On September 15, media reported the prosecutor in the case asked the Van governorship for permission to investigate 66 police officers implicated in the complaint. The governorate denied the request, stating that the officers "used proportionate force" against the victims.

Human rights groups also reported torture and mistreatment of persons in police custody. Reports indicated that police abused detainees outside police station premises and that mistreatment and alleged torture was more prevalent in some police facilities in parts of the southeast, including Sanliurfa and Van. The Human Rights Association (HRA) reported that during the first six months of the year, it received 65 complaints that alleged torture or inhuman treatment in the east and southeast regions. The HRA also reported that intimidation and shaming of detainees by police were common and that victims hesitated to report abuse due to fear of reprisal. The HRA reported separately that in the first 11 months of the year, it received 840 complaints of abuse by security forces, including 422 complaints alleging torture and inhuman treatment. In December the minister of interior reported the ministry had received 31 complaints in 2018 alleging abuse while in custody.

The government asserted that it followed a "zero tolerance" policy for torture. Human Rights Watch (HRW) maintained, however, that it was "not aware of any serious measures that have been taken to investigate credible allegations of torture." In its *World Report 2018*, HRW stated: "Cases of torture and ill-treatment in police custody were widely reported through 2017, especially by individuals detained under the antiterror law, marking a reverse in long-standing progress, despite the government's stated policy of zero tolerance for torture. There were widespread reports of police

beating detainees, subjecting them to prolonged stress positions and threats of rape, threats to lawyers, and interference with medical examinations." According to 2018 Ministry of Justice statistics, the government opened 2,196 investigations related to allegations of abuse. Of those, 1,035 resulted in nonprosecution, 766 resulted in criminal cases, and 395 in other decisions. The government did not release data on its investigations into alleged torture. Human rights groups asserted that individuals with alleged affiliation with the PKK or the Gulen movement were more likely to be subjected to harsh treatment.

A May report by the Sanliurfa Bar Association alleged that officials tortured 54 men, women, and children in Halfeti, Sanliurfa Province, on May 18. The report asserted the individuals were subjected to torture in detention following the death of a police officer in the town.

Some military conscripts endured severe hazing, physical abuse, and torture that sometimes resulted in death or suicide. The Association for Suspicious Military Deaths and Victims reported there were 202 suspicious deaths between 2012 and 2015, with the numbers decreasing each year during that period. The HRA and HRFT reported at least 17 deaths as suspicious deaths during the year. In July the HRA reported a Kurdish soldier serving in Adapazari was severely beaten by other soldiers in his brigade because of his ethnic identity.

Prison and Detention Center Conditions

Prisons generally met the UN special rapporteur's standards for physical conditions (i.e., infrastructure and basic equipment), with the notable exception of problems with overcrowding (particularly following the mass detentions after the 2016 coup attempt) that resulted in increased inmate demand for healthcare with fewer resources available to meet inmate needs. This year the government allocated funding for additional prisons.

Physical Conditions: Prison overcrowding remained a significant problem. According to the Justice Ministry, as of November the country had 353 prisons with a 218,950-inmate capacity and an estimated total inmate population of 286,000. Although no official figures were available, observers estimated the government held 3,000 inmates in solitary confinement during the year. The use of solitary confinement rose, and some observers assessed it contributed to an increase in the suicide rate in prisons, although official figures were not available.

If separate prison facilities were not available, minors were held in separate sections within separate male and female adult prisons. Children younger than six years of age are allowed to stay with their incarcerated mothers. The Human Rights Association estimated that, as of December, at least 780 children were being held with their mothers. Pretrial detainees were held in the same facilities as convicted prisoners.

The government did not release data on inmate deaths due to physical conditions or actions of staff members. According to a September report by a local media outlet, 14 inmates died in an eight-month period at an Izmir prison. The report alleged that overcrowding and lack of proper hygiene and nutrition led to the outbreak of an epidemic that resulted in the quarantine of one ward.

Human rights organizations asserted that prisoners frequently lacked adequate access to potable water, proper heating, ventilation, lighting, food, and health services. In September a member of parliament's Commission for Detainee and Convict Rights affirmed that prisoners with whom he met complained of these problems.

A Ministry of Justice Prison and Correctional Facilities official reported to parliament that as of September, more than 1,300 health workers were serving a prison population of 286,000. Of these, there were eight medical doctors, 65 dentists, and 805 psychologists. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. According to Human Rights Association statistics, in December there were 1,334 sick prisoners in the country's prisons; 457 of them were in serious condition.

Reports by human rights organizations suggested that some doctors would not sign their names to medical reports alleging torture due to fear of reprisal. As a result, victims were often unable to get medical documentation that would help prove their claims.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners whom they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.

Administration: Authorities at times investigated credible allegations of abuse and inhuman or degrading conditions but generally did not document the results of such investigations in a publicly accessible manner or disclose publicly whether actions were taken to hold perpetrators accountable. The government did not release data on investigations (both criminal and administrative) of alleged prison violence or mistreatment. Some human rights activists reported that prisoners and detainees were sometimes arbitrarily denied access to family members and lawyers. There was at least one report of prison authorities denying access to religious observance.

Independent Monitoring: The government allowed prison visits by some observers, including parliamentarians. The Council of Europe's Committee for the Prevention of Torture (CPT) visited the country in May and interviewed a large number of prisoners at various sites. As of December the government had not approved the public release of the CPT report and findings.

The government did not allow NGOs to monitor prisons. The Civil Society Association in the Penal System published a report on prison conditions in January, based on information provided by parliamentarians, correspondence with inmates, lawyers, inmates' family members, and press reports.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements.

Human rights groups noted that, following the 2016 coup attempt, authorities continued to detain, arrest, and try hundreds of thousands of individuals for alleged ties to the Gulen movement or the PKK, often with questionable evidentiary standards and without the full due process guaranteed under law (see section 2.a.). On the three-year anniversary of the July 15 coup attempt, the government announced that 540,000 individuals had been detained since the coup attempt on grounds of alleged affiliation or connection with the Gulen movement. The Ministry of Justice reported in September that since July 2016, the government had convicted nearly 30,000 individuals on charges related to the coup attempt or ties to the Gulen movement. It had also opened more than 150,000 secret investigations related to the coup attempt. Approximately 70,000 cases were pending trial. A majority of the individuals were reportedly detained for alleged terror-related crimes, including membership in and propagandizing for the Gulen movement or the PKK. Domestic and international legal and human rights experts questioned the quality of evidence presented by prosecutors in such cases, criticized the judicial process, asserted that the judiciary lacked impartiality, and said defendants were sometimes denied access to the evidence underlying the accusations against them (see section 1.e., Trial Procedures).

The courts in some cases applied the law unevenly, with legal critics and rights activists asserting court and prosecutor decisions were sometimes subject to executive interference. In May an Ankara court acquitted a high-ranking member of the armed forces after he was arrested for alleged ties to the Gulen movement. In its decision, the court justified the acquittal because the burden of proof was not met. Critics pointed out that earlier in the year, authorities arrested 39 others on similar charges who were not acquitted.

The government acknowledged problems in the judicial sector and in October launched a Judicial Reform Strategy designed to strengthen the independence of the judiciary while fostering more transparency, efficiency, and uniformity in legal procedures.

Arrest Procedures and Treatment of Detainees

The law requires that prosecutors issue warrants for arrests, unless the suspect is detained while committing a crime. The period for arraignment may be extended for up to four days. Formal arrest is a measure, separate from detention, which means a suspect is to be held in jail until and unless released by a subsequent court order. For crimes that carry potential prison sentences of fewer than three years' imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may either release the defendant on his or her own recognizance or hold the defendant in custody (arrest)

prior to trial if there are specific facts indicating the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in pretrial detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney at any time, it allows prosecutors to deny such access for up to 24 hours. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence for conviction is more than five years’ imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney if a defendant could not afford one.

Under antiterror legislation adopted in 2018, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for “individual” offenses and 96 hours for “collective” offenses. These periods may be extended twice with the approval of a judge, amounting to six days for “individual” and 12 days for “collective” offenses. Under the previous state of emergency law, authorities could detain persons without charge for up to 14 days. Human rights organizations raised concerns that police authority to hold individuals for up to 12 days without charge increased the risk of mistreatment and torture. During the year there were numerous accounts of persons, including foreign citizens, held in detention beyond 12 days awaiting formal charges. For example, child rights activist Yigit Aksakoglu was held without charge for four months before prosecutors named him in part of the larger March indictment for those involved in the 2013 Gezi Park protests. According to media reports, more than 50,000 people were in pretrial detention in the country.

The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons–especially for those attorneys not appointed by the state–and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt. The Human Rights Joint Platform reported the renewed 24-hour attorney access restriction was arbitrarily applied. The HRA reported that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. It also reported that attorneys’ access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.

Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. In April Human Rights Watch reported authorities frequently denied detainees access to an attorney in terrorism-related cases until security forces had interrogated the alleged suspect.

Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, because of fear of government reprisal, including prosecution. Government intimidation of defense lawyers also at times involved nonterror cases. International NGO Freedom House in its *2018 Freedom in the World* report stated, "In many cases, lawyers defending those accused of terrorism offenses were arrested themselves." According to an April statement by the Council of Bars and Law Societies of Europe, since 2016 authorities had prosecuted 1,546 lawyers, arrested nearly 600, and sentenced 274 to lengthy prison terms. This practice disproportionately affected access to legal representation in the southeast, where accusations of affiliation with the PKK were frequent and population density of lawyers was low.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. Human rights groups alleged that in areas under curfew or in "special security zones," security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse. In June the Sanliurfa Bar Association announced officials at the Sanliurfa Provincial Security Directorate held a 15-year-old girl along with her parents and two siblings for 12 days without charge as part of an investigation into alleged support of terror organizations.

Pretrial Detention: The maximum time an arrestee can be held pending trial with an indictment is seven years, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period remained two years with the possibility of three one-year extensions, for a total of five years.

In October, as part of the judicial reform package, new measures were introduced shortening pretrial detention during the investigation phase of a case (before an indictment) to six months for cases that do not fall under the purview of the heavy criminal court (referred to by INTERPOL as central criminal court) and one year for cases that fall under the heavy criminal court. For terror-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.

Rule of law advocates noted that broad use of pretrial detention had become a form of summary punishment, particularly in cases that involved politically motivated terrorism charges. According to Human Rights Watch, one-fifth of the prison population (approximately 50,000 of 250,000 inmates) were charged or convicted of terrorism-related offenses.

The trial system does not provide for a speedy trial, and trial hearings were often months apart, despite provisions in the code of criminal procedure for continuous trial. Trials sometimes began years after indictment, and appeals could take years more to reach conclusion.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees' lawyers may appeal pretrial detention, although the state of emergency and subsequent antiterror legislation imposed limits on their ability to do so. The country's judicial process allows a system of lateral appeals to criminal courts of peace for arrest, release, judicial control, and travel-ban decisions that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts. In addition, since 2016 sentences of less than five years' imprisonment by regional appellate courts were final and could not be appealed. In October, however, as part of the judicial reform package, new measures were enacted that allow defendants in certain types of insult cases or speech-related cases to appeal to a higher court.

Detainees awaiting or undergoing trial prior to the state of emergency had the right to a review in person with a lawyer before a judge every 30 days to determine if they should be released pending trial. Under a law passed in July 2018, in-person review occurs once every 90 days with the 30-day reviews replaced by a judge's evaluation of the case file only. Bar associations noted this element of the law was contrary to the principle of habeas corpus and increased the risk of abuse, since the detainee would not be seen by a judge on a periodic basis.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal case is proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.

The Office of the UN High Commissioner for Refugees (UNHCR) noted that detention center conditions varied and were often challenging due to limited physical capacity and increased referrals. Refugee-focused human rights groups alleged authorities prevented migrants placed in detention and return centers from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but there were indications the judiciary remained subject to influence, particularly from the executive branch.

The executive branch also exerts strong influence over the Board of Judges and Prosecutors (HSK), the judicial body that assigns and reassigns judges and prosecutors to the country's courts nationwide and is responsible for their discipline. The executive branch and parliament appoint 11 members (seven by parliament and four by the president) every four years, with the other two members being the presidentially appointed justice minister and deputy justice minister. The ruling party controlled both the executive and the parliament when the current members were appointed in 2017. Although the constitution provides tenure for judges, the HSK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges challenges the requirement to remain impartial, and judges' inclination to give precedence to the

state's interests contributed to inconsistent application of laws. Bar associations, lawyers, and scholars expressed concern regarding application procedures for prosecutors and judges described as highly subjective, which they warned opened the door to political litmus tests in the hiring process.

The judiciary faced a number of challenges that limited judicial independence, including the suspension, detention, or firing of judicial staff accused of affiliation with the Gulen movement. According to press reports based on Ministry of Justice statistics, as of September more than 4,500 judges and prosecutors faced prosecution and nearly 3,500 had been tried under and following the state of emergency. On April 16, the European Court of Human Rights (ECHR) ruled that imprisoned Turkish Constitutional Court judge Alparslan Altan's detention following the 2016 coup attempt was unlawful.

The government also targeted some defense attorneys representing a number of high-profile clients. For example, in March, 18 lawyers from the Contemporary Lawyers Association and the People's Law Office–both known for representing clients in cases involving torture and human rights violations–were sentenced to prison on charges of membership in a terror organization.

The country has an inquisitorial criminal justice system. The system for educating and assigning judges and prosecutors fosters close connections between the two groups, which some legal experts claimed encouraged impropriety and unfairness in criminal cases.

Military courts were abolished, and military justice is reserved to disciplinary cases only.

Lower courts at times ignored or significantly delayed implementation of decisions reached by the Constitutional Court. Decisions reached by the ECHR were rarely implemented domestically.

Trial Procedures

The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that increasing executive interference with the judiciary and actions taken by the government through state of emergency provisions jeopardized this right.

As written, the law provides defendants a presumption of innocence and the right to be present at their trial, although in a number of high-profile cases, defendants increasingly appeared via video link from prison, rather than in person. Judges may restrict defense lawyers' access to their clients' court files for a specific catalogue of crimes (including crimes against state security, organized crime, and sexual assault against children) until the client is indicted.

A single judge or a panel of judges decides all cases. Courtroom proceedings were generally public except for cases involving minors as defendants. The state increasingly used a clause allowing closed courtrooms for hearings and trials related to security matters, such as those related to "crimes against the state." Court files, which contain

indictments, case summaries, judgments, and other court pleadings, were closed except to the parties to a case, making it difficult for the public, including journalists and watchdog groups, to obtain information on the progress or results of a case. In some politically sensitive cases, judges restricted access to Turkish lawyers only, limiting the ability of domestic or international groups to observe some trials.

Defendants have the right to be present at trial and to consult an attorney of their choice in a timely manner, although in some isolated cases legal advocates have asserted the government coerced defendants to choose government-appointed lawyers. Observers and human rights groups noted that in some high-profile cases, these rights were not afforded to defendants. Individuals from the southeast were increasingly housed in prisons or detention centers far from the location of the alleged crime and appeared at their hearing via video link systems. Some human rights organizations reported that hearings sometimes continued in the defendant’s absence when video links purportedly failed.

Defendants have the right to legal representation in criminal cases and, if indigent, to have representation provided at public expense. Defendants or their attorneys could question witnesses for the prosecution, although questions must usually be presented to the judges, who are expected to ask the questions on behalf of counsel. Defendants or their attorneys could, within limits, present witnesses and evidence on their own behalf. Secret witnesses were frequently used, particularly in cases related to national security. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for court-provided language interpretation when needed. Human rights groups alleged interpretation was not always provided free of charge, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

Observers noted the prosecutors and courts often failed to establish evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous cases authorities used secret evidence or witnesses to which defense attorneys and the accused had no access or ability to cross-examine and challenge in court. The government refused to acknowledge secret witnesses on many occasions.

For example, a court sentenced university student Baran Baris Korkmaz to 59 years in prison for membership in an illegal organization based on testimony from a secret witness. Police in Diyarbakir denied any knowledge of the secret witness, identified by a pseudonym in court documents, despite a court request for information regarding the secret witness.

In May, after nearly three years in prison, a court released U.S. citizen and Turkish dual national Serkan Golge and imposed judicial control (parole) requirements through April 2020. A court sentenced Golge in February 2018 to seven-and-a-half years in prison on charges of, “membership in a terrorist organization,” referring to the Gulen movement.

An appeals court later reduced the charges and sentence to "support of a terrorist organization" and five years' imprisonment. Authorities arrested Golge in 2016 based on specious evidence, including witness testimony that was later recanted.

Political Prisoners and Detainees

The number of political prisoners remained a subject of debate at year's end. In September the Interior Ministry reported the government had detained 540,000 persons in connection with the 2016 coup attempt. Of those, the courts had convicted nearly 30,000 people, and another 70,000 were in prison awaiting trial. The government reported that as of November, there were 41,000 individuals in prison for terror-related crimes. Of these, 28,000 were Gulen movement related and 9,000-10,000 were PKK related. Some observers considered some of these individuals political prisoners, a charge the government disputed.

Prosecutors used a broad definition of terrorism and threats to national security and in some cases, according to defense lawyers and opposition groups, used what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including journalists, opposition politicians (primarily of the HDP), activists, and others critical of the government. At year's end seven former HDP parliamentarians and 48 HDP comayors had been arrested. According to the HDP, since July 2016 at least 4,920 HDP lawmakers, executives, and party members were in prison for a variety of charges related to terrorism and political speech, including former HDP cochair and former presidential candidate Selahattin Demirtas, who remained imprisoned since 2016. As of December 1, the government had suspended from office using national security grounds, 28 locally elected opposition politicians in Kurdish-majority areas, subsequently arresting and imprisoning some. The government suspended the elected village headmen of 10 villages from office in the southeast in May. In August the Ministry of Interior suspended the HDP mayors of three major southeastern cities, Diyarbakir, Mardin, and Van, all of whom had been elected in March. The Ministry of Interior suspended and detained the HDP mayors of Kulp and Karayazi in September and the mayors of Hakkari, Yuksekova, Nusaybin, Bismil, Kayapinar, Ercis, Cizre, and Kocakoy in October. The government suspended the majority for ongoing investigations into their alleged support for PKK terrorism, largely dating to before their respective elections.

Authorities used antiterror laws broadly against opposition political party members, human rights activists, media outlets, suspected PKK sympathizers, and alleged Gulen movement members or groups affiliated with the Gulen movement, among others, including to seize assets of companies, charities, or businesses. Human rights groups alleged many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling Justice and Development Party (AKP), particularly the HDP or its partner party, the Democratic Regions Party (DBP). In August police detained one doctor and three health workers on terror charges for allegedly providing medical treatment to injured PKK members during intense urban clashes in Cizre, Sirnak, in 2015 and 2016.

Students, artists, and association members faced criminal investigations for alleged terror-related activities, primarily due to their social media posts. The government did not consider those in custody for alleged PKK or Gulen movement ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.

Credible reports claimed that some persons jailed on terrorism-related charges were subject to abuses, including long solitary confinement, severe limitations on outdoor exercise and out-of-cell activity, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media reports also alleged that visitors to prisoners accused of terrorism-related crimes faced abuse, including limited access to family, strip searches, and degrading treatment by prison guards.

Politically Motivated Reprisal Against Individuals Located Outside the Country

The government engaged in a worldwide effort to apprehend suspected members of the Gulen movement. There were credible reports that the government exerted bilateral pressure on other countries aimed at having them take adverse action against specific individuals, at times without due process. For example, in January Ukrainian Security Service agents arrested and extradited two Turkish citizens allegedly linked to the Gulen movement. Although both men had Ukrainian work and residency permits, they were denied the legally mandated five-day appeal period before deportation. The Turkish government later hailed the extraditions "as an example of strong security cooperation between Turkey and Ukraine."

There were also credible reports that the government attempted to use INTERPOL Red Notices to target specific individuals located outside the country, alleging ties to terrorism connected to the July 2016 coup attempt, and erroneously reported suspected Gulen movement supporters' passports as lost or stolen. Although these individuals often had no clearly identified role in the attempted coup but were associated with the Gulen movement or had spoken in favor of it, the reports to INTERPOL could lead to their detention or prevent them from traveling. Freedom House reported that, since the 2016 coup attempt, the country had uploaded tens of thousands of requests in INTERPOL for persons designated as affiliated with the Gulen movement. In January the state-run newspaper *Anadolu Agency* reported the Istanbul Chief Prosecutor's Office had prepared an extradition request and applied for an INTERPOL Red Notice on Turkish citizen and U.S. National Basketball Association player, Enes Kanter. Kanter's passport was previously canceled in 2017 following charges of insulting the president. Kanter is a supporter of Gulen and has been outspoken in his criticism of government policies and officials.

The Turkish government continued to refuse to renew the passports of some Turkish citizens with temporary residency permits in other countries on political grounds, claiming they were members of "Gulenist" organizations; these individuals were unable to travel outside of these countries.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters, although this differed in practice. Citizens and legal entities such as organizations and companies have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. On constitutional and human rights issues, the law also provides for individuals to appeal their cases directly to the Constitutional Court, theoretically allowing for faster and simpler high-level review of alleged human rights violations within contested court decisions. Critics complained that, despite this mechanism, the large volume of appeals of dismissals under the state of emergency and decreased judicial capacity caused by purges in the judiciary resulted in slow proceedings. Citizens who have exhausted all domestic remedies have the right to apply for redress to the ECHR; however, the government rarely implemented ECHR decisions.

The Commission of Inquiry on Practices under the State of Emergency, established in January 2017, was designed to adjudicate appeals of wrongfully dismissed civil servants and began accepting cases that July. The commission reported that, as of August, it had received 126,200 applications, adjudicated 84,000 cases, approved 6,700, and rejected 77,600. Critics complained the appeals process was opaque, slow, and did not respect citizens' rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.

Property Restitution

In multiple parts of the southeast, many citizens continued efforts to appeal the government's 2016 expropriations of properties to reconstruct areas damaged in government-PKK fighting (see section 1.g, Other Conflict-related Abuse).

According to the Savings Deposit Insurance Fund of Turkey, as of September the government had seized approximately 1,100 businesses worth an estimated 59.4 billion lira ($10 billion) since the 2016 coup attempt.

In September the government began flooding a valley in Batman Province for a new hydroelectric dam. Residents displaced by the use of eminent domain reported the government's payment for their property would not cover the cost of the apartment buildings intended to replace their former homes, and the new buildings were not complete at year's end.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

While the constitution provides for the "secrecy of private life" and states that individuals have the right to demand protection and correction of their personal information and data, the law provides MIT the authority to collect information while limiting the ability of the public or journalists to expose abuses. Oversight of MIT falls within the purview of the presidency, and checks on MIT authorities are limited. MIT may collect data from any entity without a warrant or other judicial process for

approval. At the same time, the law establishes criminal penalties for conviction of interfering with MIT activities, including data collection or obtaining or publishing information concerning the agency. The law allows the president to grant MIT and its employees’ immunity from prosecution.

Police possess broad powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission to follow within 24 hours. Individuals subjected to such searches have the right to file complaints, but judicial permission occurring after a search has already taken place failed to serve as a check against abuse.

Security forces may conduct wiretaps for up to 48 hours without a judge’s approval. As a check against potential abuse of this power, the State Inspection Board may conduct annual inspections and present its reports for review to parliament’s Security and Intelligence Commission. Information on how often this authority was used was not available. Human rights groups noted that wiretapping without a court order circumvented judicial control and potentially limited citizens’ right to privacy. Many citizens asserted that authorities tapped their telephones and accessed their email or social media accounts, perpetuating widespread self-censorship. The Ministry of Interior disclosed that, between January 1 and April 9, it examined 10,250 social media accounts and took legal action against more than 3,600 users who it accused of propagandizing or promoting terror organizations, inciting persons to enmity and hostility, or insulting state institutions. The HRFT reported that in the first 10 months of the year, the government detained at least 1,700 people and arrested 336 for social media posts. There was evidence the government monitored private online communications using nontransparent legal authority.

Human rights groups asserted that self-censorship due to fear of official reprisal accounted in part for the relatively low number of complaints they received regarding allegations of torture or mistreatment.

Using antiterror legislation, the government targeted family members to exert pressure on wanted suspects. Government measures included cancelling the passports of family members of civil servants suspended or dismissed from state institutions, as well as of those who had fled authorities. In some cases the government cancelled or refused to issue passports for the minor children of individuals outside the country who were wanted for or accused of ties to the Gulen movement. In March the Ministry of Interior announced it would lift restrictions on the passports of 57,000 persons.

Government seizure and closure over the previous two years of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information.

g. Abuses in Internal Conflict

Clashes between security forces and the PKK and its affiliates in the country continued throughout the year, although at a reduced level relative to previous years, and resulted in the injury or deaths of security forces, PKK terrorists, and civilians. The government

continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and also decreed "special security zones" in some areas to facilitate counter-PKK operations, which restricted access of visitors and, in some cases, residents. While Hakkari Province and rural portions of Tunceli Province remained "special security zones" most of the year, the government imposed curfews and "special security zones" less frequently overall than in 2018. PKK attacks claimed the lives of noncombatant civilians, including through kidnappings. Residents of these areas reported they sometimes had very little time to leave their homes prior to the launch of counter-PKK security operations. Those who remained faced curfews of varying scope and duration that at times restricted their movement and complicated living conditions.

Killings: Estimates of casualties from government-PKK clashes varied considerably.

According to the International Crisis Group, from mid-2015 to the beginning of December, at least 1,220 security force members, 2,833 PKK terrorists, 490 civilians, and 223 youth of unknown affiliation died in PKK-related fighting.

The HRA claimed that in the first 11 months of the year, 97 security officers, 30 civilians, and 362 PKK terrorists were killed during clashes; 174 security officers and 38 civilians were reportedly injured.

The HRA asserted that security officers killed 12 civilians, including two killed due to armored vehicle crashes and injured in arbitrary killings throughout the country during the same period, including at government checkpoints and in government-PKK violence. Government data on casualty tolls was unavailable.

PKK tactics included targeted killings and assault with conventional weapons, vehicle-borne bombs, and IEDs. PKK attacks also claimed the lives of noncombatant civilians, including through kidnappings and extrajudicial killings. At times IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces. On August 5, a PKK IED attack on a military vehicle in Nusaybin, Mardin, injured three soldiers. On June 23, a PKK IED explosion injured two shepherds in rural Hakkari Province. The HRA reported that, in the first 11 months of the year, IEDs generally attributed to the PKK killed three and injured three civilians.

According to state-run Anadolu Agency, as of July PKK attacks killed at least nine civilians, including children. For example, in June a 53-year-old shepherd was allegedly kidnapped and killed by PKK members in Kars Province. In July two more shepherds were found dead after allegedly being abducted by the PKK in Sirnak Province.

Abductions: The PKK abducted or attempted to abduct both officials and civilians, sometimes killing them (see Killings, above).

Physical Abuse, Punishment, and Torture: Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. There was little accountability for mistreatment by government authorities.

In April a Gevas court acquitted a police officer who was accused of torturing four village residents in 2017. Although victims identified seven police officers, the prosecutor pressed charges against only one.

Child Soldiers: The government and some members of Kurdish communities alleged the PKK recruited and forcibly abducted children for conscription, while many in the country's Kurdish communities asserted that youths generally joined the group voluntarily. In September a group of mothers began a sit-in protest in Diyarbakir alleging the PKK had forcibly recruited or kidnapped their children and demanded their return. Authoritative data on PKK youth recruitment remained unavailable as of year's end.

Other Conflict-related Abuse: Extensive damage stemming from government-PKK fighting led authorities in 2016 to expropriate certain properties in specific districts of the southeast to facilitate post conflict reconstruction. Many of these areas remained inaccessible to residents at year's end due to reconstruction. In Diyarbakir's Sur District, the government expropriated properties for the stated goal of "post conflict reconstruction" and had not returned or completed repairs on any of the properties, including the historic and ancient Sur District of Diyarbakir Province and sites inside Sur, such as the Hasirli Mosque, Surp Giragos Armenian Church, Mar Petyun Chaldean Church, the Protestant Church, and the Armenian Catholic Church. Some affected residents filed court challenges seeking permission to remain on expropriated land and receive compensation; many of these cases remained pending at year's end. In certain cases courts ruled to award compensation to aggrieved residents, although the latter complained awards were insufficient. The overall number of those awarded compensation was unavailable at year's end.

Government actions and adverse security conditions impacted democratic freedoms, including limiting journalists' and international observers' access to affected areas, which made monitoring and assessing the aftermath of these urban conflicts difficult. In August the Ministry of Interior suspended the newly elected HDP mayors of Diyarbakir, Van, and Mardin based on allegations of support for terrorism. As of early December, the Ministry of Interior had suspended 28 HDP mayors. Because the mayors were suspended but not removed per 2018 antiterror legislation, locals did not have the opportunity to elect new representatives.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression within certain limits, and the government restricted freedom of expression, including for the press, throughout the year. Multiple articles in the penal code directly restrict press freedom and free speech, for example, through provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that protect public order and criminalize insulting the state, the president, or government officials. Many involved in journalism reported that the government's prosecution of journalists representing major opposition and independent newspapers and its jailing

of journalists during the preceding three years hindered freedom of speech and that self-censorship was widespread amid fear that criticizing the government could prompt reprisals.

The law provides for punishment of up to three years in prison for a conviction of "hate speech" or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law for not including restrictions based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.

The government convicted and sentenced hundreds of individuals for exercising their freedom of expression. According to a poll by Reuters conducted in 2018 as part of its *Digital News Report: Turkey Supplementary Report*, 65 percent of respondents in Turkey stated, "…concern that openly expressing their views online could get them into trouble with the authorities."

Expression critical of the government was frequently met with criminal charges alleging affiliation with terrorist groups or terrorism. In October, during Operation Peace Spring, the government launched investigations against more than 800 individuals largely for social media posts deemed critical of government actions in northeast Syria. The Ministry of Interior reported in the same month it had detained 186 and arrested 24 individuals based on charges related to support for terror because of their social media posts.

During the year the government opened investigations into thousands of individuals, including politicians, journalists, and minors, based on allegations of insulting the president; the founder of the Turkish Republic, Mustafa Kemal Ataturk; or state institutions. Based on HRA and HRFT statistics, during the first 11 months of the year, the government investigated more than 36,000 individuals and filed criminal cases against more than 6,000 people related to accusations they insulted the president or the state. In May a court sentenced construction worker Deniz Avci to two years' imprisonment for insulting the president after he shared two cartoons depicting President Erdogan on social media. Avci's lawyer noted the government had not opened any lawsuits against the cartoons' creator or publisher.

Estimates of the number of imprisoned journalists varied. The Media and Law Studies Association in Istanbul attributed the disparity to the varying definitions of "journalist" or "media worker." While the government officially recognizes as journalists only persons who have been issued a yellow press accreditation card–typically limited to reporters, cameramen, and editors–media watchdog groups included distributors, copy editors, layout designers, or other staff of media outlets in their definition. The government often categorized imprisoned journalists from Kurdish-language outlets or alleged pro-Gulen publications as "terrorists," alleging ties to the PKK and the Gulen movement. Information about and access to the imprisoned staff of some of these outlets was therefore limited, further contributing to disparities in tallies of jailed journalists.

Estimates of the number of incarcerated journalists ranged from at least 47 according to the Committee to Protect Journalists (CPJ) to 136 according to the International Press Institute (IPI). The majority faced charges related to antistate reporting or alleged ties to the PKK or Gulen movement.

An unknown number of journalists were outside the country and did not return due to fear of arrest, according to the Journalists Association. Hundreds more remained out of work after the government closed more than 200 media companies allegedly affiliated with the PKK or Gulen movement, mostly in 2016-17, as part of its response to the 2016 coup attempt.

Freedom of Expression: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. At times those who wrote or spoke on sensitive topics or in ways critical of the government risked investigation, fines, criminal charges, job loss, and imprisonment.

On September 6, an Istanbul court sentenced Republican People's Party (CHP) Istanbul chairperson Canan Kaftancioglu to nearly 10 years' imprisonment for "insulting the republic" and "insulting the president" for tweets she shared between 2012 and 2017. She remained free pending a legal appeal at years' end.

A parliamentary by-law prohibits use of the word "Kurdistan" or other sensitive terms by members of parliament on the floor of parliament, providing for the possible issuance of fines to violators.

On December 2, the Diyarbakir public prosecutor requested charges be filed against former Diyarbakir Bar Association chairman Ahmet Ozmen and the former members of the bar's executive board for violating Article 301 of the penal code, the article that criminalizes, among other things, openly provoking hatred and hostility and insulting parliament. The charges stemmed from a statement the Diyarbakir Bar Association released on April 24, 2017, saying, "We share the unrelieved pain of Armenian people."

Rights groups and free speech advocates reported intensifying government pressure that in certain cases resulted in enhanced caution in their public reporting.

Press and Media, Including Online Media: Mainstream print media and television stations were largely controlled by progovernment holding companies heavily influenced by the ruling party. Reporters Without Borders estimated the government was able to exert power in the administration of 90 percent of the most-watched television stations and most-read national daily newspapers. Only a small fraction of the holding companies' profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate.

Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees.

Government prosecution of independent journalists limited media freedom throughout the year. In April 2018, 14 persons affiliated with the leading independent newspaper, *Cumhuriyet,* were convicted of aiding terrorist organizations, citing their reporting as part of the evidence against the accused, and sentenced to prison terms of between three and seven years. The court placed the journalists on probation and banned them from traveling abroad until the appeals process concluded. In April six defendants returned to prison after an appeals court upheld their convictions. Following a Supreme Court of Appeals ruling in September that dismissed most of the cases, only one former staff member remained jailed, but travel bans on the others remained in place. The original court set aside the Supreme Court of Appeals ruling and held a retrial for 13 of the original defendants in November, acquitting one and ruling against the Supreme Court of Appeals' decision for the other 12. The case continued at year's end as the defendants appealed the decision.

Additional journalists whose detentions were considered politically motivated included four journalists and editors who had worked for the now-closed, Gulen-linked *Zaman* newspaper. Authorities arrested the four in 2016, and they remained in detention on terrorism and coup-related charges. International human rights organizations condemned the sentences of six other journalists sentenced to aggravated life prison sentences on February 16 for alleged links to the 2016 coup attempt. On July 6, courts convicted an additional six journalists associated with the closed *Zaman* newspaper of terrorism-related charges and sentenced them to between eight and more than 10 years' imprisonment.

In several cases the government barred journalists from travelling outside the country. For example, after serving three months in prison for "membership in a terror organization" and being acquitted in December 2018 due to lack of evidence, Austrian journalist and student Max Zringast remained under judicial control and was barred from leaving the country.

Violence and Harassment: Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack.

In a spate of violence during the spring, six journalists from various outlets across the country were attacked in the space of five weeks. In May six individuals attacked *Yenicag* newspaper columnist Yavuz Demirag, ostensibly because they disagreed with his reporting. All three were released after questioning by authorities. In another attack in May, three individuals who attacked journalist Selahattin Onkibar were released under judicial control. The Turkish Journalists Union criticized the lack of investigations and blamed the increase in attacks against journalists on a sense of impunity on the part of those responsible for attacks.

The government routinely filed terrorism-related charges against an individual or publication in response to reporting on sensitive topics, particularly PKK terrorism and the Gulen movement (also see National Security). Human rights groups and journalists asserted the government did this to target and intimidate journalists and the public. In

November reporters Ruken Demir (Mesopotamia Agency) and Melike Aydın (Jinnews) were placed in pretrial detention pending a hearing on charges of supporting a terrorist organization that reportedly stemmed from the content of their reporting.

Journalists reported that media outlets fired some individuals for being too controversial or adversarial with the government out of fear of jeopardizing other business interests.

Journalists affiliated or formerly affiliated with pro-Kurdish outlets faced significant government pressure, including incarceration. The government routinely denied press accreditation to Turkish citizens working for international outlets for any association (including volunteer work) with Kurdish-language outlets.

Censorship or Content Restrictions: Government and political leaders maintained direct and indirect censorship of news media, online media, and books. The Ministry of Interior disclosed that, between January 1 and April 9, it examined 10,250 social media accounts and took legal action against more than 3,600 users whom it accused of propagandizing or promoting terror organizations, inciting persons to enmity and hostility, or insulting state institutions. Media professionals widely reported practicing self-censorship due to intimidation and risks of criminal and civil charges.

While the law does not prohibit particular books or publications, publishing houses were required to submit books and periodicals to prosecutors for screening at the time of publication. The Turkish Publishers Association (TPA) reported that the country's largest bookstore chain, D&R, removed some books from its shelves and did not carry books by some opposition political figures.

The TPA reported that publishers often exercised self-censorship, avoiding works with controversial content (including government criticism, erotic content, or pro-Kurdish content) that might draw legal action. The TPA reported that publishers faced publication bans and heavy fines if they failed to comply in cases in which a court ordered the correction of offensive content. Publishers were also subject to book promotion restrictions. In some cases prosecutors considered the possession of some Kurdish-language, pro-Kurdish, or Gulen movement books to be credible evidence of membership in a terror organization. In other cases authorities directly banned books because of objectionable content. For example, in September a court in Kars banned two books related to Kurds or "Kurdistan" for promoting "a terrorist organization."

In July an Ankara court ordered domestic internet service providers to block in-country access to 135 web addresses representing a wide variety of platforms, including the independent news site *Ozgur Gelecek* (see Internet Freedom).

The government's efforts to control media continued. A July report by Foundation for Political, Economic, and Social Research (a think tank with close ties to the ruling AKP) identified some foreign media outlets reporting from the country (e.g., BBC, Deutsche Welle, and Voice of America) as "antigovernment" and "proterrorism" for stories the organization deemed too critical of the Turkish government or promoting terrorist-related perspectives. In response the Turkish Journalists Union filed a complaint about

the report, stating that it made the outlets and their correspondents "public targets." Other critics and free speech advocates, including the European Center for Press and Media Freedom, asserted the publication laid the groundwork for greater suppression of foreign reporting and correspondents.

Some journalists reported their employers fired them or asked them to censor their reporting if it appeared critical of the government. These pressures contributed to an atmosphere of self-censorship in which media reporting became increasingly standardized along progovernment lines. Failure to comply typically resulted in a dismissal, with media groups occasionally citing "financial reasons" as a blanket cause for termination.

Some writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, or insulting religious values. Authorities investigated or continued court cases against a myriad of publications and publishers on these grounds during the year. Media and Law Studies Association codirector and lawyer Veysel Ok and reporter Cihan Acar were sentenced to five months' imprisonment on the charge of "degrading the judicial bodies of the state." The lawsuit was based on an interview Ok gave to the newspaper *Ozgur Dusunce* in which he questioned the independence of the judiciary.

Radio and television broadcast outlets did not provide equal access to the country's major political parties. Critics charged that the media generally favored the ruling AKP political party, including during the March municipal elections (see section 3).

The Radio and Television Supreme Council (RTUK) continued the practice of fining broadcasters whose content it considered "contrary to the national and moral values of society." For example, RTUK sanctioned television channel TELE1 for broadcasting a speech made by HDP cochair Sezai Temelli in parliament. As of August RTUK's authority extended to online broadcasters as well. Service providers that broadcast online are required to obtain a license or may face having their content removed. RTUK is empowered to reject license requests on the grounds of national security and to subject content to prior censorship. Civil society organizations reported concerns about the high cost of the license and requirement to obtain vetting certification from local police.

Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism (see section 2.a., Freedom of Expression, Including for the Press). According to press reports, convictions for insulting the president increased 13-fold between 2016 and the end of the year. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by media outlets.

Authorities charged citizens, including minors, with insulting the country's leaders and denigrating "Turkishness." For example, in July a court of appeals sentenced famous local singer and actress Zuhal Olcay to 11 months and 20 days in prison for allegedly insulting the president in a song at a concert.

The government also targeted lawmakers, mostly from the pro-Kurdish HDP, with a significant number of insult-related cases. As of December at least 4,912 HDP lawmakers, executives, and party members had been arrested since July 2016 for a variety of charges related to terrorism and political speech.

While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the government did not apply the law equally and that AKP members and government officials were rarely prosecuted.

According to the Ministry of Justice, in 2018 the government launched 36,660 investigations against at least 6,320 individuals related to insulting the president, including 104 children between the ages of 12 and 15. Comprehensive government figures for 2019 were unavailable at year's end.

National Security: Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security. Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, filmmakers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization–generally either the PKK or the Gulen movement.

In one example in July, two filmmakers were sentenced to four years, six months in prison for their 2015 documentary movie, *Bakur*, about the PKK. According to the court, the documentary was "propaganda for a terrorist organization." Many observers, however, viewed the prosecution as an example of the government using antiterror laws to limit freedom of expression.

Prominent columnist Ahmet Altan remained in prison at year's end. Altan was convicted in 2018 for "attempting to overthrow the constitutional order" and received an aggravated life sentence in February 2018. The Supreme Court of Appeals overturned his life imprisonment sentence in July and recommended he face the lesser charge of "aiding a terrorist organization." In November the court convicted Altan on the lesser charge but ordered his release for time served. He was released on November 4 but rearrested on November 12 following the prosecutor's objection to his release. Economist Mehmet Altan was previously convicted, along with his brother Ahmet, on terror-related charges for allegedly sending coded messages to the 2016 coup plotters during a panel discussion on a television program. The Supreme Court of Appeals overturned the verdict against Mehmet Altan due to a lack of sufficient and credible evidence, and he was acquitted in the retrial.

Authorities also targeted foreign journalists. For example, in June a criminal court in Istanbul accepted an indictment charging two Bloomberg News reporters for their coverage of the country's economy, alleging that their reports had undermined the country's economic stability. If convicted, they could face as many as five years in prison.

Nongovernmental Impact: The PKK used intimidation to limit freedom of speech and other constitutional rights in the southeast. Some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces.

Internet Freedom

The government continued to restrict access to the internet and expanded its blocking of selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence the government monitored private online communications using nontransparent legal authority. The Freedom House report *Freedom on the Net 2018: The Rise of Digital Authoritarianism* highlighted fewer instances of network shutdowns but the continuation of blocked access to several news and citizen journalism websites, as well as increasing self-censorship.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including insulting the founder of the Turkish Republic, Mustafa Kemal Ataturk, or insulting the president. The government may also block sites to protect national security and public order. At times authorities blocked Wikipedia and other news and information sites that had content criticizing government policies. The law also allows persons who believe a website violated their personal rights to ask the regulatory body to order internet service providers (ISPs) to remove the offensive content. Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals perceived as insulting them.

The government-operated Information Technologies Institution (BTK) is empowered to demand that ISPs remove content or block websites with four hours' notice, as are government ministers. The regulatory body must refer the matter to a judge within 24 hours, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months to two years in prison or fines ranging from 50,000 to 500,000 lira ($8,500 to $85,000) for conviction of failing to comply with a judicial order. The president appoints the BTK president, vice president, and members of the agency.

In August the BTK announced it would block access to 135 web addresses. The action targeted opposition news portals and public media accounts–notably the Twitter account of HDP Istanbul member of parliament Oya Ersoy and accounts that posted updates about the continuing Gezi trial. The BTK stated the move was "to protect national security and public order, prevent crime or protect public health." Domestic and international media organizations and activists condemned the decision.

The government has authority to restrict internet freedom with limited parliamentary and judicial oversight. The law provides that government authorities may access internet user records to "protect national security, public order, health, and decency" or to prevent a crime. The law also establishes an ISP union of all internet providers that

are responsible for implementing website takedown orders. The judicial system is responsible for informing content providers of ordered blocks. Content providers, including Twitter and Facebook, were required to obtain an operating certificate for the country.

Internet access providers, including internet cafes, were required to use BTK-approved filtering tools that blocked specific content. Additional internet restrictions were in place in government and university buildings. According to the internet freedom NGO Engelliweb, the government blocked an additional 54,903 domain names during 2018, bringing the total number of blocked sites to 245,825. Of the new domain names that were blocked, 95 percent were blocked through a BTK decision.

Wikipedia has been blocked in the country for more than two years on the basis of national security concerns. In May, following two years of a state-imposed ban against the Wikipedia website, the Wikipedia Foundation brought a case against the country in the ECHR. In July the ECHR decided to expedite the case, due to its public importance. The Constitutional Court began deliberations on the website's appeal of the ban in September and in late December ruled the government's ban was a violation of the freedom of expression.

According to Twitter's internal transparency report, during the first six months of the year, the company received 6,073 court orders and other legal requests from Turkish authorities to remove content, the highest number of such requests worldwide.

Academic Freedom and Cultural Events

During the year the government continued to limit academic freedom, restrict freedom of speech in academic institutions, and censor cultural events.

The president appointed rectors to state and foundation-run universities, leading critics to assert that the appointments compromised the academic and political independence of the institutions. Some academics lost their jobs or faced charges due to public statements critical of government policy during the year. Academics and others criticized the situation in public universities, asserting that the dismissals of more than 7,000 academics during the 2016-18 state of emergency had depleted many departments and institutions of qualified professional staff to the detriment of students and the quality of education. According to press reports, as of August, 273 departments for 78 public universities did not have any academic staff. In July the Constitutional Court ruled that the prosecution of nearly 2,000 academics, known as the Academics for Peace, for "terrorist propaganda" after they signed a 2016 petition condemning state violence against Kurds in the southeast and calling for peace, constituted a violation of their right to freedom of expression. Following the high court's verdict, as of November lower courts acquitted 486 academics, and 336 cases remained pending. Most academics who were acquitted were not reinstated to their previous positions.

Some academics and event organizers stated their employers monitored their work and they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-

censorship. Human rights organizations and student groups criticized court- and Higher Education Board-imposed constraints that limited university autonomy in staffing, teaching, and research policies.

Antiterror measures also affected arts and culture. The state-run broadcaster TRT banned songs from the airwaves and defended the practice, stating it was respecting the law that forbids the broadcast of content encouraging persons to smoke or drink or that conveys "terrorist propaganda." In September prosecutors accepted a criminal complaint against 18 rappers who took part in the #SUSAMAM project, a 15-minute rap video that examined a wide spectrum of social issues.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one's face during a protest. The law permits police to use tinted water in water cannons, potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into "protective custody" without a prosecutor's authorization if there is reasonable suspicion that they are a threat to themselves or to public order. The antiterror law gives governorates enhanced authority to ban protests and public gatherings, a ban some governorates enacted broadly during the year.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, frequently using excessive force and resulting in injuries, detentions, and arrests. At times the government used its authority to detain persons before protests were held on the premise they might cause civil disruption. The government generally supported security forces' actions. The HRA and HRFT jointly reported that in the first 11 months of the year, police intervened in 962 demonstrations. As many as 2,800 persons claimed they faced beating and inhuman treatment during these police interventions. Neither government nor human rights groups released statistics regarding the number of demonstrations that proceeded without government intervention. Year-end figures for those injured in clashes with authorities during demonstrations were not available. Human rights NGOs asserted the government's failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests. In July students at Ankara's Middle East Technical University were confronted by police spraying tear gas before being forcibly removed. The students had set up tents to protest the cutting of trees for the construction of a new state dormitory on campus.

On March 8, police used tear gas to break up an International Women's Day march of several thousand demonstrators near Istanbul's Taksim Square. President Erdogan claimed some participants continued their protest during the call to prayer, which he said constituted an insult to religion (a crime according to domestic law). Progovernment media extensively covered the events with columnists widely condemning the demonstrators and largely echoing Erdogan's criticisms, although some in progovernment media criticized his use of religion in this way. The women's committee in charge of organizing the event issued a statement denying the accusations and asserting police used excessive force against the demonstrators.

Throughout the year during court hearings of jailed former HDP cochair Demirtas, the Ankara governorate or court security personnel banned gatherings, marches, and sit-in protests outside the court. Domestic and international observers were admitted to observe one hearing.

The government also selectively restricted gatherings to designated sites or dates, particularly limiting access to Istanbul's Taksim Square and Istiklal Street and Ankara's Kizilay Square, and set up roadblocks to prevent protesters from gathering there. Although police removed barriers around the human rights monument in Ankara's Kizilay Square in July, a mobile police presence remained. The government selectively banned many demonstrations outright if they were critical of the government. In September-October, Ankara police prevented mothers of military cadets sentenced to life in prison for their alleged involvement in the coup attempt from gathering outside the AKP headquarters building in Ankara. In contrast, during the same period, police did not prevent demonstrators from staging sit-ins outside HDP buildings in Diyarbakir to demand the return of children allegedly forcibly recruited by the PKK.

Istanbul police continued to prevent the vigil of the Saturday Mothers from taking place on Istiklal Street, instead requiring the group to hold the weekly gathering on a nearby side street. Since the 1990s, the Saturday Mothers gathered to commemorate the disappearances of relatives following their detention by security forces in the 1980s and 1990s and to call for accountability. Interior Minister Suleyman Soylu previously accused the group of exploiting the concept of motherhood to mask support for terrorism.

The governors of Kayseri and Istanbul banned an academic conference hosted by the Hrant Dink Foundation in their respective provinces. The conference was the sixth in a series of similar events across the country. In a press statement, the group said the conference was a legal action taken directly in line with its government-approved foundational charter and did not violate the sections of law pertaining to assemblies and demonstrations.

Pro-Kurdish demonstrations of many kinds faced violent police responses throughout the year. For example, in January police prevented HDP lawmakers from holding a press conference in support of HDP member of parliament Leyla Guven's hunger strike in front of the HDP Diyarbakir provincial headquarters. Police also violently disrupted a February demonstration in Van on the same topic.

In contrast with previous years, labor rights activists and political parties participated in largely peaceful marches throughout the country on May 1 (Labor Day). Turkish authorities detained 127 marchers in Istanbul who attempted to gather in Taksim Square (which the government specified as off limits).

The governors of Ankara, Istanbul, Izmir, Antalya, Gaziantep, and Mersin issued bans on public activities by lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons during the year. In May and June, police broke up public events related to Pride Month using batons, tear gas, water cannons, and rubber bullets in Izmir and Istanbul. In Izmir groups reported police detained 16 persons for several hours, and police in Istanbul reportedly detained three to five individuals. Police in Ankara also responded to similar events with tear gas despite court rulings that the governorate's blanket ban on public events by LGBTI groups was not legal. Activists reported that despite the court's ruling, the government continued to impose individual bans on events and assemblies.

Freedom of Association

While the law provides for freedom of association, the government continued to restrict this right. The government used provisions of the antiterror law to prevent from reopening associations and foundations it had previously closed due to alleged threats to national security. In July the Inquiry Commission on the State of Emergency Measures announced the government had closed 1,750 nongovernmental associations and foundations under state of emergency measures. Of those, the government allowed the reopening of 208 groups. Observers widely reported the appeals process for institutions seeking redress remained opaque and ineffective (see section 1.e.).

By law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. Human rights and civil society organizations, groups promoting LGBTI rights, and women's groups in particular complained the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. In December the government closed Antakya Purple Solidarity Women's Association, alleging the association was providing training without the requisite permissions. Bar association representatives reported that police sometimes attended civil society organizational meetings and recorded them, which the representatives interpreted as a means of intimidation.

In February the Istanbul Chief Public Prosecutor's Office announced it would seek life imprisonment for philanthropist Osman Kavala, the former editor in chief of opposition-leaning newspaper *Cumhuriyet*, and 15 other journalists, artists, and human rights activists for "attempting to overthrow the government" by "organizing and financing" the 2013 Gezi Park protests. Human rights groups criticized the 657-page indictment as not containing "a shred of evidence" of criminal activities. Kavala, the founder of Anadolu Kultur, an organization dedicated to cross-cultural and religious dialogue, had

been in prison since 2017. Hearings in the trial began in June. Defendants asserted the evidence presented by the prosecutor did not amount to a crime, contained inaccuracies, and made conclusions based on supposition rather than fact.

The case against former Amnesty International honorary chair Taner Kilic and 10 other human rights defenders continued. The defendants were charged with "membership in a terrorist organization" or "aiding a terrorist organization without being a member," largely stemming from attendance at a 2017 workshop entitled, Protecting Human Rights Advocates–Digital Security, held on Istanbul's Buyukada Island. A court had released Kilic under judicial control in August 2018 while his case continued. In November the prosecutor recommended conviction for Kilic and five other defendants on terror-related charges and requested acquittal for the remaining five. The case continued at years' end.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/ (https://www.state.gov/religiousfreedomreport/). (http://www.state.gov/religiousfreedomreport/)

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights. The government continued to restrict foreign travel for some citizens accused of links to the Gulen movement or the failed 2016 coup attempt. In March authorities lifted passport restrictions for 57,000 individuals, although it remained unclear how many more remained unable to travel. Curfews imposed by local authorities in response to counter-PKK operations and the country's military operation in northern Syria also restricted freedom of movement. The government declared Hakkari Province a "special security zone" and limited movement into and out of several districts in the province for weeks at a time, citing the need to protect citizens from PKK attacks.

In-country Movement: The constitution provides that only a judge may limit citizens' freedom to travel and only in connection with a criminal investigation or prosecution. Antiterror laws allowed severe restrictions to be imposed on freedom of movement, such as granting governors the power to limit movement on individuals, including entering or leaving provinces, for up to 15 days.

Freedom of movement remained a problem in parts of the east and southeast, where countering PKK activity led authorities to block roads and set up checkpoints, temporarily restricting movement at times. The government instituted special security zones, restricting the access of civilians, and established curfews in parts of several provinces in response to PKK terrorist attacks or activity (see section 1.g., Abuses in Internal Conflict).

Conditional refugees and Syrians under temporary protection also experienced

restrictions on their freedom of movement (see section 2.f., Protection of Refugees).

Foreign Travel: The government placed restrictions on foreign travel for tens of thousands of citizens accused of links to the Gulen movement or the failed coup attempt, as well as to their extended family members. Authorities also restricted some foreign citizens with dual Turkish citizenship from leaving the country due to alleged terrorism concerns. The government maintained that the travel restrictions were necessary to preserve security.

For those barred from travel, some chose to leave the country illegally. In October a boat carrying 19 citizens seeking to flee the country capsized in the Aegean Sea, killing seven, including five children.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on re-entry into the country if they chose to travel to a third country or return temporarily to Syria. The government issued individual exit permissions for Syrians under temporary protection departing the country for family reunification, health treatment, or permanent resettlement, and required an individual exception for all other reasons. The government sometimes denied exit permission to Syrians under temporary protection for reasons that were unclear.

e. Internally Displaced Persons

Turkey's Operation Peace Spring displaced residents of villages along the country's border with Syria. The renewal of conflict between the government and the PKK in the southeast in 2015 resulted in hundreds of thousands of internally displaced persons (IDPs). In some cases those displaced joined IDPs remaining from the conflict between security forces and the PKK between 1984 and the early 2000s. A reduction in urban clashes and government reconstruction efforts during the year permitted some IDPs to return to their homes. Overall numbers remained unclear at year's end.

The law allows persons who suffered material losses due to terrorist acts, including those by the PKK or by security forces in response to terrorist acts, to apply to the government's damage determination commissions for compensation. In Nusaybin the government built and distributed 778 housing units to residents whose homes were destroyed in antiterror operations.

f. Protection of Refugees

The government took steps during the year to increase services provided to the approximately four million refugees, asylum seekers, and migrants in the country, nearly 3.7 million of whom were displaced Syrians. A 2016 agreement between the government and the EU continued to limit irregular migration from Turkey to Europe via the Aegean Sea. The Directorate General for Migration Management reported 414,313 "irregular migrants" were apprehended as of November. UNHCR reported 185,000 of these apprehensions were Afghan nationals. Some 89,000 were deported to their countries of origin. Most of these individuals were from Pakistan or Afghanistan, according to UNHCR. Reports of larger-scale detentions of individuals, including

Afghans, Syrians and Iraqis, were also received. In the first six months of the year, an estimated 144 migrants died due to drowning, traffic accidents, or exposure to the elements.

Abuse of Migrants, Refugees, and Stateless Persons: Multiple sources reported that authorities denied entry to undocumented Iraqis, Syrians, and Afghans during the year. There were reports that Turkish border guards intercepted or summarily deported Syrians and Afghans seeking asylum. In the days immediately following the Ministry of Interior's announcement of stricter enforcement of refugee registration requirements in Istanbul, UNHCR confirmed that a small number of Syrian refugees had been involuntarily returned to Syria. Turkish border guards also reportedly killed or injured Syrian asylum seekers at the border (see section 1.a.). During the offensive by Syrian government forces in Idlib in June and July, there were reports of displaced Syrians in Turkey being forced to return back across the border into Syria (also see Refoulement).

The country's borders with Syria and Iraq remained closed to all but urgent humanitarian, medical, and family reunification cases since late 2015. Of the 20 border crossing points between Syria and Turkey, only three were open for limited civilian access. The rest were for military or military and humanitarian assistance only. Since November 2017 some provinces along the border with Syria limited registration of asylum seekers to certain exceptional cases only, limiting refugees' ability to gain access to social services, including education and medical care in these areas, unless they relocate to a city where they can register. Large cities such as Istanbul also limited registration.

Incidents of societal violence directed against refugees and persons in refugee-like conditions increased during the year. In June in the Kucukcekmece district of Istanbul, tensions between local residents and Syrian refugees erupted into violence that continued for two nights and resulted in the destruction of several Syrian businesses. Workplace exploitation, child labor, and forced early marriage also remained significant problems among refugees. Human rights groups alleged conditions in detention and removal centers sometimes limited migrants' rights to communication with and access to family members, interpreters, and lawyers (also see Refoulement).

In certain districts of Istanbul, NGO staff members reported receiving verbal threats and harassment from residents of host communities, urging them not to help Syrians.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to conditional refugees, returning refugees, stateless persons, and temporary and international protection status holders.

UNHCR reported there were LGBTI asylum seekers and conditional refugees in the country, most coming from Iran. According to human rights groups, these refugees faced discrimination and hostility from both authorities and the local population due to their status as members of the LGBTI community. Commercial sexual exploitation also remained a significant problem in the LGBTI refugee community, particularly for transgender individuals.

Refoulement: Authorities generally offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 UN Refugee Convention, although there were some confirmed cases of refoulement and tens of thousands of deportations have taken place during the year. The government increased efforts to deport those it claimed entered the country illegally, before they were granted status determination interviews by Turkish migration authorities. Istanbul, along with 14 other provinces, stopped registering asylum seekers in 2018, with the exception of those in a few categories such as newborn children and some specialized medical cases and family reunification instances. Many asylum seekers reported that in order to find work or be with their families, they either did not register or moved from the city where they had registered, neither of which is allowed under the country's regulations. During the year the government also increased enforcement in major cities, such as Istanbul, against those who were either unregistered or registered to live in another province. In one instance an operation in July in Istanbul apprehended 6,122 individuals, including 2,600 Afghans and 1,000 Syrians, who either did not have valid registration to reside in Istanbul or who did not have registration at all.

The Ministry of Interior stated that all refugees of nationalities other than Syrian apprehended during these operations were sent to "repatriation centers." Multiple refugee advocacy and human rights groups, including Amnesty International, reported the refoulement of some Syrians throughout the summer, during active conflict in Idlib, and the fall. While some deported Syrians acknowledged they were living unregistered when they were apprehended and deported, others said they were living outside their city of registration or claimed to have been carrying valid government documents guaranteeing their ability to reside in Turkey. One international human rights group reported that 23 Syrians claimed they were forcibly repatriated although they had not been willing to sign a "voluntary return form" or signed only after being coerced or misinformed. The government contended all returns were voluntary.

Access to Asylum: The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but it limits rights granted in the 1951 convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While non-European asylum seekers were not considered refugees by law, the government granted temporary protection status to millions of Syrians while maintaining conditional/subsidiary refugee status and providing international protection for other asylum seekers. Individuals recognized by the government for temporary protection (Syrians) or conditional/subsidiary refugee status (all other non-Europeans, for example, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily until they could obtain third-country resettlement.

The law provides regulatory guidelines for foreigners' entry into, stay in, and exit from the country, and for protection of asylum seekers. The law does not impose a strict time limit to apply for asylum, requiring only that asylum seekers do so "within a reasonable time" after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status.

UNHCR reported it had intermittent and unpredictable access to detention and removal centers where non-Syrians were detained. UNHCR reported its visits to removal centers where apprehended foreigners were detained indicated the need for improvement in some areas, including access to information and legal aid by detainees as well as improved interpretation services. A 2016 agreement between the EU and Turkey allows some migrants arriving in Greece to be returned to Turkey in particular circumstances. Some contacts expressed doubts that all these readmitted persons had access to the asylum procedure and echoed UNHCR's concerns.

Freedom of Movement: Authorities assigned Syrians to one of 62 "satellite cities," where they are supposed to receive services from local authorities under the responsibility of provincial governorates. These refugees were required to check in with local authorities on either a weekly or biweekly basis and needed permission from local authorities to travel to cities other than their assigned city, including for meetings with UNHCR or resettlement-country representatives, which the government generally provided. Syrians under temporary protection were also restricted from traveling outside of provinces listed on their registration cards without permission. Syrians and non-Syrians could request permission to travel or to transfer their registration through the Directorate General for Migration Management (DGMM). Certain provinces did not accept travel permission requests or transfer of registration from Syrians under temporary protection. Syrians living in camps required permission from camp authorities to leave the camps.

Employment: The law allows both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they were registered in the province they wish to work in for six months. Applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence, the vast majority of both conditional refugees and Syrians under temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions.

Access to Basic Services: The government provided free access to the public medical system to Syrians registered for temporary protection and subsidized medical care to other conditional refugees. The government also expanded access to education for school-age Syrian children. Many encountered challenges overcoming the language barrier or meeting transportation or other costs, or both.

As of September the Ministry of National Education reported that 684,000 of the school-age refugee children in the country were in school, a significant increase from prior years. An estimated 36.9 percent remained out of school as of September. According to UNICEF, nearly 526,000 refugee children received monthly cash assistance for education through a joint program with UNICEF funded by international donors.

Provincial governments, working with local NGOs, were responsible for meeting the basic needs of refugees and other asylum seekers assigned to satellite cities in their jurisdictions, as well as of the Syrians present in their districts. Basic services were

dependent on local officials' interpretation of the law and their resources. Governors had significant discretion in working with asylum seekers and NGOs, and the assistance provided by local officials to refugees and persons in situations similar to those of refugees varied widely.

Durable Solutions: The law does not provide for durable solutions within the country for Syrians under temporary protection or for conditional refugees, but it allows them to stay until resettled to a foreign country or able to return to their country of origin. The government granted citizenship to some Syrian refugees on a limited basis. As of September authorities had granted approximately 100,000 Syrians citizenship since 2010, according to the Interior Ministry's General Directorate of Population and Citizenship Affairs.

Temporary Protection: Turkey adopted a geographically limited understanding of the term "refugee" when it ratified the Refugee Convention and acceded to the Refugee Protocol, recognizing only Europeans as eligible for legal refugee status. In recognition of this gap, the government adopted a temporary protection regulation in 2014. The government offered temporary protection to Syrian refugees who did not qualify as refugees due to the European-origin limitation in the law. According to the Syrian National Coalition and Turkish authorities, at year's end the country was hosting under this "temporary protection" status nearly 3.6 million Syrian refugees. Authorities required Syrian asylum seekers to register with the DGMM to legalize their temporary stay in the country. In 15 provinces the DGMM no longer processed new registrations beyond newborns and highly vulnerable Syrians. Syrians who registered with the government were able to receive an identification card, which qualified them for assistance provided through the governorates, including free primary health care. By year's end the DGMM had closed all but seven camps in five provinces. Residents of these camps numbered 63,443 at year's end, according to authorities.

Syrians who officially entered the country with passports could receive one-year residence permits upon registration with the government. In 2018, 74,939 Syrians held valid residence permits; 2019 figures were not available at year's end.

g. Stateless Persons

The government did not keep figures for stateless persons. The government provided documentation for children born to conditional refugees and Syrians under temporary protection, although statelessness remained an increasing concern for these children, who could receive neither Turkish citizenship nor documentation from their parents' home country. As of December there were at least 405,500 babies born to Syrian mothers in the country since the beginning of the Syrian conflict in 2011, according to the Interior Ministry.

Section 3. Freedom to Participate in the Political Process

Although the constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot, the government restricted equal competition and placed restrictions on the fundamental freedoms of assembly and expression. The government restricted the activities of some opposition political parties and leaders, including through police detention. Several parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016. During the year restrictive government regulations impacted the ability of many among the opposition to conduct political activities, such as organizing protests or political campaign events and sharing critical messages on social media. The government also suspended democratically elected mayors in multiple cities and municipalities in the southeast and in their place assigned state "trustees" when the former were accused of (but not necessarily convicted of) affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the leftist pro-Kurdish HDP and its partner party, the DBP. The government removed 44 percent of HDP mayors elected in the March municipal elections. Since 2016 the government had removed 62 percent of elected HDP officials. Former HDP cochairs Demirtas and Figen Yuksekdag remained in prison (see section 1.e, Political Prisoners and Detainees).

Opposition party officials reported difficulty raising campaign donations from individuals and businesses, which said they feared reprisals from the government. Some company employees seen by their management as supporting opposition parties, especially the HDP, claimed they faced adverse treatment, including termination of employment.

Elections and Political Participation

Recent Elections: On March 31, the country held municipal elections for thousands of seats, ranging from local neighborhood council seats to metropolitan mayors. The campaign occurred in a media environment that was heavily biased in favor of the government. Progovernment outlets and ruling party incumbents criticized opposition leaders and candidates by alleging they had links to terrorism.

In an April 1 statement, Council of Europe observers stated the elections were conducted in a technically sound and orderly manner but noted that a genuinely democratic election also needed a political environment with genuine freedom of expression, media freedom and equal access to all parties, and a fair and reasonable legal framework overseen by a robust judiciary.

After the Supreme Electoral Council (YSK) initially declared opposition candidate Ekrem Imamoglu the winner of the mayoral race in Istanbul, the YSK then ordered a rerun of the race in response to ruling party claims of election irregularities. The rerun decision attracted criticism from the European Commission, the Council of Europe, and many others, who asserted the YSK made the decision in a highly politicized context and under pressure from the presidency. Imamoglu won the election rerun on June 23 and assumed office on June 27.

The municipal campaigns and elections occurred in an environment with restricted basic rights and freedoms, including those of assembly and speech. While most candidates were generally able to campaign ahead of the elections, government officials threatened multiple candidates and party leaders with criminal charges. For example, a prosecutor revived a resolved legal case against the opposition candidate for Ankara mayor; and President Erdogan publicly raised doubts about the candidate’s ability to fulfill his term should he be elected mayor because of the pending case.

The YSK unseated some winners in March, finding them ineligible to serve, after it had initially cleared their eligibilities for candidacy. For example, four winning HDP mayoral candidates were barred from taking office on the grounds of their previous dismissals from civil service positions but after the YSK previously approved their eligibility to run in the election. Starting in August the government suspended 28 newly elected HDP mayors in the southeast on allegations of support to terrorist elements and replaced them with appointed trustees.

All parties alleged irregularities in the voter lists, which they complained included “ghost voters” (one “ghost” registrant was older than age 130) or legally deceased individuals, and suspicious residency claims.

Media coverage overwhelmingly favored the candidates of the ruling party and those of its coalition and election ally, the Nationalist Movement Party. For example, according to a member of the national broadcasting regulator during the 57-day period prior to the elections, state-run TRT devoted 150 hours of coverage to AKP, 50 hours to CHP, and three hours to HDP. Many opposition parties relied instead on social media to connect with supporters.

The pre-election period saw several attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. On April 21, a crowd assaulted CHP chair Kemal Kilicdaroglu during the funeral ceremony for a soldier killed by the PKK. The attack followed statements by President Erdogan and other government officials accusing the CHP of sympathizing and collaborating with “PKK terrorists” during the municipal election campaigns.

In June 2018 the country held early parliamentary and presidential elections that had been originally scheduled for late 2019. The elections completed a constitutional amendment process that began with the 2017 national referendum, the passing of which initiated the country’s official transition from a parliamentary system to a presidential one. The campaign and election both occurred under a state of emergency that had been in place since 2016 and that granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. While most candidates were generally able to campaign ahead of the elections, the HDP’s candidate remained in prison during the campaign and the candidate for the IYI Party faced a de facto media embargo. Despite the ability to campaign, the OSCE’s Election Observation Mission noted the elections were held in an environment heavily tilted in

favor of the president and the ruling party, noting, "the incumbent president and his party enjoyed a notable advantage in the campaign, which was also reflected in excessive coverage by public and government-affiliated private media."

Media coverage of the 2018 parliamentary and presidential candidates similarly overwhelmingly favored the president and ruling party. For example, according to a member of the Radio and Television Supreme Council, between May 14 and May 30, TRT broadcast 67 hours of coverage on President Erdogan, seven hours on CHP candidate Muharrem Ince, 12 minutes on IYI candidate Meral Aksener, eight minutes on Felicity Party candidate Temel Karamanoglu, and no coverage of HDP candidate Selahattin Demirtas. Many opposition parties relied instead on social media to connect with supporters.

The period between the April 2018 announcement of early elections and the vote saw a number of attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Violence most commonly targeted the HDP and its campaigners. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. A number of opposition candidates for parliament continued to face legal charges in connection with such claims, and the HDP's presidential candidate, Demirtas, was in prison during the campaign. The OSCE noted that key amendments were adopted within months of the early elections, without consultation, and were perceived as favoring the ruling party.

There were allegations of electoral irregularities primarily in the east, which some tied to unanticipated levels of success for the AKP and associated parties, in an area historically dominated by opposition parties.

Political Parties and Political Participation: Eight political parties existed in parliament, with others able to participate in elections. Some parties enjoy greater advantages than others. Media influence favored the ruling party, and representatives expressing views critical of the government or President Erdogan have faced criminal or civil charges. HDP representatives faced particularly significant legal challenges to their ability to campaign, express opinions, and retain their mandate. The government used opposition leaders' social media postings to file criminal and civil complaints against them, alleging the defendants insulted the president and spread terrorist propaganda.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process. Some individuals advocating for political rights or associated with the HDP, however, experienced increased government pressure or were accused of ties to the PKK terrorist organization. According to the Association to Support Women Candidates, the number of women participating in the March 31 municipal elections as candidates at the mayoral, district mayoral, and metropolitan city levels was between 7.5 percent and 8.5 percent. For example, 652 of 8,257 (7.9 percent) mayoral candidates in the March 31 elections were women. Of 1,389 newly elected mayors at the district level or higher, 37 were women. The number of women in the judiciary also remained disproportionately low. As of year's end, there were 102 women in the 600-member parliament. The greatest number of elected female mayors were in the southeast and ran on leftist and pro-Kurdish party tickets.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. Parliament charges the Court of Accounts, the country's supreme audit institution, with accountability related to revenues and expenditures of government departments. In 2018 it did not publish its annual report, however, and as of December had not begun its 2019 audit. Outside this audit system, there was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases.

During the year the government prosecuted law enforcement officers, judges, and prosecutors who initiated corruption-related investigations or cases against government officials, alleging the defendants did so at the behest of the Gulen movement. Journalists accused of publicizing the corruption allegations also faced criminal charges. In March a court sentenced 15 individuals involved in a 2013 corruption investigation of senior government leaders to life imprisonment. There were no reports that senior government officials faced official investigations for alleged corruption.

In October the Constitutional Court overturned a broadcast and publication ban on 2013 reports about corruption involving former ministers (four resigned at the time). As of December, however, the Radio and Television Supreme Council had yet to remove the ban on the reports, despite the court's ruling.

Corruption: In August the government began investigations against two independent media outlets, T24 and Diken, for publishing reports based on tweets by an anonymous Twitter account (Fuat Avni) in 2014-15 related to allegations of corruption against the ruling AKP.

In August media outlets reported that a Ministry of Interior Affairs inspection found that in the southeastern province of Sanliurfa, the former AKP mayor of the Ceylanpinar district, Menderes Atilla, appointed his daughter as his executive assistant with an annual salary of more than 250,000 liras ($42,500). The former mayor's daughter, Tugce Atilla, was first appointed in 2015 but did not report to work until March 2019, according to the inspection. The ministry ordered Atilla to pay back the income she had not earned.

Financial Disclosure: The law requires certain high-level government officials to provide a full financial disclosure, including a list of physical property, every five years. Officials generally complied with this requirement. The Presidency State Inspection Board is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. Parliament, with the support of a simple majority, may establish investigative commissions to examine corruption allegations concerning the president, vice president(s), and ministers. The

mechanism was not used during the year. A parliamentary super majority (400 deputies) may vote to send corruption-related cases to the Constitutional Court for further action.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A limited number of domestic and international human rights groups operated throughout the country, although many faced continued pressure from the government during the year. Some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations. Human rights groups reported the government was sometimes unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights abuses occasionally faced detention, prosecution, intimidation, and harassment, and their organizations faced closure orders for their activities. For example, in May a court sentenced 11 members of the executive board of the Turkish Medical Doctors Union to between 20 months' and three years' imprisonment for alleged terror propaganda for their 2018 public statement that "war is a public health issue" during the country's Operation Olive Branch intervention in Syria. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

Human rights groups reported continued and intense government pressure. In one case, Osman Kavala, a prominent philanthropist and civil society leader jailed since 2017, remained in prison on charges of "attempting to overthrow the government" for involvement during the 2013 Gezi Park protests. The government also prosecuted on similar charges 15 others loosely associated with Kavala, including human rights activists and academics. Local and international human rights groups criticized the detentions and trials as politically motivated and lacking evidentiary justification.

The HRA reported that as of June its members had cumulatively faced more than 5,000 legal cases, mostly related to terror and insult charges since the group's establishment. The HRA also reported that executives of their provincial branches were in prison. The HRFT reported its founders and members were facing 30 separate criminal cases. The harassment, detention, and arrest of many leaders and members of human rights organizations resulted in some organizations closing offices and curtailing activities and some human rights defenders self-censoring.

Some international and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty renewing their official registrations with the government, obtaining program approvals, and obtaining residency permits for their staff. Some noted the government's documentation requirements were unclear.

Government Human Rights Bodies: The government continued to staff its human rights monitoring body, the NHREI. According to August press reports, the NHREI received at least 10 applications regarding prison conditions and the practices of prison authorities.

The NHREI did not accept any of the complaints. In response to an application regarding prison overcrowding, the NHREI stated that "due to the increased number of arrestees [related to the state of emergency period] and intensity of the capacity in prisons, such practice shall be accepted as proportionate." Critics complained the institution was ineffective and lacked independence.

The Ombudsman Institution operated under parliament but as an independent complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under the 2016-18 state of emergency decrees did not fall within its purview. According to online data, in 2018 the office received 17,585 applications for assistance, the majority of which dealt with public personnel issues.

The Inquiry Commission on the State of Emergency Measures, established in 2017 to address cases and appeals related to purges and closures during the state of emergency, announced in July that it had reviewed a total of 482,000 case files since its inception. From 2017 to August, the commission rejected 77,600 appeals and accepted approximately 6,700. Critics complained the commission's decisions were opaque, biased, and slow.

The Ministry of Justice's Human Rights Department served as its lead entity on human rights issues, coordinating its work with the ministry's Victims' Rights Department.

Parliament's Human Rights Commission functioned as a national monitoring mechanism. Commission members maintained dialogue with NGOs on human rights issues and conducted some prison visits, although activists claimed the commission's ability to influence government action was limited.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The government and independent monitoring groups reported with concern that violence against women, particularly femicides, increased, compared with 2018. The law criminalizes violence against women and sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for conviction of attempted sexual violation and at least 12 years' imprisonment for conviction of rape or sexual violation. The government did not effectively or fully enforce these laws or protect victims. For example, in May human rights lawyer Muzeyyen Boylu Issi was shot and killed by her husband in front of their children, after having survived two previous attempts on her life and filing for divorce and a protection order. As of November the husband, Mesut Issi, was in prison pending trial. If convicted of murder, he could face additional charges of aggravated life imprisonment.

The law covers all women and requires police and local authorities to grant various levels of protection and support services to survivors of violence or those at risk of violence. It also mandates government services, such as shelter and temporary financial support, for victims and provides for family courts to impose sanctions on perpetrators.

The law provides for the establishment of violence-prevention and monitoring centers to offer economic, psychological, legal, and social assistance. There were 81 violence prevention centers throughout the country, one in each province. There were 144 women's shelters nationwide, providing shelter to approximately 30,000 women. Women's rights advocates asserted there were not enough shelters to meet the demand for assistance and that shelter staff did not provide adequate care and services, particularly in the southeast. Some NGOs noted shelters in multiple southeastern provinces closed during the state of emergency and that others faced difficulty following the removal of elected mayors and appointment of government trustees, some of whom cut funding and ended partnerships with the local NGOs. Some NGOs noted the lack of services was more acute for elderly women and LGBTI women as well as women with older children. The government operated a nationwide domestic violence hotline and web application called the Women Emergency Assistance Notification System (KADES). NGOs asserted the quality of services provided in calls was inadequate for victims of domestic violence. According to press reports, 13,000 women had used the KADES app to report violence as of September.

Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for conviction of crimes such as assault, deprivation of liberty, or threats. Despite these measures, killings and other forms of violence against women continued unabated. According to the We Will Stop Femicide Association, 430 women were murdered in the first 11 months of the year; 53 in September alone.

On August 24, thousands of demonstrators gathered in Istanbul and in other cities around the country to protest gender-based violence following the public killing of Emine Bulut by her former husband in front of their 10-year-old daughter. Social media users shared video of the attack, and the victim's dying words, "olmek istemiyorum" ("I don't want to die"), became a rallying cry for demonstrators and on social media. In October Bulut's former husband was sentenced to life imprisonment.

Following the incident, women's rights groups called for the enforcement of the Council of Europe's Istanbul Convention on Preventing and Combatting Violence against Women and Domestic Violence, and leaders from across the political spectrum denounced that attack. Courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. Women's associations also charged that government counselors and police sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

In October Ayse Tuba Arslan's former husband attacked her with a meat cleaver. Arslan had pressed charges against her former husband 23 times; an Eskisehir court dismissed five of the 10 charges filed during the year. Police failed to enforce the court-issued restraining orders effectively. Arslan died of her wounds on November 25.

Courts in some cases gave reduced sentences to some men found guilty of committing violence against women, citing good behavior during the trial or "provocation" by women as an extenuating circumstance of the crime. For example, in August an Adana

court reduced the sentence of Mehmet Ciftci from life imprisonment to 18 years' imprisonment for good behavior. Ciftci was convicted of murdering his 19-year-old wife, who was four months pregnant at the time of her murder.

Other Harmful Traditional Practices: Human rights activists and academics reported the problematic practice of "honor killings" of women continued across the country (31 cases reported during the year). The prevalence of killings was most severe in the southeast.

Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that courts often reduced actual sentences due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the "misbehavior" of the victim.

Sexual Harassment: The law provides for up to five years' imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer; however, women's rights activists reported that authorities rarely enforced these laws. For example, in February a police officer sexually harassed a university student being detained during a protest in Ankara. According to local media, despite the existence of photographic evidence, police attempted to cover up the incident, accused the victim of having ties to a terror organization, and detained and interrogated the journalist who interviewed the victim and her family.

Gender equality organizations indicated that incidents of verbal harassment and physical intimidation of women in public occurred with regularity and cited as the cause a permissive social environment in which harassers were emboldened. In one case, in September a woman physically attacked in Ankara reported that authorities tried to legitimize the attack by questioning her during her deposition about what she was wearing and whether the attack occurred late at night.

Some women's rights NGOs asserted that weak legal enforcement of laws to protect women and light sentencing of violent perpetrators of crimes against women contributed to a climate of permissiveness for potential offenders. Women's advocates expressed concern that laws passed in 2018 to encourage dispute resolution through mediation rather than the court system would reduce the severity of criminal punishment given perpetrators of violence against women, thereby reducing the deterrent effect of the law, undermining women's safety, and potentially enabling impunity.

Coercion in Population Control: There were no reports of coerced abortion or forced sterilization.

Discrimination: Women enjoy the same rights as men by law, but societal and official discrimination were widespread. Women faced discrimination in employment.

The constitution permits measures, including positive discrimination, to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of employers for several months for any female employee older

than age 18. Laws introduced as a gender justice initiative provided for maternity leave, breastfeeding time during work hours, flexibility in work hours, and required child care by large employers. Rights organizations contended, however, that these changes in the legal framework discouraged employers from hiring women and negatively impacted their promotion potential.

Children

Birth Registration: There was universal birth registration, and births were generally registered promptly. A child receives citizenship from his or her parents, not through birth in the country. Only one parent needs to be a citizen to convey citizenship to a child. In special cases in which a child born in the country cannot receive citizenship from any other country due to the status of his or her parents, the child is legally entitled to receive citizenship.

Education: Human rights NGOs and others expressed concern that despite the law on compulsory education, some families were able to keep female students home. The Education Reform Initiative, an NGO focusing on education, reported in its *Education Monitoring Report for 2017-18* that the government took important positive steps to expand girls' access to education, including by providing conditional cash transfers to incentivize poor families to continue education for their daughters. According to education union Egitim Sen, based on 2018-19 reporting, the rate for schooling decreased to 91 percent and the rate for girls' schooling decreased to 91 percent, compared with 99 percent in 2013-14. According to European Statistics Office data, drop-out rates in the country were 34 percent for girls and 31 percent for boys in 2017, an improving trend.

The Organization for Economic Cooperation and Development, in its *Education at a Glance* report, stated the number of young adults who attained a tertiary education had doubled in the last year, although it noted that nearly half of them did not complete upper secondary education.

Child Abuse: Child abuse was a problem. The law authorizes police and local officials to grant various levels of protection and support services to victims of violence or to those at risk of violence. Nevertheless, children's rights advocates reported failed implementation. The law requires the government to provide services to victims, such as shelter and temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence.

By law, if the victim of abuse is between the age of 12 and 18, molestation results in a three-to-eight-year prison sentence, sexual abuse in an eight-to-15-year sentence, and rape in a sentence of at least 16 years. If the victim is younger than 12, molestation results in a minimum five-year prison sentence, sexual abuse in a minimum 10-year sentence, and rape in a minimum 18-year sentence.

Government authorities increased attention on the problem of child abuse. According to Ministry of Justice statistics, imprisonment sentences for child sexual abuse in the country increased to 18,000 in 2018. Child rights experts reported that the increased

attention on the problem had led to greater awareness and reporting. The women's NGO We Will Stop Femicides reported that, in just the month of July 2018, there were 433 reported cases of child sexual abuse. According to Ministry of Justice statistics, there were 16,348 child sex abuse cases filed in 2017.

Early and Forced Marriage: The law defines 18 as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. The law acknowledges civil and religious marriages, but the latter were not always registered with the state.

NGOs reported children as young as 12 married in unofficial religious ceremonies, particularly in poor and rural regions and among the Syrian population living in the country. The government's *2018 Demographic and Health Survey* showed that 12 percent of Syrian girls in the country married before age 15 and 38 percent married before age 18. Early and forced marriage was particularly prevalent in the southeast, and women's rights activists reported the problem remained serious. According to the Turkish Statistical Institute, 26 percent of women in the country married before the age of 18, and 10 percent gave birth to their first child before the age of 18. Local NGOs worked to educate and raise awareness among the Turkish and Syrian population in major southeast provinces.

Separately, women's rights groups stated that forced marriages and bride kidnapping persisted, particularly in rural areas, although it was not as widespread as in previous years.

Sexual Exploitation of Children: The constitution requires the state to take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. The penalty for conviction of encouraging or facilitating child prostitution is up to 10 years' imprisonment; if violence or pressure is involved, a judge may double the sentence.

The age of consent for sex is 18. The law prohibits producing or disseminating child pornography and stipulates a prison sentence of up to two years as well as a fine for violations.

Incest involving children remained a problem, although prosecutions remained minimal. The law provides prison sentences of up to five years for incest.

Displaced Children: Many women's and migrant rights NGOs reported that displaced children, mostly Syrian, remained vulnerable to economic and sexual abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html).

Anti-Semitism

According to the Chief Rabbinate in Istanbul, there were approximately 16,000 Jews living in the country. Some members of the community continued to emigrate or seek to obtain citizenship in a second country, in part due to concerns about anti-Semitism.

Jewish citizens expressed concern regarding anti-Semitism and security threats. On July 31, a video was posted on social media showing children at an apparent summer camp being led in chants calling for death to Jews. Leading individuals in the community denounced the video, which was viewed more than 400,000 times, and expressed concern at such forms of indoctrination and hatred at such a young age. HDP member of parliament Garo Paylan called for an investigation into the incident for possible prosecution under hate crimes statutes. On March 28, an unidentified attacker attempted to throw a Molotov cocktail at the Beth Israel Synagogue in Izmir. The synagogue was not damaged in the attack, and police apprehended and charged a suspect within a few days.

The premiere of the film *Cicero* generated controversy and condemnation when the scenery for the premiere's red carpet walk depicted features of a concentration camp, including striped uniforms draped on barbed wire fencing and guard dogs. The local Jewish community, columnists, and AKP lawmakers denounced the display as disgraceful. The filmmakers subsequently apologized.

During the campaign for Istanbul mayor, altered images of opposition CHP candidate Ekrem Imamoglu showing him shaking hands with Israeli prime minister Benjamin Netanyahu and meeting with a group of Orthodox Jews appeared on social media in an effort to discredit him, according to commentators. Disparaging comments and statements calling Imamoglu a friend of Zionism accompanied the images.

In November an IYI party member of parliament made a remark on social media commenting on a government official's family's "excessive" display of wealth, posting, "There is a group of people that have become rich due to their undeserved income and live luxuriously, we call them Protestant Muslims. These people have become Jews, mentally." The post received widespread criticism on social media.

In October social media users and media outlets shared photographs of anti-Christian and anti-Semitic posters hung at municipal bus stops in the central Anatolian town of Konya by the local branches of the Anatolian Youth Association and National Youth Foundation. The posters cited a Quranic verse that appeared to advise Muslims not to befriend Christians and Jews. The images also included a crucifix and Star of David with what appeared to be droplets of blood. Social media users from all three faiths criticized the posters as insulting to religious minorities, misrepresenting the message of the Quran, and undermining the dignity of the nation. The private advertising company leasing the billboards said the associations changed the content of the posters before printing them, and the company replaced the images with Turkish flags shortly after the concerns appeared on social media. The Anatolian Youth Association described the situation as a misunderstanding and indicated it was investigating the cause of the incident.

Anti-Semitic rhetoric continued in print media and on social media throughout the year. According to a Hrant Dink Foundation report on hate speech, as of August 31, there were 430 published instances of anti-Jewish rhetoric in the press depicting Jews as violent, conspiratorial, and enemies of the country. A reader's letter published in *Yeni Akit* claimed Jewish residents in Istanbul trained street dogs to bite Muslims and repeated historic blood libel anti-Semitic tropes. Some commentators criticized the letter as ridiculous, and former AKP member of parliament Mustafa Yeneroglu denounced its content as "the language of the Nazis," according to multiple media reports. In some instances officials and party representatives denounced stories with anti-Semitic content on social media.

The government took several positive steps to combat anti-Semitism. On January 24, Ankara University hosted an event to commemorate Holocaust Remembrance Day in collaboration with the Ministry of Foreign Affairs, which also issued a written statement marking the occasion. On February 21, the Istanbul governor's office hosted a commemoration for the sinking of the Struma and the loss of nearly 800 Jews fleeing Nazi persecution in 1942. In April, September, and December, President Erdogan sent the Jewish community public messages celebrating Passover, Rosh Hashanah, and Hanukkah, respectively, that highlighted religious diversity as part of "the country's most important wealth that strengthens unity and solidarity."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/ (https://www.state.gov/trafficking-in-persons-report/).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively. In March the Association for Monitoring Equal Rights reported there were serious structural and institutional barriers with respect to access and justice for persons with disabilities, specifically citing accessibility problems as. barriers to voting and holding public office.

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. The government made little progress implementing the law, and access in many cities remained limited.

The Ministry of Labor, Social Services, and Family is responsible for protecting persons with disabilities. The ministry maintained social service centers assisting marginalized individuals, including persons with disabilities. The majority of children with disabilities were enrolled in mainstream public schools; others attended special education centers.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to education. According to a June report by the Ministry of Family, Labor, and Social Services, 353,610 students with disabilities were in school, with 257,770 studying in regular schools and the remainder in either state-run or privately owned special education schools or classes. There were more than 12,000 teachers working in special education schools. A Ministry of Labor, Social Services, and Family program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children.

In April the UN Committee on the Rights of the Persons with Disabilities concluded that, while the country ratified the Optional Protocol of the Convention on the Rights of Persons with Disabilities and had achieved progress since the ratification in 2009, concerns persisted regarding the prevalence of medical, charitable, and paternalistic approaches to disability. The association called for greater awareness raising among the public concerning disability rights, establishing more robust complaint mechanisms for persons with disabilities, addressing physical accessibility issues, and responding to allegations of discrimination against the disabled.

On January 9, the government announced the addition of 3,200 citizens with disabilities to the public sector during the year, bringing the total employed in the public sector to 56,500. The private sector employed 124,000 of the two million citizens with disabilities qualified for work. An employment quota implemented in 2014 requires private-sector companies with more than 50 employees to include in its workforce at least 2 percent employees with disabilities. The public-sector requirement is 4 percent. There has been no reporting regarding the implementation of fines for accountability. President Erdogan declared 2020 the "year of accessibility," with particular focus on mass transit and building entrances.

National/Racial/Ethnic Minorities

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Apostolic Christians, Jews, and Greek Orthodox Christians. Other national, religious, or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to exercise their linguistic, religious, and cultural rights fully.

More than 15 million citizens were estimated to be of Kurdish origin and spoke Kurdish dialects. Security force efforts against the PKK disproportionately affected Kurdish communities in rural areas throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with government security operations aimed at clearing areas of PKK terrorists (see section 1.g.).

Kurdish and pro-Kurdish civil society organizations and political parties continued to experience problems exercising freedoms of assembly and association (see section 2.b.). Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017 after the coup attempt remained shut. In October the International Crisis Group reported 4,686 persons, including state security personnel, PKK-affiliated militants, civilians, and individuals of unknown affiliation, had been killed in the conflict since mid-2015.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally use in their daily lives, on the condition that schools are subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish language courses, and two universities had Kurdish language departments, although several instructors in these departments were among the thousands of university personnel fired under official decrees, leaving the programs unstaffed. The law also allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language; this right was not protected in practice.

The law restricts the use of languages other than Turkish in government and public services. In June authorities in some districts of Istanbul began enforcing a new regulation that requires 75 percent of signage be in Turkish and removed signs in Arabic. A government-appointed trustee mayor in Siirt removed a multilingual welcome sign in the majority Kurdish city in February. The original sign featured welcome messages in Kurdish, Turkish, and Arabic (using a Latin script). It was replaced with a sign only in Turkish.

On International Mother Language Day, February 21, members of parliament from opposition CHP and HDP parties delivered official remarks in the Laz, Armenian, and Kurdish languages. The official parliamentary record registered only an "x" in place of their respective remarks, and the footnotes indicated only the Turkish language would be recorded.

Although the government officially allows the use of Kurdish in private education and in public discourse, it did not extend permission for Kurdish-language instruction to public education.

An Armenian-language television station, Luys TV, inaugurated its programming by broadcasting Orthodox Christmas services in January. The channel featured news broadcasts, children's programs, and discussion forums on topical issues for the community, according to media reports.

Romani communities reported being subjected to disproportionate police violence and housing loss due to urban transformation projects that extended into their traditional areas of residence. Members of the Romani community also reported they faced problems with access to education, housing, health care, and employment. Roma reported difficulty in utilizing government offers to subsidize rent on apartments due to discriminatory rental practices. Unofficial estimates indicated more than 90 percent of

Roma were unemployed, although many worked in jobs in the informal economy. In line with a national Romani strategy adopted by the cabinet in 2016, the government carried out a number of pilot projects to enhance social inclusion of Romani citizens, including vocational courses offered by the government's employment agency, IsKur. Roma advocates complained there was little concrete advancement for Roma. They also expressed concern that NGOs closed during the state of emergency that offered literacy courses to Roma remained shut or continued to face severe restrictions.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While the law does not explicitly criminalize LGBTI status or conduct, provisions of law concerning "offenses against public morality," "protection of the family," and "unnatural sexual behavior" sometimes served as a basis for abuse by police and discrimination by employers.

Numerous LGBTI organizations reported a continued sense of vulnerability as restrictions on their freedom of speech, assembly, and association continued. During the year the Ankara governor's office continued its indefinite ban instituted in 2017 on all public LGBTI events in the province, citing public safety concerns,. In April a regional administrative court lifted the ban and rejected the government's argument that the prohibition was necessary because some individuals might be provoked to violence by LGBTI events. Despite the decision, the Ankara governor's office did not change its policy on LGBTI events in the capital and continued to block events on an individual basis.

The criminal code does not include specific protections based on sexual orientation or gender identity. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law's failure to include protections based on gender identity and noted it was sometimes used to restrict freedom of speech and assembly rather than to protect minorities. LGBTI definitions were not included in the law, but authorities reported a general "gender" concept in the constitution provides for protections for LGBTI individuals. KAOS-GL, a local NGO focused on LGBTI rights, maintained that, due to the law's failure to recognize the existence of LGBTI individuals, authorities did not provide them social protection.

KAOS-GL reported that some LGBTI individuals were unable to access health services or faced discrimination. Some LGBTI individuals reported they believed it necessary to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTI community.

During the year LGBTI individuals experienced discrimination, intimidation, and violent crimes. Human rights groups reported that police and prosecutors frequently failed to pursue cases of violence against transgender persons or accepted justification for perpetrators' actions. Police often did not arrest suspects or hold them in pretrial

detention, as was common with other defendants. When arrests were made, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. Judges routinely applied the law to reduce the sentences of persons who killed LGBTI individuals. Courts of appeal previously upheld these verdicts based in part on the “immoral nature” of the victim. LGBTI advocates reported that police detained transgender individuals engaged in sex work to extract payoffs and that courts and prosecutors created an environment of impunity for attacks on transgender persons involved in sex work.

The LGBTI advocacy organization KAOS-GL reported that at least 48 LGBTI individuals faced physical assault in 2018. Of those, only nine cases were reported to authorities; prosecutors pursued one criminal case of the nine reported. In March security personnel at a nightclub in Eskisehir first blocked three transgender individuals from entering the facility, then assaulted the group while a police officer watched and failed to intervene, according to a KAOS-GL report. In May a transsexual woman in Antalya was killed, reportedly due to her identity. The alleged perpetrator was subsequently arrested, and a trial was underway at year’s end. In October two LGBTI individuals were verbally and physically assaulted on a public bus in Antalya. According to activists, the perpetrators justified their actions to police using homophobic insults.

In April a transwoman reported that she was stopped on the street by police officers requesting she provide identification. After inspecting her identity card, police asked her, “Aren’t you ashamed? You are a man, why do you dress like a woman?”; when she tried to record their remarks, police used pepper spray before beating her and bringing her to the police station. After contacting a local LGBTI organization, the woman was released to a hospital. Police charged her with “insult” and resisting the officer on duty.

For the fifth consecutive year, the governor’s office banned Istanbul’s Pride March, citing public safety concerns. Despite the ban and heavy police presence, several hundred activists and supporters took part in the event. Police used tear gas and rubber bullets to break up crowds and prevent participants from entering areas in and around Taksim Square, briefly detaining five participants. Organizers did not hold a transgender march again during the year due to security concerns. Independent activists also reported police presence at all events during the week leading up to the pride march, which they interpreted as an intimidation tactic.

In addition to Istanbul, authorities prohibited pride marches from taking place in Ankara, Antalya, Izmir, Gaziantep, and Mersin. Local and international human rights groups widely criticized the decisions as violations of the freedom of assembly and freedom of expression. Events took place in most cities despite the bans and resulted in police interventions breaking up the marches.

In August Istanbul police blocked the “Queer Olympix” sporting event scheduled to take place in Istanbul with more than 130 athletes expecting to take part. Organizers reported on social media that authorities justified their action as “a precaution against provocations that may occur due to social sensitivities.” A review of media coverage of LGBTI issues by KAOS-GL, released in April, concluded that half of all stories contained hate speech and discriminatory language.

Some LGBTI groups reported harassment by police, government, and university authorities. University groups complained that rectors denied them permission to organize, and some indicated they faced administrative investigations or other sanctions for participating in events. In May students at the Middle East Technical University organized a pride march over the objections of the university administration. Police detained 22 individuals while breaking up the event using pepper spray, plastic bullets, and tear gas. Organizers reported that 10 of those detained were later stripped of scholarships and educational loans. Civil rights defenders criticized the subsequent indictment of 19 participants as legal harassment of the LGBTI community.

LGBTI organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines.

Multiple sources reported discrimination in housing, since landlords refused to rent to LGBTI individuals or charged significantly higher prices.

HIV and AIDS Social Stigma

Many persons with HIV/AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. Rights organizations noted that the country lacked sufficient laws protecting persons with HIV/AIDS from discrimination and that there were legal obstacles to anonymous HIV testing. Due to pervasive social stigma against persons with HIV/AIDS, many individuals avoided testing for HIV due to fear the results would be used against them. In December, on World AIDS Day, the Positive Solidarity organization released a statement saying that 49 percent of the persons with HIV were not aware of their HIV status. They assessed that although access to diagnosis and treatment of HIV was readily available, persons avoided being tested due to concerns about social prejudices, stigmatization, and discrimination. In July a teacher was dismissed following the disclosure of his HIV-positive status to his employer by his workplace physician. The individual's lawyer argued the information should have remained confidential and should not serve as a justification for dismissal. A lawsuit initiated by the dismissed employee continued at year's end.

The government launched an HIV/AIDS control program to raise awareness and combat risk factors. The government also implemented HIV/AIDS education into the national education curriculum.

Other Societal Violence or Discrimination

Alevis and Christians, including Armenian Apostolics, remained the subject of hate speech and discrimination. The term "Armenian" remained a common slur. Attacks on minority places of worship were rare.

According to the Hrant Dink Foundation's *Media Watch on Hate Speech Report*, an analysis of national and local newspapers between January 1 and August 31 found 2,635 instances of published hate speech that targeted national, ethnic, and religious groups. The most-targeted groups were Syrians, Greeks, Jews, and Armenians.

Atheists also remained the subject of intimidation in progovernment media, albeit at a lower level relative to other religious minorities.

Conditional refugees and displaced Syrians under temporary protection also faced increased societal discrimination and violence during the year (see section 2.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, but it places significant restrictions on these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity or payment of a fine equal to one year's salary.

Certain public employees, such as senior officials, magistrates, members of the armed forces, and police, cannot form unions. The law provides for the right to strike but prohibits strikes by public workers engaged in safeguarding life and property and by workers in the coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education. For example, on October 4, a group of miners from Soma–the site of a 2014 disaster that left 301 workers dead–announced they would march 180 miles to Ankara to demand seniority indemnity payments for the previous five years. Jandarma reportedly prevented the miners from marching on October 6. Employees in some of these sectors were able to bargain collectively but were obligated to resolve disputes through binding arbitration rather than strikes.

The law allows the government to deny the right to strike in any situation it determines represents a threat to public health or national security. In January the government banned a strike by Izmir Suburban Rail System workers demanding salaries comparable to other rail transport workers, arguing that a strike would be disruptive to urban public transportation services. The government maintained a number of restrictions on the right of association and collective bargaining. The law requires unions to notify government officials prior to meetings or rallies, which must be held in officially designated areas and allow government representatives to attend their conventions and record the proceedings. A minimum of seven workers is required to establish a trade union without prior approval. To become a bargaining agent, a union must represent 40 percent of the employees at a given work site and 1 percent of all workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties or working for or being involved in the operation of any profit-making enterprise. Nonunionized workers, such as migrants and domestic servants, were not covered by collective bargaining laws.

The government did not enforce laws on collective bargaining and freedom of association effectively in many instances, and penalties were insufficient to deter violations. Labor courts functioned effectively and relatively efficiently, although appeals

could often last for years. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate the individual, the employer generally paid compensation to the employee along with a fine.

Public-sector employees dismissed under the 2016-18 state of emergency did not have access to adequate recourse to appeal their dismissals (see section 1.e.). The closure of foundations, universities, hospitals, associations, newspapers, television channels, publishing houses, and distributors under state of emergency decrees left employees jobless, without their salaries and severance payments, as part of the seizure of assets by the government. In June 2018 the International Labor Organization found that the government had unfairly dismissed or arrested worker representatives in addition to tens of thousands of public-sector workers. In a July 2018 report, the Confederation of Revolutionary Workers Unions (DISK) asserted that government actions under the state of emergency violated a range of labor rights and reported that 19 unions and confederations were shut down under the state of emergency, at times due to alleged affiliations with the Gulen movement. As of year’s end, the unions had not been reopened.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of some unions to conduct public and other activities. Police were frequently present at union meetings and conventions, and some unions reported that local authorities prohibited public activities, such as marches and press conferences. In major cities authorities limited the traditional May 1 Labor Day rallies to distinct neighborhoods, while Labor Day activities in most other cities throughout the country faced no restrictions.

Official government statistics stated 52 workers lost their lives while working on the site of Istanbul’s new airport, while some union reports alleged the number was much higher. Police broke up a September 2018 on-site rally of workers protesting unsafe working conditions and unpaid wages at the construction site of Istanbul’s airport, leading to the detention of approximately 500 workers. Prior to their November 27 hearing, 67 defendants continued to face charges of destruction of property, disrupting the freedom to work, violating the law on public assemblies, and possession of weapons. None remained in detention or under judicial control.

According to DISK and CHP member of parliament Veli Agbaba, under the state of emergency, the government banned seven strikes that it deemed threats to national security and suspended 16 in 2019.

Employers used threats, violence, and layoffs in unionized workplaces. Unions stated that antiunion discrimination occurred regularly across sectors. Service-sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity. Many employers hired workers on revolving contracts of less than a year’s duration, making them ineligible for equal benefits or bargaining rights. On March 7, chiefly female employees in the Flormar cosmetic company ended their strike and called for a boycott of the company’s

products after 297 days protesting the firing of 132 women who complained of low pay and poor safety conditions in May 2018. The women accepted the company's compensation offer.

b. Prohibition of Forced or Compulsory Labor

The law generally prohibits all forms of forced or compulsory labor, but the government enforced such laws unevenly. Penalties were insufficient to deter violations. Forced labor generally did not occur, although some local and refugee families required their children to work on the streets and in the agricultural or industrial sectors to supplement family income (see section 7.c.).

Women, refugees, and migrants were vulnerable to labor trafficking. Although government efforts to prevent trafficking continued with mixed effect, authorities made improvements in identifying trafficking victims nationwide. Penalties for conviction of trafficking violations were sufficiently stringent compared with other serious crimes. The government did not make data on the number of arrests and convictions related to trafficking publicly available.

The government implemented a work permit system for registered Syrian adults with special temporary protected status; however, applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence, the vast majority of both conditional refugees and Syrians under special temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions.

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/ (https://www.state.gov/trafficking-in-persons-report/).

c. Prohibition of Child Labor and Minimum Age for Employment

The law allows children to perform light work that does not interfere with their school attendance from the age of 14 and establishes 16 as the minimum age for regular employment. The law prohibits children younger than 16 from performing arduous or dangerous work. The government prohibited children younger than 18 from working in certain professions or under hazardous conditions.

The government did not effectively enforce child labor laws but made efforts to address the problem. Resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private agricultural enterprises that employed 50 or fewer workers, resulting in enterprises vulnerable to child labor exploitation.

Illicit child labor persisted, including in its worst forms, driven in part by large numbers of Syrian refugee children working in the country. Child labor primarily took place in seasonal agriculture (e.g., hazelnuts), street work (e.g., begging), and small or medium industry (e.g., textiles, footwear, and garments), although the overall scale of the problem remained unclear, according to a wide range of experts, academics, and UN agencies engaged on the issue. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were also a significant problem among Syrian and Afghan refugee children. The government implemented a work permit system for registered adult Syrian refugees with temporary protection status, but many lacked access to legal employment; some refugee children consequently worked to help support their families, in some cases under exploitative conditions. According to data from the Ministry of Family, Labor, and Social Services, in 2018, 50 workplaces were fined for violating rules prohibiting child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings (https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings) and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods (https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods).

d. Discrimination with Respect to Employment and Occupation

The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation and views. Penalties were insufficient to prevent violations.

Women faced discrimination in employment and were generally underrepresented in managerial-level positions in business, government, and civil society, although the number of women in the workforce increased compared with previous years. According to the Turkish Statistics Institute, the employment rate for women in 2018 was 29.1 percent (an increase from 28 percent in 2016), corresponding to 8.84 million women, compared with 65.5 percent employment for men. The World Economic Forum's *Global Gender Gap Report 2018* recorded that 36.1 percent of women participated in the labor force, compared with 33.8 percent in 2017.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce consist of persons with disabilities, while in the public sector, the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment of persons with disabilities.

LGBTI individuals faced particular discrimination in employment. Some statutes criminalize the vague practice of "unchastity." Some employers used these provisions to discriminate against LGBTI individuals in the labor market, although overall numbers remained unclear.

e. Acceptable Conditions of Work

The national minimum wage was greater than the estimated national poverty level.

The law establishes a 45-hour workweek with a weekly rest day. Overtime is limited to three hours per day and 270 hours a year. The law mandates paid holiday/leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The Labor Ministry's Labor Inspectorate effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime. Government-set occupational safety and health (OSH) standards were not always up to date or appropriate for specific industries.

The government did not effectively enforce laws related to the minimum wage, working hours, and OSH in all sectors. The law did not cover workers in the informal economy, which accounted for an estimated 25 percent of the gross domestic product and more than one-quarter of the workforce. Penalties were not adequate to deter violations.

OSH violations were particularly common in the construction and mining industries, where accidents were frequent and regulations inconsistently enforced. The Assembly for Worker Health and Safety reported at least 1,606 workplace deaths during the first 11 months of the year. In many sectors workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment, and authorities did not effectively protect vulnerable employees. Overall numbers of labor inspectors remained insufficient to enforce compliance with labor laws across the country.

OSH laws and regulations covered both contract and unregistered workers but did not sufficiently protect them. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors, including seasonal agriculture, industry, and construction. A majority of conditional refugees and Syrians under temporary protection were working informally as employers found too burdensome the application process for work permits (see section 2.f., Protection of Refugees).

USDOS – US Department of State (/en/source/11558.html)

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

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