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2008 Country Reports on Human Rights Practices - Turkey

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Turkey, with a population of approximately 71.5 million, is a constitutional republic with a multiparty parliamentary system. The country has a president with limited powers elected, as of an October 2007 referendum, by popular vote for a maximum of two five-year terms. President Abdullah Gul was elected in August 2007 by the single-chamber parliament, the Turkish Grand National Assembly. In July 2007 parliamentary elections, considered free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one-party government under Prime Minister Recep Tayyip Erdogan. There were six opposition parties and five independent members in parliament. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, serious problems remained in some areas. During the year human rights organizations documented a rise in cases of torture, beatings, and abuse by security forces. Security forces committed unlawful killings; the number of arrests and prosecutions in these cases was low compared with the number of incidents, and convictions remained rare. Prison conditions remained poor, with chronic overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law. There were reports that some officials in the elected government and state bureaucracy at times attempted to undermine the judiciary's independence. The overly close relationship of judges and prosecutors continued to hinder the right to a fair trial. Excessively long trials were a problem. The government limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the state, the "Turkish nation," or the institution and symbols of the republic. Limitations on freedom of expression applied to the Internet, and courts and an independent board ordered telecommunications providers to block access to Web sites on approximately 1,475 occasions. Non-Muslim religious groups continued to face restrictions on practicing their religion openly, owning property, and training leaders. Violence against women, including honor killings and rape, remained a widespread problem. Child marriage persisted. Incidents of police corruption contributed to trafficking in persons for labor and sexual exploitation.

In April the government reduced limitations on freedom of expression by amending Article 301 of the penal code to more narrowly define the circumstances under which speech may be criminalized and prosecuted. In June the government amended the law to reduce restrictions on non-Turkish language broadcasts on state-owned television. On December 25, the government expanded Kurdish language broadcasts with the introduction of a pilot, 24-hour state television channel in the Kurdish language. The government took initial steps during the year to recognize and address the concerns of

the Alevi population. In February the parliament amended the Foundations Law, expanding the ability of minority religious groups to acquire new property and recover confiscated property.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed a number of persons during the year.

The nongovernmental association (NGO) Human Rights Foundation (HRF) reported that security forces caused the deaths of seven persons during demonstrations. On February 15, Yahya Menekse died under an armored police vehicle during a demonstration in Cizre, Sirnak. Official autopsy results confirmed that Menekse died as a result of being crushed under the vehicle. The Cizre District Governorship initially did not give permission to the Office of the Cizre Public Chief Prosecutor to investigate the death. On October 23, a Diyarbakir court reversed the district governor's decision and issued permission for the prosecution of seven policemen. The investigation was ongoing at year's end.

On March 5, in Ercis, Van province, Mehmet Deniz suffered serious injuries and later died during a clash between demonstrators and security forces at a demonstration to mark World Women's Day.

On March 22, police shot Zeki Erik in the chest during Nevruz celebrations in Van; he subsequently died in Van University Hospital.

There continued to be reports that security forces shot and killed civilians who refused to obey a warning to stop. The Human Rights Association (HRA) reported that nine persons died and 12 were injured specifically for refusing to stop, an increase over the previous year.

Human rights organizations stated that the government's failure to clearly delineate appropriate situations to use lethal force, in the revised Antiterror Law or other laws, contributed to cases of disproportionate use of force.

On July 26, a police officer in Bursa killed Gokhan Ergun for not obeying a warning to stop. A Bursa penal court prosecuted the police officer on charges of "intentionally wounding in a way that causes death," releasing him on bail following a November 13 hearing. The trial was pending at year's end.

On August 25, a checkpoint police team in Sivas fired on a car for refusing to obey a warning to stop, killing the driver, Turan Ozdemir.

According to the HRF, security forces killed a total of 37 persons for refusing to obey a warning to stop, by haphazard police fire, or other extrajudicial killings.

On October 11, Engin Ceber, who had been detained on September 28 with three other youths for selling the leftist newspaper Yuruyus (March), died of a brain hemorrhage, reportedly as a result of beating by security forces during his detention. The detainees' attorney filed a criminal complaint against police officers at Istanbul's Istinye police station for allegedly beating the four youths, who were later transferred to Metris Prison. The justice ministry appointed an investigator to conduct a probe into the death, which was ongoing at year's end. On October 15, the justice minister publicly apologized for the use of disproportionate force by security forces. The Ministry of Justice suspended 19 prison personnel during the investigation.

On December 29, an Istanbul prosecutor closed the investigation of seven police officers suspected in the death of Mustafa Kurkcu in Umraniye prison in June 2007 from cerebral hemorrhaging, allegedly as a result of abuse. Countering family observations of Kurkcu's condition and some medical reports, the prosecutor said the injuries occurred before Kurkcu's detention.

There was no progress by year's end on investigating or prosecuting the case of Ejder Demir, an ethnic Kurdish citizen whom security forces shot and killed in September 2007 in the Asagi Kockiran village in eastern Van Province. An NGO delegation that visited the town after his death reported eyewitness statements that soldiers shot Demir in the back without warning; government officials maintained that Demir was trying to flee when shot.

On November 6, an Istanbul court granted bail to police officer Ali Mutlu during his trial for the November 2007 death of 26-year-old Feyzullah Ete in the Avcilar neighborhood of Istanbul. Mutlu allegedly kicked Ete in the chest, after which Ete died of a heart attack. Ete and a friend had been drinking in a public park. Witnesses said police warned the victim and his friend prior to the physical confrontation. The trial was ongoing at year's end. There were no results at year's end of a related Ministry of Interior investigation into the officer's conduct.

After a June 6 hearing, the trial continued at year's end of Jandarma officers Ali Kaya and Ozcan Ildeniz and alleged informant Veysel Ates related to the 2005 bombing of a bookstore that killed one person in Semdinli, Hakkari province, and the violent protests that followed. In May 2007 the court of appeals overturned the 2006 conviction of Kaya and Ildeniz for the bombing, and the conviction of Ates in a separate case, directing the cases to be joined and tried in a military court. Related cases against Tanju Cavus for using excessive force against demonstrators after the bombing, and against bookstore owner Seferi Yilmaz for assisting and sheltering members of the terrorist organization Kurdish Workers' Party (PKK), were ongoing at year's end.

On March 12, an Eskisehir criminal court acquitted attorney Tahir Elci of allegations that he tried to interfere with the prosecution of four police officers charged with the unlawful killing of Ahmet and Ugur Kaymaz in 2004. In 2007 prosecutors filed charges against Elci, who represented the Kaymaz family, after he spoke to the press about the case. The four officers were acquitted in April 2007.

The HRF reported 32 suspicious deaths of prison inmates through December, a significant increase over 2007. At least 17 of the deaths were reportedly suicides.

The case against an officer from the Beyoglu District of Istanbul for the August 2007 killing of Nigerian refugee Festus Okey was ongoing at year's end. Okey died in a police station in Istanbul during interrogation by the officer, who allegedly had a gun. The Beyoglu criminal court decided in November 2007 to send the case to the penal court under the charge of "premeditated murder" rather than "negligent killing."

According to the government, 49 civilians were killed and 252 were injured, 143 members of the security forces were killed and 256 were injured, and 657 terrorists were killed in armed clashes related to the struggle against the PKK during the year. Most of the clashes occurred in the southeast. The numbers of civilian deaths and injuries significantly increased from 2007.

According to the HRF, landmines and unattended explosives killed 24 civilians and injured 43 during the year. Both security forces and the PKK used landmines.

On several occasions throughout the year, government military aircraft attacked areas controlled by the PKK in northern Iraq following attacks in Turkey. According to press reports, one civilian was injured in these attacks.

b. Disappearance

There were two reports of politically motivated disappearances.

On June 3, the relatives of Enver Elbat notified the HRA that Elbat had been missing since December 2007. Elbat's father reported that his son had been jailed for 12 years. He alleged the police told him to look for Elbat in the mountains when he requested more information about his son's disappearance.

On July 29, the family of Hasan Onay notified the HRA that Onay had been missing since June 13 after allegedly being detained by the police. In December 2006 Onay and others resisted the police during a raid on the Basic Right and Freedoms Association. Onay escaped and had remained in hiding until his alleged detention.

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

The constitution and law prohibit such practices; however, members of the security forces continued to torture, beat, and abuse persons.

Human rights organizations and the European Commission reported a rise in cases of torture and abuse during the year. In a July 2007 report, Amnesty International (AI) noted that a "culture of impunity" allowed police and Jandarma to escape accountability for torture and enabled courts to disregard medical evidence of torture and accept as evidence statements allegedly extracted under torture.

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and occasionally even promoted them during their trials, which often took years.

A December parliamentary Human Rights Investigation Commission report found that, between 2003-08, 2 percent of the 2,140 personnel who were investigated due to accusations of torture or mistreatment were given disciplinary sentences.

The Turkish National Police (TNP) reported 14 cases of torture allegations and opened administrative and judicial investigations against 60 personnel. As of October 24, there were no cases of prosecution against alleged torture suspects that had resulted in conviction or firing. Four cases resulted in salary cuts.

According to an October report by the Prime Ministry's Human Rights Presidency (HRP), the number of torture and cruel treatment cases reported in the first six months of the year surpassed the number reported in the first half of 2007. The HRP reported that, in the first half of the year, 178 persons reported cruel treatment and 26 reported torture, up from 79 reports of cruel treatment and 17 reports of torture during the same period in 2007.

According to the HRA, there were 238 incidents of torture in the first nine months of the year. The reports involved a total of 178 victims and 298 suspects (263 police, 15 Jandarma, and 20 other public servants).

The HRF reported that, in the first nine months of year, 312 persons applied to the HRF's centers for assistance. Of these, 182 cases involved torture or abuse inflicted during the year; the rest involved abuse incidents that occurred previously. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because most feared retaliation or believed that complaining was futile.

In its October report, the NGO Societal and Legal Research Foundation (TOHAV) reported an increase in torture cases during the year. Based on a study of 275 surveys from individuals who submitted credible reports of torture from 2006 through February 28, TOHAV found that 210 of the victims were ethnic Kurds, 55 ethnic Turks, and 10 ethnic Arabs. A total of 217 victims claimed that they were tortured for their political views,

36 for their sexual orientation, and 22 for criminal reasons. Fifteen of the victims said they were abused in a police car, 83 in open fields, and 76 in police stations. Only 70 of the torture allegations resulted in criminal complaints, and only five of those resulted in court cases, which were ongoing at year's end.

The Council of Europe's Committee for the Prevention of Torture (CPT) and domestic human rights observers reported that security officials mainly used methods of torture and abuse that did not leave physical signs, including repeated slapping, exposing detainees to cold, stripping and blindfolding detainees, food and sleep deprivation, threatening detainees or their family members, dripping water on detainees' heads, isolation, and mock executions. Human rights activists, attorneys, and physicians who treated victims said that, because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses, such as speaking out against the government, although they were less likely to report abuse. Observers believed that security officials tortured some political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured some suspects to obtain confessions.

On September 17, police officer Gazi Ozuak from the Van Security Directorate was arrested on charges of torturing theft suspect Zeki Simsek. Ozuak had detained Simsek for alleged involvement in a theft nine days earlier. Simsek's claim at his subsequent arraignment that he had been tortured with nails and cigarettes during his interrogation was verified by a medical report by the Van State Hospital.

On September 28, police detained Engin Ceber, Ozgur Karakaya, Aysu Baykal, and Cihan Gun for distributing copies of Yuruyus (March), a leftist newspaper. The youth were distributing the paper in protest of the shooting and paralysis of Ferhat Gercek by police in 2007 while distributing the same paper. Their attorney filed a criminal complaint against police officers at Istanbul's Istinye police station for allegedly beating the four youths, who were later transferred to Metris Prison. On October 6, Ceber was moved to a hospital for treatment and declared dead on October 11; an investigation into the death was ongoing at year's end (see Section 1.a.). On October 15, the justice minister publicly apologized for the use of disproportionate force by security forces. The Ministry of Justice suspended 19 prison personnel during the investigation.

In the related case of the October 2007 shooting and paralysis of Ferhat Gercek while he was selling Yuruyus, in June Gercek identified the police officer who shot at him during an investigation into the events. Gercek was indicted and faced 15 years and four months' imprisonment for resisting arrest; the eight police officers who arrested him were indicted and faced up to nine years' imprisonment for disproportionate use of force. The cases were postponed after accused police officers failed to appear for the first hearing.

On September 30, Derya Bakir suffered fractures in both legs due to alleged cruel treatment by 20 guards while visiting his brother, held at the Ankara Sincan "F-Type" (maximum security) prison for being a member of a leftist organization. The guards reportedly began to beat him for failing to leave the visitation room in time, resulting in his left foot being broken.

At year's end, there was still no investigation into the March 2007 criminal complaint filed by a Diyarbakir woman alleging police tortured her while she was visiting her detained husband at a police station. She alleged that one of the officers held her while the other beat her with a police baton for approximately one hour. The police denied any mistreatment.

On December 29, an Istanbul prosecutor closed the investigation of seven police officers suspected in the death of Mustafa Kurkcu in Umraniye prison in June 2007 from cerebral

hemorrhaging, allegedly as a result of abuse. Countering family observations of Kurkcu's condition and some medical reports, the prosecutor said the injuries occurred before Kurkcu's detention.

At year's end, there was still no investigation into the July 2007 alleged police beating in Istanbul of Sinan Tekpetek, a leader of 52 Percent, a group that protests the country's university entrance exam system, and editor of 52 Percent Anger magazine and Ozgur Hayat (Free Life) newspaper. Tekpetek alleged that police officers sprayed him with tear gas and beat him during a traffic stop, then drove him to a field where they continued to beat him before driving away and throwing him out of the moving car.

Human rights organizations documented several cases of prison guards beating inmates during the year.

On January 17, three prisoners held in Bolu "F-Type" prison, Muzaffer Akengin, Deniz Guzel, and Naif Bal, filed an official complaint to public prosecutors alleging they were beaten with sticks and kicked by prison guards. On December 1, the prosecutor launched cases against the three for insulting officers, and prison administrators sentenced the prisoners to two months of "discipline punishment."

In July 2007, Hurriyet newspaper published an expose by reporter Aydin Dogan regarding allegations that two boys, aged 17 and 18, were tortured early in the year by prison officials while they were imprisoned for 10 days on allegations, later withdrawn, that the boys had committed rape in a boys' shelter. At year's end, HRF reported that no investigation had been opened.

In September 2007 attorneys Filiz Kalayci, Murat Vargun, and Ibrahim Vargun alleged that a team of guards at Kirikkale "F-type" prison severely beat and mistreated their two clients after they were transferred to Kirikkale from Sincan prison earlier that month. The attorneys observed that their clients had injuries such as bruising, broken teeth, and difficulty standing or breathing after the transfer. There were no reports of an investigation at year's end.

On March 7, in the third criminal trial opened against 12 orphanage employees accused of abusing children at the Malatya State Orphanage in 2005, the Malatya penal court sentenced eight orphanage employees to one year in prison for "neglecting their duties," but postponed execution of the sentence. Two other criminal trials against the orphanage employees on charges of abuse continued at year's end. The investigations began in 2005 when media aired footage of employees beating naked orphanage children, some of whom alleged they had been forced to eat excrement. A physical examination procured evidence that 21 of 46 children had been subjected to torture, including severe beatings and hot water burns.

Prison and Detention Center Conditions

Prison conditions generally improved during the year, but facilities remained inadequate. Underfunding, overcrowding, and insufficient staff training were problems.

At year's end, the Ministry of Justice reported that the country had 391 prisons with a capacity of 92,497 and with a total of 90,837 inmates, 53,229 of whom were detainees awaiting trial.

According to the Turkish Medical Doctors' Association, prisons were not adequately staffed with doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness. The HRA reported that in the first nine months of the year, 370 prisoners were denied access to appropriate medical treatment.

Foreigners who claimed asylum after being detained by security forces were held in "guest houses for foreigners" operated by the Foreigners' Department of the Ministry

of Interior. According to the United Nations High Commissioner for Refugees (UNHCR), detained asylum seekers reported insufficient food and medical attention and overcrowded conditions.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Observers reported that detainees and convicts occasionally were held together. Inmates convicted for nonviolent, speech-related offenses were sometimes held in high-security prisons.

The government has permitted prison visits by representatives of some international organizations, such as the CPT, which last conducted one of its periodic visits to the country in 2004. In May 2007 a CPT delegation visited the Imrali High Security Closed Prison where PKK leader Abdullah Ocalan was the sole prisoner. The CPT visited psychiatric facilities in 2006. Domestic NGOs did not have access to prisons. Domestic human rights organizations and activists reported that prison monitoring boards composed of government officials and private individuals were ineffective.

In July 2007 the Ministry of Justice issued a regulation that restricted the ability of members of parliament to visit inmates who were convicted of terrorism or violations against the constitution and state. According to government sources, officials adopted the regulation to prevent possible attempts by the pro-Kurdish Democratic Society Party (DTP) deputies to visit Abdullah Ocalan. Human rights activists called the measure undemocratic and argued that reducing parliamentarians' access to prisons would diminish oversight of continuing problems, such as torture.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government at times did not observe these prohibitions.

Role of the Police and Security Apparatus

The TNP, under Ministry of Interior control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint Ministry of Interior and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military had overall responsibility for border control. Human rights groups reported that judicial police, established to take direction from prosecutors during investigations, continued to report to the Ministry of Interior.

A civil defense force known as the village guards, concentrated in the southeast, was less professional and disciplined than other security forces. The village guards were accused repeatedly of drug trafficking, corruption, theft, rape, and other abuses. Inadequate oversight and compensation contributed to the problem, and in many cases Jandarma allegedly protected village guards from prosecution. Although security forces were generally considered effective, the village guards, Jandarma, and police special forces were viewed as most responsible for abuses. Corruption and impunity remained serious problems.

Progress was made to overhaul the village guard system with a May 2007 law passed by parliament that limits the total number of village guards under normal circumstances to 40,000; provides that the Council of Ministers may increase this number by up to 50 percent; provides continued employment for current guards; establishes a mandatory retirement age at age 55; provides a partial salary for early retirement; provides for a pension to guards who served more than 15 years; and requires the Ministry of Interior to establish procedures for hiring, firing, training and otherwise regulating the guard system. According to government officials, the law is intended to gradually phase out the system through retirement while providing social support for the 63,000 current village guards.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. According to the government, the armed forces emphasized human rights in training for officers and noncommissioned officers.

The Ministry of Interior reported that, through October, judicial and administrative cases were initiated against 60 security personnel for excessive use of force and torture. Four personnel received salary cuts, but none were fired or convicted for torture or excessive use of force. Investigations were dropped in 22 judicial cases, and in 29 administrative cases it was determined that there was "no need to punish" or "no need to reach a decision."

The Ministry of the Interior reported that 93 cases against security personnel for mistreatment and excessive use of force were concluded during the year from previous years. Eighty-four resulted in acquittal and nine personnel were convicted. No personnel were fired.

On October 8, the court of appeals overturned a sentence of three years and four months' imprisonment for eight police officers who were convicted of causing the death of detainee Alparslan Yelden in 1999. The high court ruled that the police officers should have been acquitted.

In October a Burdur penal court sentenced the three commanders of the Bucak Jandarma command headquarters to two years' imprisonment and disqualification from office for one year each on charges of "torturing in detention." In 2000, 17 villagers were detained and beaten in the Jandarma headquarters on accusations of theft.

Arrest and Detention

Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law requires the government to provide indigent detainees with a public attorney in criminal cases where the defendant faces a penalty of more than five years in prison.

Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees remained consistent with the previous year and continued to vary widely across the country. Numerous bar association representatives and human rights organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney. The HRA observed no change in the percentage of detainees consulting with attorneys.

Human rights observers noted that, in most cases where a defendant could not afford an attorney, one was provided; however, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. Provincial bar associations continued to face difficulties providing such attorneys because the government was behind on compensation payments for such work.

The HRA claimed police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Detainees were generally allowed prompt access to family members; however, human rights organizations reported that they were hindered from helping families find out whether a relative had been detained because the government refused to release such information to the organizations.

In February 2007 parliament amended the Law on the Duties and Competencies of Police to significantly expand the authority of security forces to search and detain a suspect. Under the amended law, police and Jandarma may compel a citizen to declare his identity without any cause. The HRA stated that the expanded authority was contrary to legal and civil rights.

During the year police routinely detained demonstrators. Police detained several members of the DTP party on various occasions. Police continued to detain and harass members of human rights organizations, the media, and monitors. Police continued to detain persons on suspicion of "membership in an illegal organization" and for the distribution of leftist material.

On July 14, prosecutors in Istanbul indicted 90 persons, including prominent military, business, and press corps personalities, on charges of plotting to foment unrest and topple the elected government as members of an organization labeled the "Ergenekon Network." The indictment included allegations that the group plotted assassinations of public figures, including religious leaders, as well as planned beatings and bombings of prominent individuals. When the trial opened on October 20, there were 86 persons named in the indictment. Some members of the press and critics of the government considered the indictment to be politically motivated. Several individuals were held without charge for approximately a month prior to the July 14 indictment.

Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years, without trial.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption.

The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government on occasion launched formal investigations against judges who had spoken critically of the government or state structure.

There was at least one instance of a government official making a statement that could be interpreted as instructions to the judiciary. In November Justice Minister Mehmet Ali Sahin granted permission for the prosecution of Temel Demirer on charges of violating Article 301. Before the trial, Sahin said, "I will not let someone call my state 'murderer.' This is not freedom of expression. This is exactly what the crime of insulting the person of the state is."

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The justice minister serves as chairman of the seven-member council, and the undersecretary of the Ministry of Justice also serves on the council. The council's rules stipulate that one of these two officials must preside over meetings. The council selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The council is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the council controls the careers of judges and prosecutors through appointments, transfers, promotions, and reprimands.

On April 30, the parliament passed an amendment to Turkish Penal Code Article 301, which criminalizes insults to the Turkish state. Previously, it had been a crime to insult "Turkishness." The amendment provides for greater separation between the court and ideologically motivated attorneys by requiring the approval of the justice minister for charges of violating Article 301 to proceed to court. However, the Turkish Publishers Association (TPA) continued to find that prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting the state or Atatürk, but ignored complaints of violations of human rights.

In December 2007, the Higher Board of Prosecutors and Judges closed for lack of evidence its investigation opened in March 2007 against Ankara Kazan sub-provincial judge Kemal Sahin for allegedly insulting the judiciary in a 2006 newspaper article. Sahin had written that the judiciary was losing credibility and objectivity because judges face the fear of being investigated by the High Council if they pursue certain crimes or cases.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the High Council. Once appointed, they are housed together, frequently share the same office space, and often work in the same courtroom for more than five years.

In December 2007 the government enacted a law that codified the practice of subjecting all judicial candidates to a written and an oral examination administered by the Ministry of Justice and established a mechanism to allow private attorneys with five years' experience who are younger than 35 to enter the judiciary's ranks. The Union of Turkish Bar Associations organized a rally that month protesting the oral examination provision, which it asserted would allow the Ministry of Justice to select candidates based on political considerations. The government maintained that the law merely codified prior practice and was necessary to fill thousands of vacant posts for judges. At year's end, the High Council continued to make judicial appointments.

According to several regional bar associations, the government devoted insufficient resources to public defense. The associations also noted that public defense attorneys underwent less rigorous training than their prosecutorial counterparts and were not required to take an examination to demonstrate a minimum level of expertise.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the country's highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases between government entities, and the audit court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. The Ministry of Justice reported that none of the regional appeals courts established by 2004 legislation to relieve the high court's caseload were operational at year's end and that the project was postponed due to delays in building new court houses and assigning judges and prosecutors. In November the European Commission noted this as "a matter of concern."

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules, and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament. Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel.

Administrative and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions of security force personnel for human rights abuses. Under the law courts could not convict unless a defendant attended at least one trial session. Police defendants occasionally failed to attend hearings in order to avoid conviction; prosecuting attorneys claimed courts failed to make serious attempts to locate such defendants, even in cases where the defendants received salary or pension checks at their home address.

According to a 2007 AI report, criminal defendants faced numerous violations of their right to a fair trial during courtroom proceedings. The report found that courts frequently refused to hear defense witnesses, despite a new law allowing the defense to call its own witnesses; courts and prosecutors often refused to consider new exculpatory evidence; pretrial and trial periods frequently lasted for many years due in part to a

severe backlog of cases; courts often did not allow defendants to take part in pretrial hearings; and courts frequently failed to provide defendants with qualified interpreters.

According to the AI report, defendants in cases that were transferred from state security courts, abolished in 2004, to heavy penal courts often faced the same judges and prosecutors who presided over their cases in the state security courts. The report also found that these judges frequently failed to investigate or take into account allegations that confessions were brought about by torture or allegations of long periods of "unofficial" detention with no access to legal counsel. The report noted that defendants in these cases were being sentenced on the basis of evidence extracted under torture or other mistreatment.

Trial Procedures

There is no jury system; a judge or a panel of judges decides all cases. Trials are public for all cases except those involving minors as defendants. The law requires bar associations to provide free counsel to indigents who request it from the court if the potential sentence is more than five years, and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal.

International human rights organizations and the European Union (EU) stated that the courtroom structure and rules of criminal procedure gave an unfair advantage to the prosecution. Prosecutors enter the courtroom through the same door as the judge; defense attorneys enter through a separate door. Prosecutors sit at an elevated desk that is at the same level as that of the judge; the defense sits at floor level. During the trial, the prosecutor may himself call any witness desired, whereas the defense must request that the judge call a witness. Judges decide whether to ask and how to phrase defense counsel's questions, but ask all of the prosecution's questions in the exact form presented.

The law provides for the right to a speedy trial; however, at times trials lasted for years. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials.

The law prohibits the use of evidence in court obtained by torture; however, prosecutors in some instances failed to pursue torture allegations, forcing defendants to initiate a separate legal case to determine whether the evidence should be excluded. Human rights organizations reported that in such instances the primary case frequently was concluded before the secondary case was decided, effectively rendering the secondary case moot, and leading to unjust convictions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees from the Ministry of Justice. However, the HRA asserted that there were several thousand political prisoners, including leftists, rightists, and Islamists, and contended that the government does not distinguish them as such. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, 2,232 convicts and 2,017 pretrial detainees were being held in prison on terrorism charges through September 2007.

International humanitarian organizations were allowed access to alleged political prisoners, provided they could obtain permission from the Ministry of Justice. In practice organizations were rarely granted such permission.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered.

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

The law allows for phone tapping with a court order. There were occasional complaints by individuals and public figures, including higher court members and politicians, that their phones were tapped. In June the court of appeals annulled a lower court decision that ruled Jandarma had permission to tap phones. Only the Turkish Telecommunication Agency was authorized to tap phones when presented with a court order directed against alleged drug traffickers, organized crime members, and terrorists.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in occasional cases. Some senior government officials made statements during the year strongly criticizing the press.

The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws including articles of the penal code prohibiting insults to the government, the state, "Turkishness," Atatürk, or the institutions and symbols of the republic. Other laws also restricted speech, such as the Antiterror Law and laws governing the press and elections.

On April 30, the parliament passed a constitutional amendment to reform Article 301, which criminalizes insults to the Turkish state. Previously, it had been a crime to insult "Turkishness." The amendment requires the approval of the justice minister in order for charges of violating Article 301 to proceed to court. However, the TPA continued to find that prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting the Turkish state or Atatürk.

Justice Minister Sahin reported that the court continued 527 Article 301 cases during the year, after concluding 217 cases in 2007. After May 15, the Ministry of Justice received 519 applications to initiate a court case under amended Article 301 charges. The minister granted permission for 70 cases to proceed.

Individuals could not criticize the state or government publicly without fear of reprisal, and the government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, the question of Turks of Kurdish and other ethnic or religious origins as "minorities," and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, persons who wrote or spoke out on such topics, particularly on the Armenian issue, risked prosecution. The TPA reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy.

The TPA reported that it faced more problems related to publishing of books and articles on the Kurdish issue than in the previous year. The most serious problem during the year remained the large number of complaints filed by ideologically motivated attorneys.

According to the government, there were no journalists held on speech violations during the year. However, the TPA reported there were 21 journalists in jail for the content of their reporting, including Kurdish media members and those accused of being leftist dissidents.

On June 19 and July 3, a Diyarbakir court tried nine children, ages 12 to 17, for "promulgating propaganda on behalf of an illegal organization" after they sang a Kurdish folk song that is also the anthem of Iraq's Kurdistan Regional Government at the San Francisco International Music Festival in October 2007. Three boys were tried in an adult court in Diyarbakir on June 19 and the other six members were tried in children's court on July 3. In both cases, the charges were dropped because the judge determined that the song was sung upon request. An arrest warrant remained active for the choir director, Duygu Ozge Bayar, who had not returned to the country after the festival.

In December an Istanbul court acquitted prominent transsexual singer Bulent Ersoy of alienating people from military service. On February 24, Ersoy said during a television interview that, if she had a son, she would not send him to fight in the cross-border operations in northern Iraq.

In July 2007, police detained Gazi University students Durmus Sahin and two friends for five days after Sahin criticized Health Minister Recep Akdag during a campaign stop by refusing to shake his hand and calling him a "traitor." Akdag filed a complaint with the local prosecutor, who brought charges under Article 301. The students face imprisonment for six months to two years if convicted. The case was ongoing at year's end.

At year's end, the case continued of Tulga Hepis, who was arrested in October 2007 for allegedly insulting Turkishness by dressing his dog in a shirt depicting the Turkish flag during an antiterrorism rally in Bodrum. Hepis told police his aim was not to insult Turkishness but to show patriotism.

Throughout the year, law enforcement and the judiciary increased pressure on members of the pro-Kurdish DTP. The most common tactic used was investigation and prosecution of DTP leaders for speaking in the Kurdish language or for making statements critical of the government.

In February the DTP sub-provincial chairman in Istanbul's Fatih district, Mehdi Tanrikulu, was convicted for speaking Kurdish during judicial proceedings in 2007, and was sentenced to five months' imprisonment.

On April 22, a court convicted DTP Diyarbakir provincial chairman, Hilmi Aydogdu, of inciting hatred and sentenced him to 15 months in prison for suggesting that Kurds would fight the government if government forces ever attacked Kurds in Iraq. He was found guilty of threatening public safety after he warned the government against taking any action in Kirkuk and was banned from politics. In February 2007, police had arrested Aydogdu for the statements; Aydogdu later clarified his remarks to mean that he was suggesting the government extend a hand of friendship to Kurds in northern Iraq.

In April ethnically Kurdish former parliamentarian Leyla Zana was sentenced to two years' imprisonment by a Diyarbakir criminal court for "spreading terrorist propaganda." In December she received a sentence of 10 years' imprisonment from the same court for violating the penal code and Antiterror Law in nine speeches in which she honored jailed PKK leader Abdullah Ocalan.

In May the justice minister dismissed the case against former DTP chairman Nurettin Demirtas and former co-chair Selma Irmak, who were charged in September 2007 with violating Article 301 for handing out flyers with accusations against the military on International World Peace Day.

In September a Mersin penal court convicted the DTP Mersin Province deputy and 2007 election candidate Orhan Miroglu for using Kurdish during his electoral speeches. The court put Miroglu on probation for five years. On September 28, an Antalya penal court sentenced the former DTP Antalya Province branch chairman, Mustafa Gul, to 18 months' imprisonment for using the honorific "sayin" (esteemed) to describe jailed PKK leader Abdullah Ocalan in a January 27 speech.

On November 27, a Diyarbakir court acquitted the DTP mayor of Batman, Huseyin Kalkan, of making propaganda for an illegal organization for his remarks on the PKK and Kurdish sentiments in the Los Angeles Times in 2006, after two Turkish citizens filed a criminal complaint.

Mayor of Diyarbakir Osman Baydemir continued to face multiple charges and investigations for use of the Kurdish language. At year's end, he faced four cases for sending Kurdish language holiday cards during the year. In October 2007, the Diyarbakir public prosecutor opened two cases against Baydemir, demanding sentences of five and four and one-half years, for referring to the PKK as the "armed Kurdish opposition." The cases were pending at year's end.

Security officials also prohibited the use of Kurdish in prisons in several cities. The HRA reported 171 instances of such prohibitions during the first nine months of the year.

Early in the year the Ministry of Justice reportedly distributed a memorandum asserting that speaking in any language other than Turkish was forbidden by the 2006 Prison Regulations Law. In June Sabah reported that Fettah Karatas, an inmate in Erzurum Prison, was not permitted to speak in Kurdish on the phone with his mother, who did not speak Turkish.

On July 14, Birgun reported that the Van Prison prohibited the use of Kurdish and put those who insisted on speaking Kurdish in solitary cells. Birgun reported that authorities did not deliver letters written in Kurdish at several prisons.

The country had an active print media independent of state control. There were hundreds of private newspapers that spanned the political spectrum.

The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), as of June there were 213 local, 16 regional, and 23 officially registered national television stations and 952 local, 102 regional, and 36 national radio stations. In addition, 66 television channels were operating on the cable network, and RTUK granted 87 television enterprises and 48 radio enterprises satellite licenses and broadcast permits necessary for operation. Two additional enterprises carried out activities as satellite platform operators. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used media as a tool to build pressure against government policies.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restricted media freedom; however, judges dismissed many of these charges. Police harassed and beat journalists during at least one demonstration. Authorities ordered raids of newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government.

On April 2, an Istanbul court acquitted journalists Lale Sariibrahimoglu of Today's Zaman newspaper and Ahmet Sik of Nokta news magazine of violating Article 301. In 2007 the court opened an investigation after Sik published a Nokta story in which Sariibrahimoglu expressed concern about the "mentality" of the military and its role in internal security.

On April 11, an Istanbul court acquitted Alper Gormuz, editor-in-chief of Nokta, of slander charges brought against him by a retired naval forces commander, Admiral Ozden Ornek. In April 2007, approximately 50 police officers from an antiterrorism unit had received a warrant to search the employees and office of the Nokta weekly

magazine following Nokta's publication of an article that explored the relationship between unnamed civil society groups and the military, citing the diary of Ornek as its source. AI noted that state security denied Nokta staff access to their computers even though the search warrant allowed only for files to be copied.

On September 16, an Istanbul court sentenced journalist Cengiz Kapmaz to 10 months in prison for his 2006 interview in Ulkede Ozgur Gundem with former Democratic Party deputy Orhan Dogan. During the interview Dogan said that the PKK should be permitted a political personality. The court also fined the administrators of the newspaper.

On September 23, the European Court of Human Rights (ECHR) ruled against the government for punishing Sakine Aktan, a reporter for the newspaper Ozgur Bakis, for interviewing the president of the Kurdistan Journalists' Association. An Istanbul security court had sentenced Aktan to 20 months' imprisonment in 2001 and then fined him in February for his 1999 interview.

On September 25, an Istanbul court sentenced Hurriyet journalist Sebati Karakurt and editors Necdet Tatlican and Hasan Kilic to 1,000 days in prison in connection with a 2004 interview with a member of the People's Defense Forces, a militant wing of the PKK. They were charged under the Antiterror Law. The sentences were later changed to fines of 40,000 lira (\$30,600).

On November 27, an Istanbul court acquitted journalist and writer Perihan Magden of charges of alienating people from military service. On February 19, a case was opened against Magden for a column she wrote on January 8 that encouraged conscientious objection from mandatory military duty.

In November the Prime Ministry did not renew the press licenses of six journalists, for the purported reason that the reporters had issued inaccurate content. International PEN and other organizations called the dismissals part of a pattern of intimidation of journalists.

At year's end, the investigation continued into the December 2007 beating of Andreas Rombopulos, editor-in-chief of the Greek language newspaper Iho, outside the newspaper's office in Istanbul by two unknown attackers.

The trial of Ogun Samast, suspected of murdering prominent human rights activist Hrant Dink in January 2007, was ongoing at year's end. Dink, the editor-in-chief of the bilingual, Turkish-Armenian weekly newspaper Agos, was killed outside of his office building in Istanbul. The trial against Samast began in July 2007; he reportedly admitted shooting Dink during an October 1 session of the trial. The investigation resulted in the arrest and indictment of an additional 19 suspects, eight of whom remained in detention. Government officials criticized the killing, while a national debate ensued concerning ultranationalism and the true source of culpability. Dink had previously been convicted in 2005 for "insulting Turkishness" in an article he wrote on Turkish-Armenian relations.

In September Dink's family made an official complaint to the Supreme Board of Judges and Prosecutors against the judges of the regional administration court who did not authorize a trial against the Istanbul security director, Celattin Cerrah, and the Istanbul Intelligence Branch's former director, Ahmet Ilhan Guler. Three state inspectors condemned Cerrah and Guler for not investigating warnings received prior to the killing. Investigations into similar cases of negligence of duty in Trabzon, Samsun, and Istanbul continued at year's end.

In October the Ministry of Justice approved continuance of the case against publisher and writer Temel Demirer under Article 301. Demirer had been charged for a statement he made after Dink's killing, calling for the recognition of the tragic events of 1915 as "genocide." The case continued at year's end, as did a separate trial of Demirer for speaking about Ibrahim Kaypakkaya, a former leader of the Turkish communist movement.

The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. In June amendments to the law permitted the state-owned television channel to broadcast nationally in languages other than Turkish during the entire day, as opposed to half of the day. The amendments were challenged in the Constitutional Court, where the appeal was pending at year's end. RTUK regulations required non-Turkish language radio programs to be followed by the same program in Turkish and non-Turkish language television programs to have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. On December 25, the state-owned TRT broadcasting company started a pilot 24-hour station dedicated to news, music, and cultural events broadcasting in Kurdish and other non-Turkish languages. The programming does not include Turkish subtitles and carries no time limitations for news broadcasts.

Officials at Radyo Imaj reported that they faced increasing pressure in the form of two continuing administrative closure cases and efforts by unknown parties to jam the station's frequency, reportedly because the station played Kurdish music and conducted occasional Kurdish language interviews. Government officials responded that Radyo Imaj never obtained legal rights to the frequency at issue and was only one of numerous stations waiting for a frequency to become available. Radyo Imaj continued to broadcast over the Internet.

The TPA reported that, unlike the previous year, the banning and recall of books was a concern. Five publications were recalled without a final court decision during the year. Writers and publishers were still prosecuted on grounds of defamation, denigration, obscenity, separatism, subversion, fundamentalism, and blasphemy. Printing houses were required to submit books and periodicals to prosecutors at the time they are published. According to the TPA, prosecutors investigated and in several cases pressed charges against printing houses for late submission of materials deemed problematic. The TPA reported that publishers often avoided works with controversial content. According to the TPA, from June 2007 to June 2008, authorities investigated or opened court cases against 38 authors and 22 publishing houses for 47 books they had either written or published. These cases resulted in eight acquittals, 17 convictions, seven dismissals, and 18 ongoing cases. The TPA noted that publishers continued to be held liable for books whose authors were foreigners or living abroad.

The case against Atilla Tuygan for translating two books dealing with Turkish-Armenian relations continued at year's end. The case was opened in May 2007 after the books' publisher, Ragip Zarakolu, was acquitted, and the court ruled that Tuygan should be tried instead. In a second case, Ragip Zarakolu was convicted on June 19 and sentenced to five months in prison for publishing *The Truth Will Set Us Free*, a book describing the experience of the author's grandmother during the tragic events of 1915. The court postponed the imposition of punishment, and Zarakolu and his lawyer appealed the verdict. The appeal was ongoing at year's end.

Authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source.

On September 1, an Istanbul court halted the publication of Ozgur Ulke for one month for publishing information on rights violations in prisons and reporting on military operations.

On October 7, an Istanbul court halted publication of Kurdish daily newspaper Azadiya Welat for "propagandizing the PKK and publishing its statements." On October 8, the Istanbul Public Prosecution stopped the publication of Kurdish weekly Yedinci Gün for one month for allegedly praising the PKK.

Some members of the AKP party and Prime Minister Erdogan continued to file suits against journalists and cartoonists during the year. Human rights organizations, publishing associations, and journalists alleged that those litigious tendencies created an environment of self-censorship.

In October cartoonist Mehmet Cagcag was fined 4,000 lira (\$3,060) by an Ankara court for using Prime Minister Erdogan's image in a critical photo montage. Erdogan had asked for 20,000 lira (\$15,300) in a civil case against the cartoonist for insulting him. An appeal was pending at year's end.

Several large holding companies which owned news agencies in the country were concerned over losing business opportunities if their journalists wrote articles critical of the government. One journalist reported that his senior management discouraged the company's journalists from writing articles critical of the AKP or its members.

Senior government officials, including Prime Minister Erdogan, made statements during the year strongly criticizing the press and media business figures, particularly following the publishing of reports on alleged corruption in entities in Germany connected to the ruling party.

Under the law editors at media organizations that disclose the identities of public personnel fighting terrorism may be fined, and a judge may order the closure for up to one month of a publication that "makes propaganda for terrorist organizations." Former president Ahmet Necdet Sezer challenged the law in the Constitutional Court, arguing that such restrictions violate the constitution. At year's end, the Constitutional Court had not ruled on the case, and the laws remained in effect.

During the year cases against the press under the Antiterror Law continued. The TPA and human rights groups reported that the law contains an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The status of at least 550 cases opened against pro-Kurdish daily Ozgur Gundem under the Antiterror Law was unclear at year's end. Some NGOs reported there had been convictions in some of these cases during the year.

Internet Freedom

The Internet was widely available in the country. It was used in schools, libraries, private Internet cafes, and other public locations, and the government encouraged its use. There were some restrictions on Internet access.

In May 2007 the government adopted a new Internet law governing criminal and civil law violations. The law allows the government to ban a Web site if there is sufficient suspicion that one of eight crimes is being committed by the site: encouraging suicide; sexual abuse of children; facilitation of drug abuse; provision of dangerous substances for health care; obscenity; prostitution; gambling; or crimes regulated in Turkish Code 5816 (crimes against Ataturk). Upon receiving a complaint or as a result of personal observations, a prosecutor may file an application to prohibit access to the offending site or, in an urgent situation, the prosecutor or the Telecommunication Presidency may impose a ban. In either case, a judge must rule on the matter within 24 hours. Following a judicial ban order, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. The ISP may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows individuals who believe a Web site violates their personal rights to request the ISP to remove the offensive content. By December 1, the court and prosecutors had issued 1,475 distinct orders to ban Web sites in response to approximately 17,768 complaints, a significant increase over the approximately 900 bans ordered in the previous year.

In May, for the third time, an Istanbul court banned access to the "YouTube" Web site to block a cartoon video that lampooned the country's founding father, Ataturk. Access remained restricted at year's end.

Controversial author Adnan Oktar, widely known as an antievolutionist who authored the book Atlas of Creation, successfully petitioned for the closure of six Web sites. On September 3, a Sisli court banned the Web site of British evolutionary biologist Richard Dawkins in response to a petition filed by Oktar's lawyers claiming that Dawkins posted

insults about Oktar. On September 24, a Gebze court restricted access to the Web site of the Education and Science Workers' Trade Union for publishing criticisms of Oktar's perspectives. On October 15, a Silivri court restricted access to the newspaper Vatan's Web site for permitting a reader's comment on an article in the online version of the newspaper that criticized Oktar. At year's end, all of the bans remained in effect.

Government authorities on rare occasions accessed Internet user records to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

Academic Freedom and Cultural Events

There were generally no government restrictions on academic freedom or cultural events; however, a court convicted one academic who publicly supported views contrary to the official state ideology, and there was some self-censorship on sensitive topics.

On January 29, an Izmir court sentenced suspended Gazi University professor Atilla Yayla to one year and six months in prison under a law pertaining to the "protection of Atatürk" for saying in 2006 that Kemalism was "more regressive than progressive." The court later offered to cancel Yayla's punishment if he does not commit a similar crime for two years. The verdict remained under appeal at year's end.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.

The HRF reported that security forces killed seven persons during demonstrations, and there were reports that police beat, abused, detained, or harassed some demonstrators during the year.

The Ministry of Interior reported that police detained 3,119 persons involved in demonstrations through October. These detentions varied in length from several hours to several days.

Approximately 180 public events around the country celebrating the Nevruz holiday in March were generally peaceful. Some organizers applied for permission to celebrate on March 22, instead of March 21, so participants would not miss work. However, a mayoral decision in Van permitted the celebration to occur only on March 21. During an initially peaceful protest against the decision on March 22, police shot and killed one person and injured 155 after the crowd did not abide by police requests to disperse. Police also killed one demonstrator during protests against a similar decision by Yuksekova officials. According to one public official, security forces killed two demonstrators, injured 187 others, and detained 653 persons during Nevruz demonstrations throughout the country.

On May 1, police used excessive force to prevent labor unions and other civic organizations from gathering in Taksim Square to mark the 31st anniversary of "Bloody Labor Day," when over 30 persons were killed in the square after gun shots into the crowd from an unknown source prompted a stampede. Istanbul's governor denied permits for use of the square for the demonstrations, but unions associated with the Revolutionary Workers' Unions publicized their intention to hold them anyway. On the morning of May 1, police besieged the headquarters of the Revolutionary Workers' Union and fired tear gas as members prepared for the event, and the union president decided not to march to Taksim in order to minimize injuries. Police also fired tear gas into a children's hospital near Taksim Square and used water cannons, batons, and tear gas to disperse demonstrators, including journalists covering the event. One journalist suffered

a broken arm. Istanbul's governor announced that police detained 530 persons, although many were released the same evening. Six police officers and 32 civilians were injured. There were no reported trials resulting from the May 1 incident.

In late August the Sinop Governorate banned Ecotopia, an international camp for environmentalists, on the grounds that its antinuclear protests disturbed the peace and harmed the image of the city. Environmentalists protested the decision and police detained 32 protesters.

On September 18, a Diyarbakir court sentenced one demonstrator, Abdullah Gurgen, to one year in prison for chanting pro-PKK slogans during a rally in Siirt. The court later postponed the punishment and prohibited him from participating in demonstrations for one year.

In 2006 the first session of a case against 54 police officers began for alleged use of excessive force during a 2005 international Women's Day demonstration in Istanbul. The case was ongoing at year's end.

Freedom of Association

The law provides for freedom of association; however, there continued to be several restrictions on this right in practice.

Under the 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 said this placed an undue burden on their operations.

On November 28, the Supreme Court of Appeals overturned an Istanbul court's decision ordering the closure of the lesbian, gay, bisexual, and transgender solidarity organization, Lambda Istanbul. On May 29, the Istanbul court had ruled that Lambda Istanbul's objectives violated Turkish "moral values and family structure," justifying its closure.

According to the Third Sector Foundation of Turkey, an advocacy NGO, the criteria for NGOs to obtain public benefit status that entitles them to certain tax exemptions were restrictive and complicated. Applications for public benefit status must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

c. Freedom of Religion

The constitution and laws provide for freedom of religion, and the government generally respected this right in practice; however, the government imposed significant restrictions on Muslim and other religious groups.

The constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights.

The government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet regulates the operation of the country's 77,777 registered mosques and employs local and provincial imams, who are civil servants. A few groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the government asserted that the Diyanet treated equally all who request services.

Academics estimated the Alevi population at 15 to 20 million, including ethnic Turks, Kurds, and Arabs. In general, Alevis follow a belief system that incorporates aspects of both Shia and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The government considers Alevism a heterodox Muslim sect; however, some Alevis and absolutist Sunnis maintain that Alevis are not Muslims.

Alevi "cem houses" (places of gathering) have no legal status as places of worship in the state. However, two municipalities ruled that Alevi cem houses are considered places of worship. On September 3, the Kusadasi municipal assembly voted unanimously to consider a cem house as a temple. In October the Tunceli municipal assembly voted unanimously to provide temple status to cem houses. Both assemblies included members from major parties, who voted also to apply mosque tariffs to the cem houses' utility charges as part of efforts to improve relations with the Alevi community.

In 2006 authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and promised not to interfere with the project. The municipality filed a case against the association after it proceeded with construction following the ban; in January 2007 the court decided in favor of the municipality. The municipality had not demolished the cem house at year's end.

During the year the government took initial steps to recognize and address the concerns of the Alevi population. The minister of culture and tourism participated in the December 23 opening ceremony of an independent, autonomous Alevi Academic and Cultural Institute during which he officially apologized for the past treatment of Alevis.

Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats) are officially prohibited; however, tarikats and cemaats remained active and widespread. Many prominent political and social leaders continued to associate with these religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations (GDF), regulated a few administratively critical activities of non Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There were 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 74 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with approximately 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, Protestant, and Maronite foundations. The GDF also regulated Muslim charitable religious foundations, including schools, hospitals, and orphanages.

In July 2007, the Jehovah's Witnesses received a letter of certification confirming their official registration as the "Association for the Support of Jehovah's Witnesses." However, due to their stance as conscientious objectors to military service, they continued to face difficulties. According to Jehovah's Witnesses officials, harassment of their members included arrests, court hearings, verbal and physical abuse, sleep deprivation, strip searches, and psychiatric evaluations by security forces. At year's end, members of Jehovah's Witnesses had three applications pending with the ECHR that alleged government mistreatment, and they also continued to appeal restrictions on worship at four kingdom halls based on zoning laws.

Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha'i, are unable to state their religion on their cards because it is not included among the options; they have expressed their concerns to the government. In 2006 parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the government reportedly continued to restrict applicants' choice of religion; members of the Baha'i community stated that government officials had told them that despite the new law, they would still not be able to list their religion on the cards.

Some members of the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they labeled proponents of Islamic fundamentalism. These groups viewed religious fundamentalism as a threat to the secular state. The National Security Council categorized religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, a few government ministries have dismissed or barred from promotion civil servants suspected of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military periodically dismissed religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state. There were some reports that officers in governmental ministries faced discrimination because they were not considered by their supervisors to be sufficiently observant of Islamic religious practices.

According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and noncommissioned officers were periodically dismissed for ignoring repeated warnings from superior officers and maintaining ties to what the military considered to be Islamic fundamentalist organizations. In August the government reported no military dismissals, however in its December session it issued 24 dismissals, five of which pertained to alleged Islamic fundamentalism.

The government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's Greek Orthodox community. As a result, the government has long maintained that only citizens of the country could become patriarch, serve as members of the Greek Orthodox Holy Synod, and participate in patriarchal elections. Nevertheless, officials did not respond to the ecumenical patriarch's appointment of six non-Turkish metropolitans to the Holy Synod in 2004. Members of the Greek Orthodox community asserted that these restrictions threatened the survival of the patriarchate in Istanbul, because, with a dwindling population of no more than 3,000 Greek Orthodox persons in the country, the community was becoming too small to maintain the institution. In January Prime Minister Erdogan stated that the Greek Orthodox Patriarch's use of the title "ecumenical" should not be a matter on which the state should rule. In December the Ministry of Foreign Affairs provided one-year visas for foreign clergy working at the Ecumenical Patriarchate. Previously, such clergy had to leave and return every three months to obtain new tourist visas.

The law restricts religious services to designated places of worship. Municipal codes mandate that only the government can designate a place of worship; if a religious group has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, particularly for groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments. Unlike in 2007, police and prosecutors did not take steps to prevent or punish such gatherings.

Many local officials continued to impose standards on churches, such as minimum space requirements, that are not imposed on mosques. In numerous incidents, the Protestant community faced the requirement of having to purchase 2,500 square meters of land in order to construct a church, no matter the size of the congregation. Protestant representatives also faced severe difficulty in receiving the legally required municipal approval to build churches in centrally-located areas.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The seminary was closed in 1971, when the patriarchate chose not to fulfill a government requirement for all private institutions of higher learning to nationalize. The patriarchate found it impossible to comply with the order. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership.

Coreligionists from outside the country have been permitted to assume leadership positions in a few cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

In August three muhtars (the lowest level of non-partisan elected official with limited authority) in Midyat filed a criminal complaint with a local prosecutor against the Syriac Saint Gabriel Monastery alleging it illegally appropriated territory by building a wall. On September 4, a Cadastre court ruled against the monastery and reclaimed all but 30 percent of the monastery's lands. Official papers from the 1950s documented the provincial administrative board's approval of the monastery's borders. The monastery does not have legal status and is represented by a foundation established during the Ottoman Empire. The foundation applied to the ECHR, and three related cases were also pending before the ECHR at year's end.

On December 16, the ECHR issued two judgments against the government for violating the property rights of two Armenian foundations in cases pertaining to properties they formerly owned. The Samatya Surp Kevork Armenian Church, School and Cemetery Foundation and the Yedikule Surp Pirgic Armenian Hospital Foundation brought cases to the ECHR after Turkish courts ruled that the foundations' charters did not give them the right to acquire immovable property.

No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature. Christians performing missionary work were occasionally beaten and insulted. Police officers sometimes reported students who met with Christian missionaries to their families or to university authorities.

Several foreigners who were practicing Christians and had lived with their families in various cities for many years, reported governmental harassment during the year, including denial of residence and work permits that had been granted in previous years, monitoring by Jandarma, and receiving threats to themselves and their families. These persons reported that they worshiped in their homes but did not proselytize by distributing Bibles, going door-to-door, or undertaking similar activities.

Authorities continued to enforce a long-term ban on wearing headscarves at universities. Unlike in 2007, there were no reports of a similar enforcement for civil servants who worked in public buildings. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class. Some wore wigs instead. In February the parliament passed constitutional amendments designed to lift the ban on wearing headscarves on university campuses. On June 5, the Constitutional Court ruled that amendments intended to permit the wearing of headscarves in universities violated the secular nature of the state and were therefore unconstitutional.

In 2006 attorney Alparslan Arslan opened fire in the Council of State, responsible for a ruling earlier that year preventing the promotion of a nursery school teacher who wore the Islamic headscarf outside of the classroom. Arslan killed Judge Mustafa Yucel Ozbilgin and injured four other judges; his trial was ongoing at year's end. The Ergenekon indictment mentioned the case and alleged Arslan was involved with the Ergenekon group.

The law establishes eight years of compulsory secular education, after which students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools were classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance examination grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enrolled their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams.

The constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities such as Protestants faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The government claimed that the religion courses covered the range of world religions; however, religious minorities asserted the courses reflected Sunni Islamic doctrine, which they maintained explained why non-Muslims were exempt.

Many Alevis alleged discrimination in the government's failure to include any of their doctrines or beliefs in religion courses. In October 2007 the ECHR ruled in favor of an Alevi parent who in 2004 filed a suit claiming the mandatory religion courses violated religious freedom. Since then, the government added 10 pages of an overview of the Alevi belief system to the textbook for the final year of religious and moral instruction. In August and September, Alevi organizations protested what they perceived to be the government's insufficient solution.

In March the Council of State ruled in favor of an Alevi couple who requested that their son be exempt from the religion course at school in two different cases.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide Koran courses outside of school, although unofficial clandestine private courses existed. Students who complete five years of primary school may enroll in Diyanet Koran classes on weekends and during summer vacation. Only children older than 12 may legally register for official Koran courses, and Mazlum-Der reported law enforcement authorities often raided illegal courses for younger children. According to Diyanet figures, there were nearly 5,000 official Koran courses throughout the country.

Numerous religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the government and continued to fight ongoing government efforts to expropriate properties. Many such properties were lost because the law allows the GDF to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The GDF also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members.

The law allows the 161 minority foundations recognized by the GDF to acquire property, and the GDF has approved 365 applications by non-Muslim foundations to acquire legal ownership of properties. A February amendment to the law facilitated the return of expropriated minority foundation properties; however, it does not account for properties that have been sold to third parties or to those expropriated when the associated foundations have been taken under government control. These conditions applied to the majority of expropriated Greek Orthodox properties.

On July 8, the ECHR ruled that the country had violated the Ecumenical Patriarchate's property rights to a former orphanage on Buyukada Island.

The law has no provisions to accommodate those who conscientiously object to military service.

On June 2, an Istanbul court sentenced conscientious objector Halil Savda to six months in prison for distancing the public from completing compulsory military service. Savda already served sentences of 20 months and five months for refusing to wear a military uniform and to shave a beard he maintained due to his religious beliefs.

In December, a military court acquitted Mehmet Bal of charges of disobeying orders and desertion after completing nine of 15 months of compulsory service. Bal insisted he was a conscientious objector.

On October 11, Ahmet Karayay was arrested in Ankara for announcing his status as a conscientious objector in a public square. Karayay was released pending the trial, which continued at year's end.

Societal Abuses and Discrimination

Reports of attacks on persons practicing Christian faiths dropped. Authorities took measures during the year to implement a June 2007 Ministry of Interior circular to governors requesting action to prevent violence against non-Muslims. Non-Muslims in Ankara, Izmir, and Trabzon reported that police took extra security measures during special religious services.

On January 25, there were reports that five youths stoned the Izmit branch of the Istanbul Protestant Church Foundation, causing material damage. Later in January the foundation's Christian Turkish administrator in Istanbul received a threat from a citizen who had recently attended services at the church.

In February a 17-year-old youth was arrested and charged with threatening the leader of Agape Church in Samsun. The suspect was arrested for making similar threats in January 2007 but was released and reportedly continued to threaten the church.

On April 14 and 15, unidentified youths stoned the building of a Protestant congregation in the Derince district of Kocaeli for two nights in a row, breaking most of the windows. Security police were posted at the building after the incident, but there were no reports of associated arrests or investigations by year's end.

In March 2007 a hand grenade was thrown into the courtyard of the house of the president of the Syriac Churches Foundation in Mardin's Midyat district. Police opened an investigation after the incident, but there were no reports of an arrest or a court case by year's end.

On December 29, an Izmir court sentenced Ramazan Bay, who stabbed and injured Priest Adriano Francini in December 2007 in Izmir, to five years' imprisonment, but later reduced it to four years and two months for good behavior. He also was sentenced to an extra five months and a 375 lira (approximately \$287) fine for carrying a switchblade.

The trial of 11 youths alleged to have killed three members of a Protestant church in Malatya in April 2007, including a German citizen, continued at year's end. The victims were found in the office of a company that publishes books on Christianity; police caught four suspects as they tried to leave the building, while a fifth jumped out of the window and was hospitalized. A total of 11 suspects were charged in connection with the killings, five of whom remained in custody as the investigation continued. The trial began in November 2007. Five defendants faced multiple life sentences for murder and terrorist acts and another two were charged with assisting in the planning of the murders. Judges and lawyers for the case suggested there were possible links to the ongoing Ergenekon case. In August the prosecuting attorneys requested the Ergenekon file from an Istanbul court.

In February one of the attorneys representing the families of the Malatya victims filed a complaint with the Ankara public prosecutor's office regarding threats he had received and suspicions that his e-mail and telephone calls were being monitored and used to manipulate information to discredit him. Authorities subsequently provided him protection.

In November 2007 security officials thwarted a planned attack on a priest at St. Paul's Church in Antalya. The officials had been investigating suspect Murat T. for his ties to

other crimes when they discovered a telephone conversation in which he declared his intent to kill the priest. He remained under arrest at year's end for his alleged involvement in five cases of arson and was transferred to be tried in a military court for having evaded military service, although by year's end, there were no reports of charges related to the planned attack on the priest.

In 2006 a Catholic priest in Samsun was attacked and suffered knife wounds. Authorities announced that, prior to the attack, the assailant, who was later arrested, had filed complaints against the priest for "Christian propaganda." During the trial, which was ongoing at year's end, prosecutors requested the assailant be hospitalized after he reportedly was diagnosed with chronic schizophrenia.

Members of the Syriac community reported that Syriacs who were forced to leave their southeastern villages during PKK-related violence in the 1980s and 1990s faced fewer problems when attempting to return to their villages. Previously, local villagers, particularly village guards, often occupied the homes of Syriacs who fled and refused to leave when the Syriacs attempted to return. However, the implementation of zoning laws at times resulted in the loss of 40 to 50 percent of the properties of individual Syriacs living in villages in the southeast.

Many Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, religious minorities asserted they were effectively blocked from careers in state institutions.

A variety of newspapers and television shows continued to feature anti-Christian and anti-Jewish messages, and anti-Semitic literature was common in bookstores.

The Jewish community numbered approximately 23,000. During the year there were continued reports of anti-Semitic language in newspapers and Web sites, as well as of continued societal antagonism and discrimination.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the government limited these rights in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (e.g., military service), or criminal investigation or prosecution. The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. The government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees (recognized as such with certain geographical limitations), returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern.

In September the Constitutional Court annulled the legislative arrangement authorizing the Council of Ministers to implement "compulsory settlement" upon the suggestion of the National Security Council. The court based its decision on Article 23 of the constitution, which forbids any limitation on the freedom of residence except for the purpose of preventing offenses, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property. The verdict specified that a village cannot be evacuated due to national security.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

Various NGOs estimated that there were from one to three million IDPs in the country from the PKK conflict, which began in 1984, continued at a high level through the 1990s, and continued during the year. The government reported that 368,360 citizens from 62,448 households migrated from the southeast during the conflict, with many others departing before the fighting. In 2006 Hacettepe University released the results of a study commissioned by the government which concluded that an estimated 953,680 to 1,301,200 persons were displaced by conflict in the southeast between 1986 and 2005. The study found that the main reason for the large discrepancy between government and NGO figures was that the government only included persons evacuated by the security forces from settlements, and not those who were forced to flee because of general violence or for a combination of security and economic reasons. The study also noted that internal displacement in the country is part of a broader rural-to-urban migration by individuals seeking economic opportunity, exacerbated by the violence in the southeast, and has been affected by large-scale development projects, such as the Southeastern Anatolia Project, and natural disasters.

The law to compensate IDPs allows persons who suffered material losses during the conflict with the PKK to apply for compensation. In May 2007 parliament extended the duration of the law so that applicants could apply for compensation through May. Human Rights Watch (HRW) reported in 2006 that the law was being implemented in a way contrary to the government's stated purpose and principles of fair and appropriate redress. According to HRW, rulings by provincial commissions charged with the law's implementation were inadequate and hindered those IDPs who would like to return to their preconflict homes. HRW also found that IDPs had no avenue of appeal. These findings mirrored those of local NGOs and regional bar associations, which maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. A representative from the Ministry of Interior denied that the government has implemented the law unfairly.

The Ministry of Interior reported that the review commissions had received a total of 278,165 applications for compensation under the law through December. The commissions have processed 97,579, approving 66,563 and rejecting 31,016. The government paid total compensation in the amount of 351 million lira (\$294 million), an average of 16,000 lira (\$13,400) per person.

According to the Turkish Economic and Social Studies Foundation (TESEV), the law only compensates losses suffered after 1987, leaving out victims who suffered losses between 1984, when the clashes started, and 1987. TESEV reported that many victims who fled the region because of the deteriorating economic and security situation have been unable to receive compensation because they could not demonstrate a direct link between their losses and the actions of either the PKK or the security forces. HRW reached the same conclusion in its 2006 report, in which it noted that the government has unjustly refused to compensate those villagers in the southeast region displaced prior to 1987.

In September a provincial damage assessment commission in Mardin reached a verdict on 30 cases opened in 2004 under the compensation law. A total of 91 villagers had originally appealed for compensation for losses suffered; many of the applicants were disappointed because they were unable to provide what the commission considered adequate legal evidence of ownership such as photos and tax records. The court also required approval from the husbands of female applicants.

There was no information at year's end on the status of the administrative complaint filed in August 2007 with the Siirt governorship after Jandarma and village guards forced a group of villagers to leave their homes after the military declared a "special security zone" in the area. The villagers and their belongings had been forcibly removed, and their access to crops and services in the village was blocked. There were some reports for residents that the situation generally improved during the year.

Voluntary and assisted resettlements were ongoing. In a few cases, persons could return to their former homes; in other cases, centralized villages were constructed. (The

government reported that, as of September 7, its Return to Village and Rehabilitation Project and compensation law had facilitated the return of 151,469 persons from 25,001 households to their villages).

Foreign governments and national and international human rights organizations continued to criticize the government's program for assisting the return of IDPs as secretive and inadequate.

Protection of Refugees

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

An administrative regulation provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, the country ratified the 1967 protocol subject to a geographic limitation, and therefore accepts its obligations only with respect to refugees from Europe. The government has not established a formal system or legislation for providing protection to refugees. The Interior Ministry conducted a parallel refugee status determination process subsequent to UNHCR's, sometimes affirming UNHCR's decisions. Refugees who were granted status by UNHCR but not affirmed by authorities were not granted exit permission for resettlement flights.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, including individuals of non-European origin. According to the Ministry of Interior, during the year the government provided temporary protection to 7,584 foreigners referred by UNHCR for resettlement to a third country. Refugees were not authorized to work in the country and needed permission from Ministry of Interior authorities to travel to Istanbul or Ankara, including for meetings with UNHCR or resettlement agencies.

The government requires that refugees who have no durable solution in the country obtain exit permission before departing for resettlement in third countries. One obstacle to exit permission is the residence permit fee of 273 lira (\$209) that regulations require refugees to pay every six months. If the fees are not paid on time each six months, back fees must be paid in full before the refugees can depart, and a late fine is also assessed. In some cases, families have been charged thousands of dollars in residence fees and late fines before being allowed to depart the country.

In most cases the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. By October, 790 persons of interest to the UNHCR were deported from the country. Eighty-five of these were recognized as refugees or asylum seekers, while the UNHCR was not given access to interview the remaining 708 although the individuals had informed the UNHCR that they wished to seek asylum. Authorities returned 22 of the UNHCR-recognized refugees and asylum seekers to a home country where the individuals feared persecution or serious human rights abuses. Some of these individuals had already been accepted for resettlement to a third country, but were returned before they could be resettled. Another 298 persons who had informed the UNHCR that they wished to seek asylum were returned to a home country where they feared persecution before receiving a UNHCR refugee status determination.

In April at least two Iranian citizens who were UNHCR-recognized refugees died after being forced by Jandarma to cross a dangerous river on the country's border with Iraq. In June Jandarma dropped three other Iranian asylum seekers at the Iranian border during the night and allegedly threatened them if they returned to the country. A few days later two of them returned to Van and reported that the third had fallen into a pool of water and broken his leg, and they had left him in order to go find help. That individual's fate was unknown at year's end.

In July Jandarma attempted to deport to Iran three Iranian citizens who were UNHCR-recognized refugees and former residents of Camp Ashraf in Iraq, through an official border crossing. However, when Iranian border officers refused to accept them, authorities took the individuals to a detention center in Van, where they remained at year's end. Another 24 Iranians who had been recognized as refugees by the UNHCR during their stay at Camp Ashraf in Iraq were also deported to Iraq the end of the year.

On September 12, 22 Uzbekistan citizens, who had earlier been recognized as refugees by the UNHCR in Iran but later came to Van seeking resettlement to a third country, were deported to Iran. The refugees were rounded up without notice and taken to an unmarked, mountainous portion of the border and forced to walk into Iran. The group included women and children, who were also forced to walk across the mountains under dangerous conditions. Later, the same group paid Iranian smugglers \$5,000 to bring them back across the unmarked boarder to reach Van on September 23. The UNHCR formally approached authorities requesting that the refugees be granted temporary asylum in the country, as they presented credible documentation showing they had reason to fear refoulement to Uzbekistan if they returned to Iran. On October 13, all 22 of the refugees, along with another family of three Uzbekistan citizens who had filed a stop-deportation petition with the ECHR in September, were re-deported to Iran.

In August 2007, Pejman Piran, brother of jailed Iranian activist Peyman Piran and a UNHCR-recognized refugee slated for resettlement to a third country, was deported to Iraq with four other Iranian refugees who had been living in Van. The ECHR issued a decision to stop the deportation that month, but Piran and the other four refugees had already been taken to Iraq. As Piran was later resettled to a third country, the ECHR case against the country was dropped during the year. The country's statement to the court claimed that the deportation did not violate the European Convention on Human Rights because the individuals' asylum claims had been rejected by competent authorities, and because they were deported to Iraq rather than Iran.

Iraqi citizens were generally able to obtain tourist visas upon arrival at airports in the country. However, some foreigners, including Iraqis, transiting the country on their way to Europe were returned to their countries of origin when immigration authorities determined they might seek asylum in Europe. According to the UNHCR, during the year a group of 600 Afghan citizens were returned to Afghanistan from Batman by plane. UNHCR had been informed that some of the individuals in this group had wished to apply for asylum in the country, but the UNHCR was not granted access to them before they were deported.

Illegal migrants detained when found near the country's eastern border areas were more likely to be questioned about their asylum status and referred for processing than those caught while transiting or attempting to leave the country from other locations. However, access to the national procedure for temporary asylum was hindered by the lack of reception facilities for groups of interdicted migrants, potentially including asylum seekers, and a lack of interpreters to assist security officials.

The law does not have a strict time limit for asylum seekers or require them to present a valid identity document. The law also stipulates a waiver of residence permit fees for asylum seekers in "humanitarian situations." Despite this, the International Organization for Migration (IOM) reported that during the year some refugees were charged fines for late registration before being authorized to travel to Istanbul in order to leave the country for their countries of resettlement. Nearly 700 refugees scheduled for resettlement, including a family whose two children have Down's syndrome, missed their flights for this reason and were still in the country at year's end. In 2006 the government also issued an implementation directive that provided detailed guidance on the refugee status determination procedure and established a framework for the provision of assistance to asylum seekers and refugees.

The UNHCR reported that it was able to successfully intervene in most cases where asylum seekers arrived lawfully in the country after transiting through one or more other countries. However, UNHCR access to persons in detention who wished to apply for

asylum, to individuals who had stowed away on ships and wished to apply for asylum, as well as to persons trying to seek asylum while they were at the international areas of the country's airports, remained problems.

3. Respect for Political Rights: The Right of Citizens to Change their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. However, the government restricted the activities of a few political parties and leaders.

Elections and Political Parties

The 2007 parliamentary elections were held under election laws that the OSCE found established a framework for democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties criticized the 10 percent threshold as unduly high.

The OSCE noted in its observation report following the 2007 elections that, despite a comprehensive legal framework for elections, political campaigning, and in a broader context, freedom of expression, were constrained by a number of laws that created the potential for uncertainty and scope for arbitrary interpretation. The OSCE also noted the positive efforts made to enhance the participation of citizens of Kurdish origin in political life. However, the law continues to prohibit the use of languages other than Turkish in the election campaign.

In a polarized political climate leading up to the 2007 presidential and parliamentary elections, the military issued three statements emphasizing concern over what it regarded as deep threats posed by religious fundamentalism, the military's role as the ultimate defender of secularism, and the alleged weakening of secularism in the country. Human rights groups characterized these statements as attempts to exert pressure on the democratic process that were suggestive of the military's disproportional influence over politics. In a November report, the European Commission noted that the military "continued to exercise significant political influence via formal and informal mechanisms."

Political parties and candidates could freely declare their candidacy and stand for election. The High Court of Appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court. The November progress report by the European Commission noted that the closure cases during the year against two political parties illustrated that legal provisions on political parties "do not provide political actors with an adequate level of protection from the state's interference in their freedom of association and freedom of expression."

In March the country's chief prosecutor filed a case against the AKP to close the party, claiming that it had become a "center of antiseccular activities." According to the constitution, "the activities of political parties shall not be in conflict with ... the principles of the democratic and secular republic." While the prosecutor acknowledged that the AKP's program and its written statutes were not unconstitutional, the indictment charged that AKP had "in actions and verbal statements acted against laws and the constitution." On July 30, the Constitutional Court decided not to close the ruling party. While six judges voted for closure, the constitution requires that at least seven judges vote in favor of banning for a party to be closed. The 11-member court instead agreed to halve the party's state funding.

On October 17, a Diyarbakir court sentenced suspects Firat Karahan and Vevsi Akgonul to life imprisonment and Mustafa Kemal Ok to six years and three months' imprisonment for complicity in the murder of former HADEP (People's Democracy Party) vice chair Hikmet Fidan. Suspect Zeki Peker was acquitted.

DEHAP reconstituted itself as the DTP in 2006; and during the year the Constitutional Court added the closure case for DTP to the DEHAP closure case. On September 16, the DTP cochairman, Ahmet Turk, provided a verbal defense to the Constitutional Court denying any organizational link between the DTP and the PKK. Since November 2007 the DTP has faced potential closure and the banning from politics of 221 of its members. Deliberations in the combined legal case on charges of separatism were ongoing at year's end.

During the year police raided dozens of DTP offices, particularly in the southeast, and detained hundreds of DTP officials and members. During the year prosecutors opened scores of investigations and trials against DTP members. Police raids on DTP offices in Van and Siirt provinces resulted in the detention of approximately 50 DTP members during the year.

Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism.

There were no developments during the year regarding the appeal of Aydin Budak, the DTP mayor of Cizre. In 2006 Budak was sentenced to one year and three months in prison for stating in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something "provocative."

During the year DTP Erzurum provincial chairman Bedri Firat continued his appeal of a 2006 conviction. Firat was sentenced to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations in which he stated that Kurds were subject to genocide and praised Abdullah Ocalan.

There were no updates during the year in the 25 open cases against DTP member Tuncer Bekirhan initiated in 2007.

There were 50 women in the 550-seat parliament. There was one female minister in the 25-member cabinet.

Although the number was unknown, some minority groups were active in political affairs. More than 100 members of parliament and senior government officials, including three ministers, were of Kurdish origin.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The World Bank Worldwide Governance Indicators reflected that corruption slightly decreased during the year, though it remained a problem.

Opposition party members criticized the ruling AKP for refusing to lift the immunity of AKP parliamentarians suspected of corruption and other abuses.

Government officials are required by law to declare their property every five years.

The law provides for public access to government information; however, the government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal.

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally uncooperative and unresponsive to their views.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRA reported that prosecutors opened dozens of cases against HRA branches during the year. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der.

On January 23, authorities arrested HRA Adana branch chief Ethem Acikalin for being a member of an illegal organization after he attended an event hosted by the Adana representative of the Rights and Freedoms Front in December 2007. The event hosted a press conference to discuss the killing of Kevser Mizrak during a police raid in Ankara earlier in the month. The prosecution requested 7.5 to 10 years' imprisonment. Acikalin was imprisoned for 6 months before being released on bail; the trial continued at year's end.

On February 19, a Diyarbakir court sentenced HRA Siirt branch chief Vetha Aydin to 15 months in prison for his participation as "peace chair" on "World Peace Day" in 2004. The court later postponed the sentence, but ruled that he should report his whereabouts to authorities for one year.

On June 12, a court convicted four members of HRA's Canakkale branch, including its chairman, to 18 months' imprisonment each for violating the Law on Demonstrations when they organized a "September 1 World Peace Day" gathering in 2007. An appeal remained pending at year's end.

On August 14, police raided DTP's provincial office in Adana. Adana HRA chapter president Ethem Acikalin went to the DTP office as an observer joined by the HRA accountant. Police broke the accountant's arm, and charges were brought against Acikalin for resisting police. The trial had not begun by year's end.

On December 29, Acikalin stood trial in an Adana court where he faced two years in prison for propagandizing an illegal organization. Acikalin was charged after chanting slogans during a December 2007 press meeting commemorating the death of 28 inmates during a military operation 2000. The trial continued at year's end.

In July 2007 the government opened a closure case against HRA's Mersin branch, claiming that the local representatives and members were involved in activities incompatible with their positions and accusing them of supporting the interests of "illegal organizations." The case continued at year's end.

In January 2007 the Istanbul governor's office, with no notice, froze three bank accounts of the AI branch in the country, worth approximately 75,000 lira (\$62,600). In May 2007 AI filed civil cases against two local government authorities, the Beyoglu district governor's office and the Istanbul governor's office, for failing to respond to AI's administrative queries related to the seizure. In May 2007, the Beyoglu district governor's office issued a decision that AI had participated in "unauthorized fund raising." The decision did not specify what AI actions violated the law. In a June 2007 public statement, AI stated that it does not seek or accept money from governments or political parties for its work but that its funding depends on the contributions of its

worldwide membership and fundraising activities, including street fundraising or "face-to-face" activities. The statement noted AI feared the incident could have been "a tactic of government harassment intended to impede legitimate fundraising activities." In February the court ordered AI's accounts to be unfrozen. The governor's office appealed the decision to the Council of State; the appeal was ongoing at year's end.

The government generally cooperated with international organizations such as CPT, the UNHCR, and IOM; however, some international human rights workers reported that the government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work.

The Prime Ministry's HRP was authorized to monitor the implementation of legislation relating to human rights and coordinate the work of various government agencies in the field of human rights. Despite lacking a budget and sufficient resources, the HRP carried out a number of projects with the European Commission and Council of Europe. On July 2, the HRP released its first annual report on human rights issues in the country.

During the year the HRP promoted human rights by showing short films on topics such as freedom of expression, discrimination, children's rights, and torture. The HRP maintained a free, emergency human rights hotline called "Alo 150," where individuals could report information on human rights violations for transmission to the appropriate government body.

There were provincial human rights councils under the HRP in all 81 provinces and 850 subprovinces. These bodies were established to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. They have authority to investigate complaints and refer them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that they lacked authority and independence.

The HRP reported that it received complaints of human rights violations from 206 persons through the end of June. The boards received 496 complaints of violations during the same period. These complaints were regarding health services and patient rights (115), property rights (84), and general human rights complaints (79).

On April 29, the court of appeals ruled that professors Baskin Oran and Ibrahim Caboglu should be acquitted of a 2005 charge of "inciting people to hatred" and "openly belittling judicial organs." Caboglu and Oran were the former chair and sub-chair of the Human Rights Advisory Board (HRAB), an advising body established to link government bodies and NGOs on human rights issues and provide advice. The HRAB released a report on minorities and cultural rights in 2005 that included language the court of appeals found contrary to the legal principle that there were no minorities in the country, only "non-Muslim citizens." In its decision, the court, citing the right of freedom of expression and international law, held that individuals in democratic nations were entitled to enjoy freedom of expression in its broadest sense.

Other government human rights bodies included the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; and a Human Rights Consultation Board (HRCB), established as a forum for the exchange of ideas between the government and NGOs. NGOs found these bodies to have little to no effectiveness. There was no ombudsman mechanism active during the year, following the application by then-president Ahmet Necdet Sezer in 2006 to the Constitutional Court to annul legislation establishing one. The case was pending at year's end.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these laws effectively. The government and NGOs focused on eliminating societal violence and discrimination against women and minorities, as well as trafficking, but problems continued in these

areas.

Women

The law prohibits rape, including spousal rape; however, the government did not effectively enforce the law. Victims often waited days or weeks to report incidents for fear of embarrassment or reprisals, which hindered effective prosecution of assailants. Cases of rape were underreported.

Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse, but the government did not effectively enforce it. Domestic human rights organizations reported that these laws were partially effective; more women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports.

In October 2007 the governor of Istanbul and the Foundation to Support Contemporary Life launched a domestic violence hotline financed by the EU and staffed by operators who screened calls and then forwarded legitimate calls to police, attorneys, or psychologists.

In January 2007 State Minister for Women and Children's Affairs Nimet Cubukcu established a hotline to prevent the exploitation of women, children, persons with disabilities, and senior citizens. From its inception through November, the hotline received 119,090 calls.

Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001 and 2005, the latest period for which statistics were available. According to the most recent available government data, there were 646 domestic violence cases brought to court in 2006, a decrease over previous years. The Institution for Social Services and Orphanages operated 23 shelters with a total capacity of 405 for female victims of domestic violence and rape. The government reported that provincial government offices, municipalities, and NGOs operated 38 shelters and that one private foundation operated a shelter. During the year there was one shelter bed for every 144,000 persons in the country, which observers noted was an inadequate amount of shelters for towns with populations of more than 50,000.

Persons convicted of honor killings receive life imprisonment. The Turkish National Police reported 39 honor killings and 9 attempted honor killings through September 30. The HRP reported there were 53 honor killings in 2007 and 1,000 honor killings between 2003 and July 2008, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform such killings.

Due to penalties for honor killings, family members increasingly pressured girls to commit suicide in order to preserve the family's honor. Between 2005 and 2006, 1,985 women were reported to have committed suicide or have been killed, according to women's rights advocacy group AKDER. Government officials worked with advocacy groups such as KA-MER to hold town hall meetings and set up rescue teams and hotlines for endangered women and girls.

KA-MER, the leading women's organization in the southeast, reported that from 2003-07 a total of 198 women from eastern and southeastern Anatolia contacted it to report that their family had threatened them with honor killings. Of these cases, three of the women died from injuries sustained in the attacks, one committed suicide, and 27 were pressured to commit suicide. The father or husband decided the fate of the woman in the vast majority of the cases. The report observed that 76 of these "decision makers" were illiterate, while 47 had no education beyond junior high school. Increased education levels correlated with a drop in the rate of such crimes.

"Disobedience," variously defined as refusing to marry the person the family had chosen, refusing to have sex with a brother-in-law or father, not agreeing to prostitute oneself, not fulfilling the demands of male family members, and interrupting man-to-man conversations was determined to be the most frequent justification of honor killings.

In April, 24 year-old Leyla Gok was beaten to death in Siirt's Eruh district, apparently on account of an alleged affair she had with a married man. The woman had returned to her family after living with her boyfriend for some time. The family reportedly did not take the body from the hospital, and the victim was buried by municipal officials. After testimonies, Gok's brother Hayrettin was released and her boyfriend Sukru Batuhan was detained in connection with the death. The case continued at year's end.

In November, in the Ceylanpinar district of Sanliurfa in the southeast, Aysel Cadir was shot and killed by Muslum Bakir, her husband via an unofficial religious marriage. The victim's mother claimed that the decision to kill her was made by the husband and his "family council." Cadir was reportedly three months pregnant. Bakir was in custody and the case continued at year's end.

According to media reports, Naile Erdas, a 15-year-old from the southeastern city of Van, was killed by her family in 2006 when she gave birth to a child conceived during a rape. The girl, who hid her pregnancy, reportedly begged doctors at a state hospital where she gave birth not to return her to her family, fearing that she would be killed in accordance with the local tradition demanding her family's honor be cleansed. Doctors informed state authorities, but the woman was ultimately returned to her family. At year's end, six of her relatives, including Erdas' brother, father, mother, and uncles were under arrest for the killing.

Prostitution is legal.

The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring two to seven years' imprisonment for sexual assault and three months' to two years' imprisonment plus a fine for sexual harassment. Women's rights activists maintained that both of the laws were rarely enforced.

In October media and observers criticized the release, pending trial, of a journalist who was accused of raping a 14-year-old girl, upon the medical examiner's report that the girl's physical and mental health were "intact" following the alleged abuse. Women and Children's Affairs Minister Cubukcu denounced the report and in November the Bursa court requested a new report from the Forensic Medicine Institute.

Under the law women enjoy the same rights as men; however, societal and official discrimination were widespread. The Directorate General on the Status and Problems of Women under the State Ministry in Charge of Family Affairs is responsible for promoting equal rights and raising awareness of discrimination against women.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions as well as in government. According to a November report by the European Commission, the level of women's employment and their political participation nationally and regionally were low. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the retail, restaurant, and hotel sectors worked as unpaid family labor. The World Economic Forum reported during the year that women earned 61 percent of what their male counterparts earned for similar work.

Children

The government was committed to furthering children's welfare and worked to expand opportunities in education and health.

While education through age 14 or the eighth grade was free, universal, and compulsory, only 40 percent of children received a high school diploma, according to the Organization for Economic Cooperation and Development and one in 10 girls did not attend compulsory primary school.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives. There were reports that children were trafficked for sexual exploitation.

On March 7, a Malatya penal court convicted eight suspects to one year's imprisonment for neglecting their duties in the alleged torture and abuse of children at the Malatya state orphanage. The execution of the punishment was postponed. Two other cases against nine orphanage employees continued at year's end.

Child marriage occurred, particularly in poor, rural regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years.

The law defines 15 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies. In rare instances, families engaged in "cradle arrangements," agreeing that their newborn children would marry at a later date, well before reaching the legal age.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; penalties for trafficking in persons are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as sexual assault. There were media reports that police corruption contributed to the trafficking problem.

The country was a destination point for women and children trafficked primarily for the purpose of commercial sexual exploitation. The government identified 118 trafficking victims during the year. No male victims were identified or assisted during the year; in 2007, five men from Turkmenistan were trafficked for labor exploitation. Women and girls were trafficked from Moldova, Uzbekistan, Turkmenistan, and other countries in Eastern Europe and the former Soviet Union. One victim from Indonesia and one from Morocco were also trafficked during the year and awaited repatriation at year's end. Most foreign victims were trafficked for sexual exploitation in Istanbul and Antalya, although victims were identified in cities throughout the country.

Typically, small networks of foreign nationals and citizens, relying on referrals and recruitment from friends and family members in the source country, trafficked foreign victims to the country. According to local experts and researchers, most victims arrived in the country knowing they would work in the sex industry but were subsequently threatened physically or emotionally and trapped. Others were known to have arrived in the country to work as domestic servants and exploited in that industry or trafficked into the commercial sex industry. In some cases it was reported that traffickers continued to utilize abusive physical force and threats to family members to force women into prostitution.

Based on preliminary data, in the first six months of the year the government prosecuted approximately 100 suspected trafficking offenders. Under the penal code, the penalties for trafficking include eight to 12 years' imprisonment and heavy fines. Also based on preliminary data, in the first six months of the year, the government convicted four traffickers. However, approximately 53 additional traffickers were convicted during the same period under the statutes prohibiting mediation of prostitution and organized crime. These convictions averaged three to four years' imprisonment plus fines.

Turkish National Police apprehended 248 suspected traffickers during the year. In 2007,

the last year for which complete statistics were available, cases were opened on 422 suspected traffickers; 397 suspected traffickers remained under investigation from previous years.

Allegations that police and other government officials participated in trafficking were reported by the media during the year. According to press reports, a number of active and retired police officers, some of senior rank, were arrested, placed under investigation, or recommended for expulsion for cooperating with trafficking rings. The government provided preliminary data showing that 25 security officials were investigated during the year for possible involvement in trafficking in persons, a significant increase from the twenty similar investigations conducted between 2005 and 2007. Most of the investigations were ongoing at year's end; some of these officials were in prison and others were free awaiting trial. Three were expelled from service.

An ambassador-level Ministry of Foreign Affairs official serves as national coordinator for the government's Task Force on Human Trafficking, which also includes representatives from the ministries of health, interior, justice, finance, labor, the Prime Ministry, and from NGOs, the IOM, and municipalities.

The government participated actively in international antitrafficking investigations and met regularly with neighboring countries and regional groups promoting regional antitrafficking law enforcement cooperation. The government has signed bilateral antitrafficking cooperation memorandums of understanding and protocols with neighboring source countries, including Belarus, Georgia, Ukraine, Moldova, and Kyrgyzstan.

There were two NGO-operated shelters for trafficking victims in the country, located in Ankara and Istanbul. The shelters received free rent from the municipalities, and the Ministry of Health provided free medical care to victims in the shelters. Nevertheless, government financial support for these protection mechanisms was inconsistent. The lack of consistent government funding threatened the operation of one shelter, although core services were not impacted. During the year the Istanbul shelter assisted 57 victims, and through December the Ankara shelter assisted 28 victims.

The government encouraged victims to participate in trafficking investigations and prosecutions; however, most chose to return to their countries. The Ministry of Justice, through local bar associations, provided free legal services to foreign victims choosing to remain in the country and testify against traffickers. Foreign victims identified by authorities may apply for humanitarian visas to remain in the country for up to six months and may then apply for renewal for another six months. The government had a national referral mechanism, which it implemented in partnership with the IOM and the shelters, and which included the voluntary and safe return of victims. The IOM assisted 78 trafficking victims during the year.

The IOM operated a toll-free hotline for trafficking victims that was answered in Russian, Romanian/Moldovan, English, and Turkish and that could receive international calls. Sixteen victims were rescued from trafficking situations through the assistance of the hotline in the first nine months of this year. On June 30, the government began a new antitrafficking public awareness campaign featuring television and radio advertisements, plus more than 40,000 posters in municipalities throughout the country, primarily in trafficking hotspots, to promote the hotline.

Antitrafficking training courses continued to be held in the country throughout the year. Law enforcement officers, judges, and prosecutors participated in "train the trainers" courses which focused on countertrafficking skills, such as victim identification and interviewing.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for Disabled People under the Prime Ministry is responsible for protecting the rights of persons with disabilities.

The Ministry of Health operated eight mental health hospitals in seven different provinces. There were two private mental health hospitals in Istanbul. The government reported that it operated 45 boarding care centers and 22 daycare centers for physically and mentally challenged individuals. According to the European Commission, mental health hospitals and rehabilitation centers do not provide sufficient medical care or treatment.

The NGO Mental Disability Rights International announced that the government circulated a notice condemning the use of electroconvulsive or "shock" therapy (ECT) without anesthesia in 2006. A CPT delegation had reported previously finding ECT being used on patients without anesthetics or muscle relaxants during a 2005 visit to two state hospitals, the Bakirkoy Mental and Psychological Health Hospital in Istanbul and the Adana Mental Health Hospital.

During the year, the NGO Initiative for Human Rights in Mental Health (IHRMH) ran advocacy campaigns, organized free vocational trainings, and created monitoring groups to inspect institutions for compliance with legal and health regulations.

In November IHRMH reported on research conducted in 12 mental health care centers between June 2007 and October with permission of the Ministry of Health and Social Services and the Child Protection Agency. The report cited a need to increase the number of professional care staff, improve hygienic conditions, vary treatment from only antipsychotic drugs and antidepressants, and allow for greater freedom of movement.

On November 6, a clandestinely filmed documentary on the state of public facilities for children in the country aired in the United Kingdom. Earlier in the year, Duchess of York Sarah Ferguson used a disguise to enter and film two care centers for children with mental and physical disabilities for use in the documentary. The expose showed children tied to their beds with fabric, and poor caretaking conditions at Saray Rehabilitation Center in Ankara and Zeytinburnu Center for the Care of Disabled Children in Istanbul.

National/Racial/Ethnic Minorities

The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution.

On September 30, ethnic Kurdish resident Murat Aygun reportedly used a truck to kill two persons and injure six others in the Ayvalik district of Balikesir Province. The two individuals killed had played the Turkish national anthem in front of Aygun's home. After the killings, a crowd attacked Kurdish homes and shops. The governorate did not permit a DTP committee to investigate.

The NGO Minority Rights Group International reported in March that millions who belonged to ethnic, linguistic, and religious minorities faced systematic repression and many remained unrecognized. The report noted that the law is interpreted to protect only three religious minorities – Armenian Orthodox Christians, Jews, and Greek Orthodox Christians – and not other ethnic and religious minorities, including Alevis, Ezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma. The report stated that these "excluded minorities" were prohibited from fully exercising their linguistic,

religious, and cultural rights and faced intense pressure to assimilate.

Despite the beginning of TRT pilot broadcasts in Kurdish at year's end, the government maintained restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications.

Roma continued to face persistent discrimination and problems with access to education, health care, and housing. The government took no apparent steps during the year to assist the Romani community. The European Roma Rights Center, Helsinki Citizens Assembly, and Edirne Roma Culture Research and Solidarity Association conducted a program to train the Romani community on civil society organization and activism. Literacy courses for Roma women offered by the Roma Culture and Solidarity Association of Izmir continued, and the association celebrated International Roma Day in Izmir.

Beginning on June 3, 500 Roma living in the Sulukule neighborhood of Istanbul faced destruction of their homes and were relocated outside of the city due to an urban renewal project sponsored by the municipality.

The law states that "nomadic Gypsies" are among the four categories of persons not admissible as immigrants.

Other Societal Abuses and Discrimination

While the law does not explicitly discriminate against homosexuals, two gay and lesbian rights organizations, Lambda Istanbul and Kaos GL, claimed that vague references in the law relating to "the morals of society" and "unnatural sexual behavior" were sometimes used as a basis for discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." This article has been applied in attempts to shut down or limit the activities of NGOs working on gay and lesbian issues.

In April, Anadolu University in Eskisehir lifted restrictions blocking access to the Web sites of Kaos GL, Pembe Hayat, and Lambda Istanbul from campus computers.

On July 15, 26 year-old Ahmet Yildiz was shot and killed leaving a cafe in Istanbul. Yildiz had represented the country in an international gay gathering in San Francisco in 2007. Yildiz's family disapproved of his homosexuality, and his body remained unclaimed in the morgue for six days. Yildiz had previously filed a complaint with the police after receiving threats. Police collected statements from friends and family, but had not begun an investigation by year's end.

In September a group of transsexuals and transvestites in Istanbul filed a criminal complaint against several police officers for alleged mistreatment. The group leader alleged that group members were arbitrarily detained and released in remote parts of the city.

On November 28, the Supreme Court of Appeals overturned an Istanbul court decision ordering the closure of the lesbian, gay, bisexual, and transgender solidarity organization, Lambda Istanbul. On May 29, the Istanbul court had ruled that Lambda Istanbul's objectives violated Turkish "moral values and family structure," justifying its closure.

In May 2007 members of the groups Pembe Hayat and Kaos GL protested at the Esat police station in Ankara. Protestors claimed that transsexuals and transvestites had been unjustly taken into custody and faced mistreatment during their detention. Police officers on duty prevented the protestors from making a press statement during the demonstration.

In February 2007 Bilgi University students established the country's first gay and lesbian university club. Approximately 15 parents lodged complaints with the university

administration, and the Turkish Higher Education Council opened an inquiry into the university. Bilgi's dean of students, Halit Kakinc, responded that closing the club would violate human rights. The club was operating normally at the end of the year.

6. Worker Rights

a. The Right of Association

The law provides most but not all workers with the right to associate and form unions subject to diverse restrictions; most workers exercised this right in practice. The government maintained a few restrictions on the right of association. Unions may be established by a minimum of seven persons without prior permission. There are no restrictions on membership or participation of individuals or unions in regional, national, or international labor organizations, but such participation must be reported to the government. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols on any union or confederation publications. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their conventions and record the proceedings; these requirements were usually enforced.

Although official government statistics indicated that 56 percent of the labor force was unionized, union officials noted that figure included retirees and others no longer on the active list of unionized employees. Most labor experts in the country estimated that approximately 20 percent of the wage and salary workers in the labor force were unionized.

The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general (involving multiple unions over a large geographical area) strikes or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

The law prohibits strikes by civil servants, public workers engaged in the safeguarding of life and property, workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education; however, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal according to law; while some illegal strikers were dismissed, in most cases employers did not retaliate.

b. The Right to Organize and Bargain Collectively

The law and diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Industrial workers and some public sector employees, excluding white collar civil servants and state security personnel, have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. The International Trade Union Confederation claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. If a court rules that a worker has been unfairly dismissed and should either be reinstated or compensated, the employer generally pays compensation to the employee along with a fine.

There are no special laws or exemptions from regular labor laws in the country's 21 free trade and export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women, men, and minors were trafficked for commercial sexual exploitation and for labor.

Some parents forced their children to work on the streets and to beg.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement these laws. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At age 15 children may engage in light work provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the government prohibits children from working at night or in areas such as underground mining. The law prohibits school-aged children from working more than two hours per day or 10 hours per week.

The Ministry of Labor and Social Security effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium- and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.

Nonetheless, child labor was widespread. In a child labor survey conducted in the last quarter of 2006 and released in April 2007, the State Statistical Institute reported that the number of child laborers between the ages of six and 17 was 960,000, or 5.9 percent of a total of 16.2 million in that age group. These figures represented a decrease over previous years. The study found that 84.7 percent of children aged six to 17 attended school and that the 31.5 percent of children in that age group who were employed were also attending school at least part time.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, with a total of 52.4 percent of employed children working in rural areas, compared to 47.6 percent working in urban areas. Many children worked in areas not covered by labor laws, such as agriculture workplaces with fewer than 50 workers or the informal economy. To combat this ongoing problem, the Ministry of National Education conducted a program in cooperation with the UN Children's Fund that was designed to provide primary education for at-risk girls. By year's end, the program benefited nearly 223,000 girls and 100,000 boys.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education training center, they were required to go to the center once a week for training and the centers were obliged by law to inspect their workplaces. According to data provided by the ministry, there were 307 centers located in 81 cities; these centers provided apprenticeship training in 133 occupations. The government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers. There

were reports that children were trafficked for sexual exploitation.

There were no reliable statistics for the number of children working on the streets nationwide. The government's Social Services and Child Protection Institution operated 44 centers to assist such children.

e. Acceptable Conditions of Work

The national minimum wage of 638 lira (\$425) per month did not provide a decent standard of living for a worker and family. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board.

The law establishes a 45-hour workweek with a weekly rest day, and limits overtime to three hours per day for up to 270 hours a year. Premium pay for overtime is mandated but the law allows for employers and employees to agree to a flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, although reports of them doing so were rare. Authorities effectively enforced this right.
