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Turkey

Country Reports on Human Rights Practices - [2005](#)

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Turkey, with a population of approximately 69.6 million, is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber parliament, the Turkish Grand National Assembly. In the 2002 parliamentary elections, considered generally free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one-party government. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; although there were improvements in a number of areas, serious problems remained. The following human rights problems were reported:

- some restrictions on political activity
- unlawful killings
- torture, beatings, and other abuses of persons by security forces
- poor prison conditions
- arbitrary detention
- impunity and corruption
- lengthy pretrial detention
- excessively long trials
- restrictions on freedoms of speech, press, assembly, and association
- restrictions on religious freedom
- violence and discrimination against women
- child abuse
- child marriage
- trafficking in persons
- restrictions on worker's rights
- child labor

RESPECT FOR HUMAN RIGHTS

Section 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, particularly in the southeast and east, for allegedly failing to obey stop warnings. The Human Rights Foundation (HRF) estimated that security forces killed 52 persons between January and November, including in shootings by village guards and border patrols. HRF estimated security forces killed 48 persons in 2004.

The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare (see section 1.d.).

In February demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist Kurdistan Workers Party (PKK). According to the Human Rights Association (HRA), there was no evidence that demonstrators used weapons during the altercation. Interior ministry inspectors determined that police did not shoot Gonultas. Prosecutors opened a case against nine members of the pro-Kurdish Democratic People's Party (DEHAP) for their role in a statement protesting the shooting. The DEHAP officials were charged with being members of an illegal organization; their trial was ongoing at year's end.

In June security forces allegedly killed Fahrettin Inan during a clash with mourners at a PKK funeral in Van Province. No one was charged by year's end.

In July army private Murat Polat died from wounds he suffered when he was allegedly beaten by fellow soldiers at Adana military prison. Polat was being detained for allegedly deserting his post and burglarizing a house. Prosecutors charged eight soldiers for their roles in Polat's death; the case continued at year's end.

In November, assailants threw a bomb into a store in Semdinli, Hakkari Province, killing Mehmet Zahir Korkmaz. Police arrested two Jandarma officials and a PKK informant following the incident. Police also arrested a third Jandarma official who fired on the crowd that gathered at the scene. Over the following days, demonstrators clashed with police in a number of violent protests against the alleged Jandarma role in the bombing; five protestors were killed and dozens injured in the disturbances. Authorities continued to investigate the bombing at year's end.

In July assailants killed Hikmet Fidan, a former DEHAP vice chairman, in Diyarbakir. Prosecutors investigating the murder maintained that PKK leaders ordered Fidan's murder because he had criticized the PKK. Trial proceedings against four suspects in the case continued at year's end.

Also in November, a Hakkari court acquitted 12 defendants, including former members of the security forces, who were charged with extrajudicial killings, bombings, extortion, and other crimes. The court convicted PKK informant Kahraman Bilgic and sentenced him to a prison term of eight years and four months in the case. The ruling was under appeal at year's end.

Police allegedly shot and killed a number of demonstrators (see section 2.b.).

At year's end there was no result in the DNA analysis of the remains of 11 persons discovered near the town of Kulp, Diyarbakir Province, in late 2004. Local residents said they believed the remains were those of 11 persons who disappeared after being detained by police in 1993.

The trial of four police officers charged with the November 2004 unlawful killing of Ahmet Kaymaz and his son Ugur was ongoing at year's end. The four defendants reportedly returned to duty and were assigned to different provinces.

Proceedings continued in the trial of three police officers charged in connection with the shooting of Siar Perincek in Adana in May 2004.

In October a Hakkari court convicted Jandarma official Murat Sener of using excessive force in the 2004 killing of Fevzi Can. The court sentenced Sener to a 16-month prison term but postponed the sentence. The ruling was under appeal at year's end.

According to the government, four persons died while in police custody through November: three deaths were recorded as suicides and one as a homicide. Authorities were investigating the deaths at year's end.

According to the HRF, landmines and unattended explosives killed 19 civilians and injured 49 during the year. Both security forces and the PKK used landmines.

According to the government, 34 civilians, 100 members of the security forces, and 160 terrorists were killed in armed clashes during the year through November. Most of the clashes occurred in the southeast.

b. Disappearance

There were no reports of politically motivated disappearances.

The government continued to investigate and explain some reported disappearances. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. According to the government, 12 persons were reported missing during the year due to suspected terrorist activities, and 2 missing persons were located alive.

In August the European Court of Human Rights (ECHR) ruled against the country in a case involving the 2001 disappearance of DEHAP officials Serdar Tanis and Ebubekir Deniz. The ECHR determined that the government was responsible for the disappearance and had failed to conduct an effective investigation. The court ordered the government to pay compensation to the families in the case.

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

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

Incidents of torture and abuse declined during the year but remained widespread. Courts rarely convicted security officials accused of torture and tended to issue light sentences when they did convict (see section 1.d.). According to the HRF, there were 657 credible cases of torture or abuse reported at its 5 national treatment centers through November. Of these, 180 cases involved torture or abuse inflicted during the year; the rest involved incidents that occurred previously. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because they feared retaliation or believed that complaining was futile.

An attorney for Abdulkadir Akgul, Ergin Demir, Cigerhun Erisen, Zubeyit Keserci, and Muzaffer Keserci claimed law enforcement officials tortured his clients during their July detention in Van Province. According to the attorney, security forces were present during his clients' medical examinations, preventing doctors from recording their injuries.

In August Servet Alcinkaya, reporter for the daily *Cumhuriyet*, claimed Istanbul police severely beat him in detention. He said police held him overnight without allowing him to contact relatives and released him the next day.

In October three juveniles said Ordu police repeatedly beat them, squeezed their testicles, and threatened to rape and kill them while they were held in detention following an incident at a local concert. Medical examinations of the juveniles reportedly confirmed signs of beatings on their bodies.

Also in October, broadcast media outlets aired footage of employees abusing children at the Malatya State Orphanage. Images included employees beating children who were stripped naked and sitting in a bathtub. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. Authorities pressed charges against five employees and removed four others from their posts. The trial and investigation continued at year's end.

In December Orhan Kara, Velat Haci Ali, Idban Kaplan, Seref Inanc, and Nezir Ayan claimed that police tortured them during their detention in Silopi, Sirnak Province. Erdal Kuzu, an attorney and HRA official who visited the detainees, said police beat the detainees, administered electric shocks to their genitals, forced them to strip and sprayed them with cold water, and placed guns to their heads and threatened to kill them. Kuzu claimed that the prosecutor declined to record the detainees' torture claims, and he claimed the detainees were denied access to prison medical facilities.

There were no developments in the reported 2004 cases of torture of Mehmet Nurettin Basci, Mehmet Gazi Aydin, Sezai Karakus, or several persons detained by police during a raid of the Yeniden Ozlem publishing house.

There were no developments in the investigation of the alleged rape and torture of DEHAP official Gulbahar Gunduz in 2003. Attorneys for Gunduz applied to the ECHR during the year.

Proceedings continued at year's end in the Ankara trial of five police defendants charged with torturing and killing Birtan Altinbas in 1991. The court convicted the defendants in 2004, but the High Court of Appeals returned the case to the lower court on the grounds that the sentences were too lenient.

In September an Istanbul prosecutor charged eight police officers with torturing Firat Develioglu, Emre Nil, Aysegul Huma, and Tugba Babuna, who were detained in 1999 during operations conducted against the Islamist group Adnan Hocacilar. According to the indictment, the officers beat the detainees, handcuffed them to chairs, and squeezed their testicles.

In April an Iskenderun court acquitted four police officers charged with torturing and raping two teenage girls in 1999. The court determined there was insufficient evidence for a conviction. The trial, which began in 2000, had been plagued by repeated procedural delays related to the handling of forensic evidence. The ruling was under appeal at year's end.

Human rights observers said that, because of reduced detention periods, security officials mainly used torture methods that did not leave physical signs, including repeated slapping, exposure to cold, stripping and blindfolding, food and sleep deprivation, threats to detainees or family members, dripping water on the head, isolation, and mock executions. They reported the near elimination of more severe methods, such as electric shocks, high-pressure cold water hoses, rape, beatings on the soles of the feet and genitalia, hanging by the arms, and burns.

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

ill-treatment in detention as those arrested for political offenses, although they were less likely to report abuse. Observers said security officials sometimes tortured political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured ordinary suspects to obtain a confession.

Government-employed doctors administered all medical examinations of detainees. Examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were brief and informal. According to the Society of Forensic Medicine Specialists, only approximately 300 of 80 thousand doctors in the country were forensic specialists, and most detainees were examined by general practitioners and specialists not qualified to detect signs of torture. There were forensic medical centers in 34 of 81 provinces. Some former detainees asserted that doctors did not conduct proper examinations and that authorities denied their requests for a second examination.

A justice ministry regulation requires doctor-patient privacy during the examination of suspects, except where the doctor requests police presence for security reasons. During the year there were fewer complaints of security officials remaining in the room despite objections, according to the Society of Forensic Medicine Specialists.

The law provides for harsh prison sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. In practice there were few prosecutions for violation of these laws.

Police harassed, beat, and abused demonstrators (see section 2.b.).

Prison and Detention Center Conditions

Conditions in many prisons remained poor. Underfunding, overcrowding, and insufficient staff training were problems. Some inmates convicted for nonviolent, speech-related offenses were held in high-security prisons.

Observers reported that the government made significant improvements in the food provided in the prisons, although there was a lack of potable water in some facilities.

According to the medical association, there were insufficient doctors, and psychologists were available only at some of the largest prisons. Some inmates claimed they were denied appropriate medical treatment for serious illness.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Some observers reported that detainees and convicts were sometimes held together.

The government permitted prison visits by representatives of some international organizations, such as the European Committee for the Prevention of Torture (CPT); however, domestic nongovernmental organizations (NGOs) did not have access to prisons. The CPT visited in March 2004 and conducted ongoing consultations with the government. Requests by the CPT to visit prisons were routinely granted.

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 Turkish National Police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry 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 has overall responsibility for border control.

In December 2004 parliament adopted legislation calling for the establishment of judicial police, who were to take direction from prosecutors during investigations. The judicial police had not been established at year's end.

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

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely

convicted or punished offenders (see section 1.e.). When courts did convict offenders, punishment generally was minimal and sentences were sometimes suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in some cases, promoted them during their trial, which often took years.

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

During the first 6 months of the year, prosecutors opened trials against 1,337 security personnel and other public officials on torture or abuse charges. During that period courts reached final verdicts in 531 torture and abuse cases begun in previous years, convicting 232 defendants and acquitting 1,005. Of the convicted officials, 30 were given jail terms, 32 were fined, 7 were jailed and fined, and 163 were subject to other punishments.

Authorities issued administrative punishments, including suspensions and salary cuts, to three police officers for abuse during the year through November.

Arrest and Detention

Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. Depending on the charges, persons charged with a crime can be held for up 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, but in practice authorities did not always respect these provisions and most detainees did not exercise these rights, either because they were unaware of them or feared antagonizing authorities. If indigent, detainees were provided an attorney at government expense.

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 improved during the year, but varied widely across the country. In some parts of the country, bar association representatives estimated that up to 70 percent of detainees consulted with attorneys, while in other areas only 5 percent did so. The HRA also observed an increase in the percentage of detainees consulting with attorneys but maintained that the vast majority of detainees did not exercise this right.

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.

During the year police routinely detained demonstrators (see section 2.b.). Police detained dozens of members of the DEHAP on several occasions (see section 3). Police continued to detain and harass members of human rights organizations and monitors (see section 4). The government continued to detain persons, particularly in the southeastern province of Batman, on suspicion of links to Hizballah.

There were no reports of political detainees. 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. Detainees could be held for up to six months during the preliminary investigation period. If a case was opened, the pretrial detention period could be extended for up to two years. If the detainee was charged with a crime carrying a maximum punishment of more than seven years, a court could further extend the detention period. Approximately half of the prison inmates held during the year were convicts; the other half were either awaiting trial or held during trial proceedings.

e. Denial of Fair Public Trial

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

The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government and the National Security Council (NSC), an advisory body to the government composed of civilian government leaders and senior military officers, periodically issued announcements or directives about threats to the government, which could be interpreted as general directions to the judiciary.

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The minister of justice serves as chairman of the seven-member high council, and the justice ministry undersecretary also serves on the council. The High Council (HC) selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The HC is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the HC controls the careers of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

In February prosecutors opened a case against Ercan Yalcinkaya, former deputy secretary general of the high court of appeals, on charges of accepting bribes and trying to influence the court on behalf of organized crime figure Alaaddin Cakici. An Ankara court acquitted Yalcinkaya in June.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation'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. In 2004 parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court's caseload and allow the judiciary to operate more efficiently. The courts were scheduled to begin operations in 2007.

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 sometimes 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.

Under legislation enacted in June, a judge can bar an attorney from representing a client if the attorney comes under investigation for violating certain articles of the penal code.

Trial Procedures

There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court, 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.

The law provides for the right to a speedy trial; however, at times trials lasted for years (see section 1.d.). Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. In some cases, such delays extended beyond the statute of limitations, causing the trial to end without a verdict.

The law prohibits the use of evidence obtained by torture in court; however, prosecutors sometimes failed to pursue torture allegations, and exclusion of evidence occurred only after a separate case on the legality of the evidence was resolved. However, in practice a trial based on a confession allegedly coerced under torture could proceed, and even conclude, before the court had examined the merits of the torture allegations.

In June the High Court of Appeals overturned a murder conviction reached by a court in Sinop Province on the grounds that police interrogated the defendant without granting him access to an attorney and there was evidence that the suspect had been tortured.

In May the ECHR Grand Chamber ruled that imprisoned PKK leader Abdullah Ocalan did not receive a fair trial during the proceedings that led to his 1999 conviction. The ruling upheld a 2003 decision by a lower ECHR body. The ECHR ruling was based in part on the fact that a military judge initially sat on the three-judge panel that tried Ocalan, although he was later removed. The court also determined that authorities denied Ocalan access to an attorney during his detention period, improperly held him for seven days before taking him before a judge, and restricted his subsequent access to attorneys. At year's end there were no new developments in the case.

Political Prisoners

The HRA estimated that there were several thousand political prisoners, including leftists, rightists, and Islamists. Of these, approximately 1,500 were alleged members of Hizballah or other radical Islamist political organizations. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, police detained 3,449 suspects on terrorism charges during the year through November.

International humanitarian organizations were allowed access to "political" prisoners, provided they could obtain

permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, such organizations were rarely granted such permission.

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

The law prohibits such actions, and the government generally respected these provisions in practice.

Section 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 some cases. Journalists practiced self-censorship.

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, "Turkish identity," or the institutions and symbols of the republic. Other laws, such as the Anti-Terror Law and laws governing the press and elections, also restrict speech.

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 European Union (EU) membership process, the role of the military, Islam, political Islam, and the question of Turks of Kurdish origin as "minorities"; however, persons who wrote or spoke out on such topics risked prosecution.

The Turkish Publishers Association (TPA) reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy.

In July a Halfeti court convicted DEHAP officials Handan Caglayan and Ahmet Dagtekin of using the Kurdish language during a 2004 campaign event. The court sentenced Caglayan to a 7-month prison term and a fine of \$380 (513 lira) and Dagtekin to a 6-month prison term and a fine of \$326 (440 lira). The rulings were under appeal at year's end.

In March the High Court of Appeals upheld the conviction and 20-month prison sentence of Mehmet Sevket Eygi for writing against the official ban on headscarves at universities and among civil servants. The court in its ruling argued that freedom of speech is subordinate to the protection of public order in democracies and maintained that Eygi's criticism of the headscarf ban and its supporters constituted "hatred and animosity."

In October an Ankara court convicted four Hacettepe University students of "being members of an illegal organization" for submitting a petition to the university rector in 2001 requesting education in the Kurdish language. The court sentenced Nihat Avci and Veli Ay to six years and three months in prison, and Huseyin Bilgin and Haydar Karaca to three years and nine months in prison. The case was under appeal at year's end.

Also in October Prime Minister (PM) Erdogan reportedly filed a lawsuit against Aynur Saydam for insulting him by holding up a banner during an appearance at Bahcesehir University. The banner featured a statement criticizing Erdogan's support for a conference on the fate of the Armenians in the final days of the Ottoman Empire. The case was ongoing at year's end.

Proceedings continued in the appeal of Genc Party leader Cem Uzan's 2004 conviction for insulting PM Erdogan in a speech.

In October a Sanliurfa court sentenced local DEHAP official Resit Yardimci to a 6-month prison term and fined him \$1,214 (1,640 lira) for greeting the audience in Kurdish during a 2003 party convention. The ruling was under appeal at year's end.

In December an Ankara court began the trial of 12 officials of the pro-Kurdish party Hak-Par for speaking Kurdish at a party convention and distributing Kurdish-language invitations to the convention.

According to the government, there were no journalists held on speech violations during the year; however, the government reported that at year's end there were 25 journalists who were being held on charges related to terrorism or other violent crimes.

The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 226 local, 15 regional, and 16 national officially registered television stations and 959 local, 104 regional, and 36 national radio stations. 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 privately owned by large 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.

In March journalists lobbied the government to amend a new draft of the penal code before the legislation became effective. Journalists criticized the legislation for establishing prison sentences for a number of press-related crimes, contradicting the 2004 Press Law that tightly restricted the use of prison sentences in press cases. Parliament addressed some of the journalists' concerns by making revisions to the penal code. The revised penal code eliminated some prison sentences, but not all, and reduced the prison terms in some cases.

In May the Organization for Security and Cooperation in Europe (OSCE) issued a report on the draft penal code as it related to freedom of the press. According to the report, the draft penal code did not provide adequate protections for journalists to report on issues of public interest.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Authorities often closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and adopted an adversarial role with respect to the government.

In March RTUK closed the TV stations Primemax and Primemax 2 for "making propaganda for an illegal organization" by showing the movie *Little Freedom*. Yuksel Yavuz, the director of the film, claimed that the culture ministry had approved the film, and that it had been playing in theaters in the country since December 2003. Also in March RTUK ordered the Adana radio station Radyo Dunya off the air for 30 days for broadcasting excerpts of the book *Memoirs of a Guerrilla*. RTUK maintained that the broadcast "incited hatred and hostility."

The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. RTUK regulations limit minority-language news and cultural programming to 60 minutes per day, 5 hours per week on radio, and 45 minutes per day, 4 hours per week on television. The regulations also require that non-Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. The state-owned TRT broadcasting company provided national programming in Kurdish and three other minority languages.

In September the Ankara public prosecutor ordered the closure of Radyo Imaç for "making unauthorized broadcasts" and pressed charges against several executives of the station. Radyo Imaç officials claimed the station was closed for playing Kurdish music. The case was ongoing at year's end.

In December RTUK ordered Radyo Imaç off the air for one month for "inciting hatred and enmity" in a 2004 broadcast on a violent 1993 incident known as the "Sivas Massacre."

Trial proceedings continued at year's end in Istanbul in the 2004 case against journalist Mehmet Ali Birand and three attorneys for imprisoning PKK leader Abdullah Öcalan in connection with a CNN Türk broadcast during which Birand interviewed the attorneys.

The TPA reported a decrease in recent years in the number of cases opened against writers and court decisions banning books, and also observed an increase in acquittals in cases involving writers. Printing houses are required to submit books and periodicals to prosecutors at the time the materials are published. According to the TPA, prosecutors investigated and sometimes pressed charges against printing houses for late submission of materials deemed problematic. As a result, the TPA reported, publishers often avoided works with controversial content. Between January 2004 and June authorities opened court cases against 37 authors and 47 books and compilations involving 25 publishers, according to the TPA.

In September an Istanbul prosecutor charged novelist Orhan Pamuk with "insulting Turkish identity" in statements he made during a 2004 interview with a foreign publication. Pamuk was quoted as saying that 1 million Armenians and 30 thousand Kurds had been killed in the country. Prosecutors opened an investigation of Pamuk after a domestic periodical published a translation of the interview. The trial was ongoing at year's end.

In October an Istanbul prosecutor opened an investigation against retired army captain Murat Pabuc for insulting the military in a book he wrote about corruption in the armed forces. The prosecutor reportedly acted in response to a letter from the military general staff claiming that Pabuc had violated the law. The investigation was ongoing at year's end.

In November an Istanbul prosecutor opened a case against Fatih Tas, the owner of a company that published a translation of the book, *Spoils of War: The Human Cost of America's Arms Trade*. The prosecutor charged Tas with insulting the Turkish identity and Atatürk. The trial began in November and was ongoing at year's end.

Also in November an Ankara prosecutor opened a case against professors Ibrahim Kaboglu and Baskin Oran for "denigrating the judiciary" and "inciting hatred." Kaboglu and Oran were members of the government's Human Rights Consultation Board, and the charges stemmed from their roles as principal authors of the board's 2004 report on minorities in the country. The report stated that religious minorities were effectively barred from careers in state institutions and maintained that legal restrictions on minority languages violate the country's commitments under the 1923 Lausanne Treaty.

Also in November the High Court of Appeals upheld the 2002 conviction of journalist Burak Bekdil for "insulting state institutions" in a 2001 *Turkish Daily News* column criticizing the judiciary. The court also upheld the 20-month suspended prison sentence against Bekdil.

In December an Istanbul prosecutor charged journalist Murat Yetkin with "trying to influence the judiciary" in a column he wrote about the Pamuk case. Legal proceedings continued at year's end.

Ragip Zarakolu, owner of Belge Publishing, faced charges in Istanbul during the year for a number of publications deemed "insulting" to the state, including two books dealing with Turkish-Armenian relations.

In October an Istanbul court convicted Hrant Dink, publisher of the Armenian community newspaper *Agos*, of "denigrating Turkish identity" in an article on Turkish-Armenian relations. The court sentenced Dink to a six-month prison term but suspended the sentence. The court ruled for conviction despite the fact that a panel of three legal experts the court appointed to review the article unanimously determined that the article did not violate the law. The ruling was under appeal at year's end.

In December an Istanbul prosecutor opened a separate case against Dink and three other *Agos* employees on the grounds that their criticism of the October court decision constituted an attempt to "influence the judiciary."

In December an Istanbul court convicted writer Zulkuf Kisanak of "denigrating the Republic of Turkey" in a book he wrote about the state's evacuation of Kurdish, Armenian, and Syriac villages. In two separate cases on the same day, the court convicted journalist Aziz Ozer on similar charges stemming from two articles he wrote, one about the government's policy on Iraq and another about the 80-year history of the Republic of Turkey. The court sentenced both defendants to prison terms, then changed the sentences to fines. The rulings were under appeal at year's end.

Authorities sometimes used forms of censorship against media with pro-Kurdish or leftist content, particularly in the southeast.

The OSCE determined that journalists risked criminal defamation charges for reporting on public officials because the law provided more protection against libel to public officials than to ordinary citizens.

PM Erdogan filed libel charges during the year against a number of political cartoonists and writers. For example, in February an Ankara court convicted Musa Kart of the daily *Cumhuriyet* for a cartoon portraying Erdogan as a cat. The court ordered Kart to pay \$3,800 (5,132 lira). The ruling was under appeal at year's end.

The satirical magazine *Penguen* responded to the lawsuits by publishing a front page with a series of drawings by different cartoonists depicting Erdogan as various animals. In March Erdogan filed a lawsuit against *Penguen* seeking \$28 thousand (38,178 lira) in compensation. The case was ongoing at year's end.

In December the High Court of Appeals overturned the 2004 conviction of political cartoonist Sefer Selvi for "publicly humiliating" PM Erdogan by depicting him as a horse. A lower court had ordered Selvi, a cartoonist with the daily *Evrensel*, to pay \$7,361 (10 thousand lira) in damages.

In March police arrested six juveniles, and a prosecutor charged them with attempting to burn the national flag during celebrations of *Nevruz* (the Kurdish New Year) in Mersin Province. The Turkish General Staff issued a statement denouncing the suspects as "so-called citizens." Trial proceedings in the case continued at year's end.

There generally were no government restrictions on the Internet; however, the law authorizes RTUK to monitor Internet speech and to require Internet service providers to submit advance copies of pages to be posted online. The law also allows police to search and confiscate materials from Internet cafes 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.

There generally were no government restrictions on academic freedom; however, there was some self-censorship on sensitive topics.

In May officials at Bosphorus University in Istanbul made a last-minute decision to cancel a conference on the 1915 massacre of Armenians in the Ottoman Empire after Justice Minister Cemil Cicek denounced the event as "a stab in

the back of the Turkish nation." Cicek made his remarks in parliament one day before the conference was scheduled to open; other legislators supported his views.

Organizers at Bosphorus, Sabanci, and Bilgi universities rescheduled the event for September. Hours before the rescheduled event was to open, an Istanbul administrative court issued an injunction blocking the conference. The court ordered organizers to answer a series of questions on the "administrative process" used to prepare the conference. PM Erdogan and Foreign Minister Gul publicly criticized the court ruling. Organizers moved the conference to Bilgi University, which was not named in the injunction, and opened the event on September 24, one day after the court action was made public.

In December an Istanbul prosecutor charged five newspaper columnists with "insulting the judiciary" and "trying to influence the judicial process" for their coverage of the legal battle over the conference. The trial of the columnists--Hasan Cemal, Ismet Berkan, Murat Belge, Haluk Sahin, and Erol Katircioglu--was scheduled to begin in February 2006.

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.

Police killed demonstrators during the year. For example, in February demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist PKK. According to the HRA, there was no evidence that demonstrators used weapons during the altercation. Interior ministry inspectors determined that police did not shoot Gonultas. Prosecutors opened a case against nine members of the DEHAP for their role in a statement protesting the shooting. The DEHAP officials were charged with being members of an illegal organization; their trial continued at year's end.

In August the body of Hasan Is was discovered following clashes between security forces and demonstrators during funeral ceremonies for PKK militants in Batman Province. Relatives and other witnesses claimed police shot and killed Is during the altercation. However, law enforcement authorities denied that police were responsible.

In October Istanbul police shot and killed Atilla Gecmis during demonstrations in support of Abdullah Ocalan. Demonstrators reportedly threw Molotov cocktails and rocks at police, causing police to open fire.

Police beat, abused, detained, or harassed some demonstrators. In March police repeatedly kicked and beat protestors participating in International Women's Day demonstrations in Istanbul. Following an investigation, the Interior Ministry reprimanded three senior-level law enforcement officials and fined six officers, although the ministry in December reportedly promoted one of the senior-level officers. In December prosecutors charged 54 police officers with using excessive force during the incident.

Also in March police intervened in Nevruz celebrations in a number of cities. HRF reported clashes between police and celebrants in Siirt Province, during which police opened fire, injuring a child. Police in Edirne raided a house and detained a number of local DEHAP officials and students in connection with Nevruz celebrations. During a separate incident in Siirt, police beat juveniles who stoned the police station after police prevented Nevruz celebrations, according to HRF.

In Mersin Province police arrested six juveniles for allegedly trying to burn the national flag during Nevruz celebrations. The juveniles faced charges in court (see Section 2.a.)

In May the Justice Ministry cancelled a seminar on torture prevention for physicians and judicial authorities. Ministry officials announced the cancellation one day before the event was scheduled to start in Istanbul, asserting that organizers had failed to submit the required documents. Representatives of the Turkish Medical Association maintained that all the paperwork had been filed and said the Justice Ministry was involved with the organization of the event.

In September police in Siirt Province allegedly detained and beat 20 demonstrators who had participated in a rally to protest the prison conditions of PKK leader Abdullah Ocalan.

In October a Siirt court ordered 20 defendants to pay fines of \$74 (100 lira) each for hanging placards with the letters "W" and "Q" during Nevruz celebrations in 2004. The letters are found in Kurdish but not Turkish; the law prohibits the use of non-Turkish letters in printed material. The ruling was under appeal at year's end.

Proceedings continued at year's end in the appeal of the 2004 conviction of HRF psychiatrist Alp Ayan and

co-defendants for holding an unauthorized demonstration.

Freedom of Association

The law provides for freedom of association; however, there were some restrictions on this right in practice.

The law requires associations to notify authorities before engaging in activities such as founding an association, interacting with international organizations, and receiving financial support from abroad. Associations are required to provide detailed documents on such activities, and representatives of associations said this placed an undue burden on their operations.

Foreign associations wishing to conduct programs in the country are required to receive separate permission from the Interior Ministry for each activity. They are also required to submit detailed reports to the government on each activity, despite the fact that local partners are also required to report on the same projects.

According to the Third Sector Foundation of Turkey, an NGO advocacy organization, the criteria for NGOs to obtain public benefit status, entitling them to certain tax exemptions, are 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.

In May the High Court of Appeals ordered the closure of the teachers' union Egitim-Sen on the grounds that the union's bylaws violated the constitution by advocating the right of individuals to receive education in their mother tongue (see section 6.a.).

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, the government imposed some restrictions on Muslim and other religious groups.

The law 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 has responsibility for regulating the operation of the country's 75,000 registered mosques and employing local and provincial imams, who are civil servants. Some 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 estimate 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 Shi'a 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 radical Sunnis maintain that Alevis are not Muslims.

Alevi "*cem* houses" (places of gathering) have no legal status as places of worship. Alevis in the Kartal district of Istanbul continued to fight a court battle against a decision by local authorities to deny them permission to build a *cem* house.

In January Alevis in the Cankaya district of Ankara applied to acquire property to open a *cem* house. Municipal authorities consulted the Diyanet, which issued a letter stating that Alevis in Cankaya did not need a *cem* house because they could worship at a local mosque. Also in January the Diyanet issued a letter to authorities in the Sultanbeyli district of Istanbul stating that *cem* houses violated Islamic principles and the law. The letter was sent in response to an application to build a *cem* house.

Mystical Sufi and other religious-social orders (*tarikats*) and lodges (*cemaats*) have been banned officially since the mid-1920s; however, religious-social orders and lodges remained active and widespread. Some prominent political and social leaders continued to associate with religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations (GDF), regulates some activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Jehovah's Witnesses reported continuing official harassment of their worship services because they are not members of an officially recognized religion. In June authorities sealed a kingdom hall (place of worship) used by members of

the Jehovah's Witnesses in Akcay, Balikesir Province.

Religious affiliation is listed on national identity cards. Some religious groups, such as the Baha'i, are unable to state their religion on their cards because their religion is not included among the options; they have made their concerns known to the government. There were reports that local officials harassed some persons who converted from Islam to another religion when they sought to amend their cards. Some non-Muslims maintained that listing religious affiliation on the cards exposes them to discrimination and harassment.

Secularists in the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they label as proponents of Islamic fundamentalism. These groups view religious fundamentalism as a threat to the secular state. They do not clearly define fundamentalism, but they assert that it is an attempt to impose the rule of *Shari'a* in all civil and criminal matters. The NSC categorizes religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, some 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 sometimes 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.

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 NCOs were sometimes dismissed for maintaining ties to what the military considered to be Islamic fundamentalist organizations, despite repeated warnings from superior officers.

In February a military court reportedly dismissed the deputy commander of the Jandarma command in Ardahan for worshipping at a mosque while wearing his uniform.

The government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's dwindling 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. Members of the Greek Orthodox community said these restrictions threatened the survival of the patriarchate in Istanbul, because, with fewer than 2,500 Greek Orthodox persons remaining in the country, the community was becoming too small to maintain the institution.

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. Police occasionally prohibited Christians from holding services in private apartments, and prosecutors sometimes opened cases against Christians for holding unauthorized gatherings.

In June the Council of State, a high administrative appeals court, ruled that the Batikent Protestant Church in Ankara was entitled to receive water from the municipality at no cost. The court determined that the municipality had been violating the principle of equality by supplying free water to mosques but not churches. A lower court had rejected the church's request for free water.

In September Roman Catholic authorities decided to close the Bebekli church in Adana because noise from an adjacent wedding hall had been interfering with church services. Catholic authorities said municipal officials failed to enforce zoning regulations requiring a 10-meter offset around the church building.

Some local officials continued to impose standards, such as minimum space requirements, on churches while failing to apply them to mosques.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The government closed the seminary in 1971, when the government nationalized all private institutions of higher learning. 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 some cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

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.

The government waged a public campaign against Christian missionary activity. The Diyanet drafted an antimissionary sermon and distributed it to imams. The sermon, delivered in mosques across the country in March, depicted missionaries as part of a plot by foreign powers to "steal the beliefs of our young people and children." In June the

Diyanet published a book on missionaries in which the author stated that "missionaries and the Crusades are related." The author further claimed that Muslims throughout history have never tried to convert non-Muslims and have only explained their beliefs "in an honest fashion," whereas Christian missionaries have used "all means, including the use of sheer force." The Diyanet distributed the book free of charge to parliamentarians and students.

Authorities continued to enforce a long-term ban on the wearing of headscarves at universities and by civil servants in public buildings. Women who wore headscarves and persons who actively showed support for those who defied the ban were disciplined or lost their jobs in the public sector as nurses and teachers. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class.

In May Constitutional Court president Mustafa Bumin and speaker of parliament Bulent Arinc engaged in a public dispute over the headscarf ban. Bumin asserted in a speech that the Constitutional Court would annul any parliamentary legislation aimed at lifting the ban; Arinc replied that parliament has the authority to close the court.

In November the ECHR Grand Chamber upheld a 2004 ECHR ruling that the ban on Islamic headscarves in the country's universities was not unlawful.

The law establishes eight years of compulsory secular education for students. After completing the eight years, students may pursue study at *imam hatip* (Islamic preacher) high schools. *Imam hatip* schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance exam 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 law establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, some religious minorities--such as Protestants--faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The government claims the religion courses cover the range of world religions; however, religious minorities say the courses reflect Sunni Islamic doctrine.

Many Alevis alleged discrimination in the government's failure to include any of their doctrines or beliefs in the religion courses. An Alevi parent in 2004 filed suit in the ECHR charging that the mandatory religion courses violate religious freedom; the case was ongoing at year's end.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. Such schools are required to appoint a Muslim as deputy principal; reportedly these deputies had more authority than their nominal supervisors. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Only children 12 and older could legally register for official Koran courses, and Mazlum-Der reported that police often raided illegal courses for younger children. According to Mazlum-Der, in two separate incidents in March, law enforcement authorities raided a Koran course in Kabala, Mardin Province, detaining 30 persons, and a course in Tarakli, Sakarya Province, detaining 3 persons.

In June parliament adopted a law reducing the prison term for those convicted of operating illegal educational courses, including illegal Koran classes, and allowing courts to issue fines instead of prison sentences.

Some religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the government in the past and continued to fight ongoing efforts by the government 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 341 applications by non-Muslim foundations to acquire legal ownership of properties. However, the legislation does not allow the foundations to reclaim hundreds of properties expropriated by the state over the years. Foundations have also been unable to acquire legal ownership of properties registered under names of third parties, including properties registered under the names of saints or archangels, during periods when foundations could not own property in their own name.

Societal Abuses and Discrimination

Proselytizing is often considered socially unacceptable; Christians performing missionary work were sometimes

beaten and insulted. Police officers may report students who meet with Christian missionaries to their families or to university authorities.

There was an increase during the year in anti-Christian media coverage, threats against Christians, and attacks on churches.

ATV broadcast a report in January mixing coverage of a Protestant church with footage of a sex cult. In May the Islamist daily *Yeni Safak* published an interview with a person who claimed missionaries were using hypnosis to convert Muslims.

In January a group of 60 to 70 nationalists gathered outside Dirilis Protestant Church in Istanbul, chanted slogans, vandalized the premises, and beat the landlord when he confronted them. Police subsequently refused to provide protection for the church on the grounds that the property is not an officially registered place of worship. Police later detained three suspects believed to have participated in the protest.

In April unknown assailants broke the windows of the International Protestant Church of Ankara and threw two Molotov cocktails into the building, damaging the carpet and walls. The church was empty at the time. One month before the attack, the church received an email from a group threatening to kill Christians.

In May unknown individuals painted a red swastika on the apartment door of a Protestant pastor in Izmit and left a threatening letter. Also in May a Christian couple in Kayseri received two e-mails from an unknown party threatening to kill them because of their religious faith.

Protestants in Tarsus claimed they were subject to repeated threats and harassment during the year, including from individual law enforcement officials and municipal officials.

In August co-workers at an Istanbul clothing company reportedly beat Bektas Erdogan, a Christian, while accusing him of "missionary work" and "brainwashing." Erdogan claimed his supervisor attempted to shoot him, but the gun failed to fire.

In November unknown assailants attempted to set fire to the St. Paul Cultural Center, a Protestant facility in Antalya.

In April Syriacs who had recently returned from abroad to the southeastern village of Sari discovered an explosive device in an orchard where they were planning to restart cultivation. In June a landmine exploded in the village of Harabele as a car carrying a Syriac bishop and two others passed by. No one was injured in the explosion, and no suspects were identified in either case. Members of the Syriac community said the bomb incidents discouraged Syriacs abroad from returning to the country.

Members of the Syriac community said local villagers, particularly village guards, often occupied the homes of Syriacs who fled the country, refusing to leave when Syriacs attempted to return.

Some 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 said they were effectively blocked from careers in state institutions, a claim supported in a 2004 report by a government human rights body.

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

By year's end there was no verdict in the trial of three members of the Nationalist Movement Party who severely beat Yakup Cindilli, a convert to Christianity, for distributing New Testaments in Bursa Province in 2003.

Trial proceedings were ongoing at year's end in the appeal of Kerim Akbas, who was convicted in 2004 for television broadcasts inciting violence against Christians.

The Jewish community numbered approximately 23 thousand.

At year's end court proceedings continued in the Istanbul trial of 69 suspects charged in connection with the November 2003 terrorist bombings of two synagogues, the British Consulate, and a bank.

Trial proceedings continued in the case of the 2004 bombing of an Istanbul Masonic lodge. It was widely believed in the country that Masons have Zionist and anti-Islamic tendencies; evidence gathered in the investigation indicated that anti-Semitism was at least a partial factor in the attack, which killed two persons and wounded seven. One of the defendants in the case was also a defendant in the case of the November 2003 Istanbul bombings.

In an incident that arose out of the 2003 bombings, a court case was opened in 2004 against the 17-year-old son of one of the alleged perpetrators and 2 journalists on anti-Semitism charges. The charges stemmed from an interview of the youth in the daily *Milliyet*. Two *Milliyet* journalists were charged with providing a platform for incitement against members of another religion. In June an Istanbul court acquitted the journalists, stating that their actions no longer constituted a crime under the revised penal code and press law. The case against the 17-year-old continued at year's end.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, at times the government limited them 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 (military service, for example), or criminal investigation or prosecution. The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. Provincial authorities in the southeast, citing security concerns, denied some villagers access to their fields and high pastures for grazing.

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 remaining from PKK conflict, which began in 1984 and continued at a high level through the 1990s. The government reported that 378 thousand residents "migrated" from the southeast during the conflict, with many others departing before the fighting.

A 2004 law allows persons who suffered material losses during the conflict with the PKK to apply for compensation; however, representatives of NGOs and regional bar associations maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. They also maintained that the commissions reviewing the applications were biased because they included officials from the Interior Ministry, which oversees the police and Jandarma. There was no mechanism for appealing commission decisions.

The Interior Ministry reported that the review commissions received a total of 177,085 applications for compensation under the law through November. By year's end the commissions had processed 12,642 of these applications, approving 4,514 and rejecting 8,128.

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 due to the deteriorating economic and security situation were 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.

Village guards occupied homes abandoned by IDPs and have attacked or intimidated IDPs attempting to return to their homes with official permission. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. The government claimed that a total of 135,294 displaced persons had returned to the region as of October.

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

An administrative regulation provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government exercised its option under the convention of accepting obligations only with respect to refugees from Europe. The government has established a system for providing protection to refugees.

The Office of the UN High Commissioner for Refugees (UNHCR) reported that the government did not return any recognized refugees to a country where they feared persecution during the year; however, the government deported three registered asylum seekers to their country of origin while UNHCR was reviewing their refugee status. The government deported eight Syrian nationals who indicated that they wished to seek asylum in the country but who were not registered with UNHCR at the time they were deported.

According to the government, Europeans recognized as refugees could remain in the country and eventually acquire citizenship; however, it was not clear how often this happened in practice.

The government offered non-European refugees temporary protection while they were waiting to be resettled in another country. The UNHCR conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting the small number of European refugees and asylum seekers. Chechens, many of whom arrived in 2001, reported problems making asylum applications with the government and renewing temporary residence permits.

According to UNHCR, there were indications that Chechens suffered economic hardship because of their lack of a clearly defined legal status made it difficult for them to find employment. The lack of legal status also prevented most Chechen children from enrolling in public schools.

Detained illegal immigrants 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. Even along the eastern border, 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 UNHCR experienced difficulty gaining access to some persons who expressed a wish to seek asylum while in detention and facing deportation. According to the UNHCR, the government deported five persons in this situation during the year, in most cases to their country of origin, without giving the UNHCR an opportunity to assess their possible need for international protection.

Regulations require asylum seekers to apply within 10 days of arrival and submit proof of identity in order to register for temporary asylum, although this deadline was not enforced. An appeal can be lodged within 15 days of a decision by authorities not to receive an asylum claim; after the appeal procedure, rejected applicants are issued a deportation order that can be implemented after 15 days. Asylum seekers arriving in the country after transiting through one or more other countries continued to face difficulties in lodging an application. As a result, some of the refugees and asylum seekers registered with the UNHCR were unable to register with the government or otherwise legalize their status in the country.

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

The law provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. However, the government restricted the activities of some political parties and leaders.

Elections and Political Participation

The 2002 parliamentary elections were held under election laws that the OSCE found established a framework for democratic elections in line with international standards; however, the OSCE mission noted that several parties--notably the AKP, the winner of the elections--faced judicial action aimed at closing them down, and many candidates were also prohibited from running. The OSCE reported that, while there were a substantial number of cases of harassment reported by some political parties and by human rights groups, the elections were generally free and fair.

Political parties and candidates could freely propose themselves and be freely nominated by various elements in the country. 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 Constitutional Court deliberations in the legal case seeking the closure of DEHAP on charges of separatism were ongoing at year's end.

Court proceedings continued in the retrial of Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak, former members of parliament whose April 2004 conviction on charges of being members of, or supporting, the PKK was overturned in July 2004 by the High Court of Appeals.

During the year police raided dozens of DEHAP offices, particularly in the southeast, and detained hundreds of DEHAP officials and members. Jandarma and police regularly harassed DEHAP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DEHAP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism. For example, in October police raided DEHAP offices in the Konak district of Izmir Province, detaining party officials Mehmet Taras and Mahmut Celik; police released Taras the same day and Celik the next day. The raid was reportedly related to plans for holding demonstrations in Bursa Province to protest the prison conditions of Abdullah Ocalan (see section 1.d.).

According to DEHAP, authorities have opened more than 60 investigations and court cases over the past 3 years against party Chairman Tuncer Bakirhan, and jailed 3 party provincial chairman and dozens of party administrators.

In March an Ankara prosecutor opened a case against 12 current and former leaders of the Rights and Freedoms Party for using Kurdish in connection with the party's first congress. Party members were charged with sending invitations to the congress in Kurdish and speaking Kurdish at the event.

There were 24 women in the 550-seat parliament. There was 1 female minister in the 23-member cabinet. There were no female governors but more than 20 female subgovernors.

Although the number was unknown, some minority groups were active in political affairs. Many members of parliament and senior government officials were Kurds.

Government Corruption and Transparency

Corruption within the government was a problem. Proceedings continued at the Supreme Court in the corruption trial of former prime minister Mesut Yilmaz and former state minister Gunes Taner.

An Ankara military court continued proceedings against former naval forces commander Ilhami Erdil, along with relatives and former aides, on corruption charges involving military tenders and expenditures for his official residence.

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

The law provides for public access to government information; however, the government can reject applications on national security and other grounds. HRF requests for information during the year were denied, and there was no opportunity to appeal. The Press Council reported that it received no complaints during the year from journalists regarding access to government information.

In May a national police executive reportedly opened an investigation against 15 police officials who had applied for their own personnel records. The executive deemed the applications illegal and issued a circular advising police personnel not to file such applications.

Section 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. The government met with domestic NGOs (which it defined broadly to include business organizations and labor unions), responded to their inquiries, and sometimes took action in response to their recommendations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14 thousand. 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.

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. The HRA reported that prosecutors opened 47 cases against HRA branches between August 2004 and August and dozens more investigations of the organization and its members during the year.

During the year prosecutors dropped their investigation of the HRA headquarters and Ankara branch office. The investigation was opened following the May 2003 police raid of the facilities.

Amnesty International maintained a headquarters in Istanbul and reported good cooperation with the government during the year. The government also cooperated with international governmental organizations such as the CPT, UNHCR, and the International Organization for Migration (IOM).

Police reportedly harassed and intimidated some human rights activists in the southeast after they met with foreign diplomats.

In March authorities in Nusaybin, Mardin Province, reportedly prevented a delegation from the German Democratic Socialist Party from visiting the relatives of a shepherd allegedly killed by village guards.

In June the National Intelligence Organization reportedly issued a letter to governors in the southeast advising them not to meet with a visiting delegation from the German Protestant Church. According to press reports, the intelligence organization alleged in the letter that the delegation was working to remove restrictions on the PKK in Germany. The government denied that any such letter was sent. Governors and subgovernors in the region uniformly declined to meet with the delegation.

There were government-sponsored human rights councils in all 81 provinces and 850 subprovinces to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. The councils investigated complaints and, when deemed appropriate, referred 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 the councils lacked authority and were not independent, in part because unelected governors and subgovernors served as chairmen.

A Human Rights Presidency (HRP) monitored the implementation of legislation relating to human rights, coordinated with NGOs, and educated public officials. The HRP was generally considered effective. The HRP was attached to the Prime Ministry; it did not have a separate budget, and its resources were limited. Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; a Human Rights Consultation Board (HRCB), which serves as a forum for the exchange of ideas between the government and NGOs; and a Human Rights Investigative Board (HRIB), a special body to be convened only in cases where lower-level investigations are deemed insufficient by the HRP. The HRIB has never been convened.

In March six NGOs--the Society of Forensic Medicine Specialists, the Pir Sultan Abdal Culture Association, the Turkish Medical Association, the Turkish Human Rights Institution Foundation, the Human Rights Foundation, and the Public Administration Institute for Turkey and the Middle East--announced that they were withdrawing from the HRCB because of "government interference" with the body.

The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections.

Section 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 always enforce these provisions effectively. Societal and official violence and discrimination against women and minorities as well as trafficking in persons were problems.

Women

Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse; however, the government generally did not effectively enforce the law. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands. Spousal abuse was considered an extremely private matter involving societal notions of family honor, and few women went to the police.

The Directorate General for the Status of Women reported that 147,784 women were victims of domestic violence from 2001 to 2004. These incidents included 4,957 cases of rape and 3,616 cases of attempted rape. In 2003 6,543 women suffered beatings from family members, and in the first eight months of 2004, 5,214 women suffered beatings.

The law prohibits rape, including spousal rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported.

The government's Institution for Social Services and Orphanages operated 14 shelters for female victims of domestic violence and rape with a total capacity of 259. Municipalities and NGOs also operated a number of shelters. Under legislation adopted in July, municipalities with populations greater than 50 thousand were required to establish shelters for women. During the year a number of municipalities opened shelters, or prepared to do so, in accordance with the legislation.

Honor killings--the killing by immediate family members of women suspected of being unchaste--were a problem. Women's advocacy groups reported that there were dozens of such killings every year, 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 the killing.

In March a 15-year-old girl in Diyarbakir was allegedly raped by her father-in-law who, she claimed, demanded that she prostitute herself in order to earn money. When she refused, relatives allegedly attacked her and cut off her nose. Police arrested her father-in-law and three brothers-in-law. Authorities released the suspects, then arrested them

again after the local bar association took up the case.

In May a 14-year-old boy shot his mother, Birgul Isik, in Elazig as she returned from Istanbul, where she had discussed being beaten by her husband on a television talk show. Her son allegedly shot her for "disgracing the family." Isik died from her wounds in June. Authorities charged the 14-year-old with murder and also charged Isik's husband and a stepson with incitement. The trial continued at year's end.

Dicle University in Diyarbakir conducted a survey on honor killings during the year. The university polled 430 persons in the southeast; 78 percent of those surveyed were men. The survey revealed that 37.4 percent of the respondents believed honor killings were justified if a wife committed adultery, and 21.6 percent believed infidelity justified punishments such as cutting off a wife's ear or nose.

In October an Istanbul court sentenced Mehmet Hanifi Halitogullari to life imprisonment for killing his daughter, Nuran, in 2004. Nuran had been kidnapped and raped, and her father reportedly killed her to "clean the family honor." In October an Istanbul court convicted Irfan and Ferit Toren of killing their sister, Guldunya, in February 2004. A family member reportedly raped and impregnated Guldunya in 2003. She then fled Bitlis for Istanbul, where her brothers shot and killed her. The court sentenced Irfan to life imprisonment and Ferit, a minor at the time of the murder, to 11 years and 8 months' imprisonment.

Trial proceedings continued in the case of Semse Allak, who was killed by relatives in Mardin Province in 2003 for becoming pregnant out of wedlock. Trial proceedings also continued in the case of Kadriye Demirel, who was killed by her 16-year-old brother in Diyarbakir in 2003 for becoming pregnant out of wedlock.

Trial proceedings continued at year's end in the appeal of the 2004 conviction by a Sanliurfa court of 9 relatives of Emine Kizilkurt; the relatives were convicted for their roles in the murder of Kizilkurt, who was 14, after she was raped by a neighbor.

Prostitution is legal; however, police made numerous arrests involving foreigners working illegally as prostitutes.

The law prohibits sexual harassment; however, women's rights activists maintained that sexual harassment was common and the law was rarely enforced.

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 to varying degrees and were generally underrepresented in managerial-level positions as well as in government. 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 trade, restaurant, and hotel sectors worked as unpaid family labor.

Children

The government was committed to furthering children's welfare and worked to expand opportunities in education and health. The Children's Rights Monitoring and Assessment High Council monitored compliance with the Children's Rights Convention.

Government-provided education through age 14 or the eighth grade is free, universal, and compulsory. The maximum age to which public schooling was provided was 18. Traditional family values in rural areas placed a greater emphasis on education for sons than for daughters. According to the government, 95.4 percent of girls and 99.2 percent of boys in the country attended primary school; however, the UN reported during the year that in the eastern and southeastern regions of the country more than 50 percent of girls between 6 and 14 did not attend school.

The government provides health services to citizens who lack health insurance. Children of parents with health insurance are covered under their parents' plans. Boys and girls have equal access to health care.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives (see section 5, Women). In October police arrested five employees of the Malatya state orphanage in connection with an investigation into the alleged torture and abuse of children at the institution (see section 1.c.).

Child marriage occurred. The legal age of marriage in the country is 18 for both boys and girls. A judge can authorize a marriage at age 17 under "extraordinary circumstances"; the law requires judges to consult with parents or

guardians before making such a decision. However, children as young as 12 were at times married in unofficial religious ceremonies. Families sometimes engaged in "cradle arrangements," agreeing that their newborn children would marry at a later date, well before reaching the legal age.

Women's rights activists say underage marriage has become less common in the country in recent years, but is still practiced in rural, poverty-stricken regions. Activists maintained that girls who married below the legal age often had children shortly thereafter and suffered physical and psychological trauma as a result. Arranged marriages have been cited as a cause of suicides among girls, particularly in the southeast.

In December two sociologists published the results of their one-year study on child prostitution in Istanbul. They estimated there were 300 to 400 girls under 18 working in the sex trade in the city.

Trafficking of children was a problem (see section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

The State Ministry in Charge of Family Affairs oversaw implementation of official programs for street children.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports of trafficking in women and children to, from, and within the country for the purpose of sexual exploitation. There were allegations that police corruption at all levels contributed to the trafficking problem.

The law punishes trafficking with prison terms ranging from 8 to 12 years' imprisonment in addition to heavy fines. The new penal code came into effect in June and specifically addresses trafficking as a crime. However, prosecutors have mostly tended to use other articles that regulate prostitution, rather than the new law on trafficking, which has rendered the new law nearly ineffective. The government reported that prosecutors opened 75 cases against alleged traffickers during the year through September. Courts convicted 29 defendants and acquitted 75 on trafficking charges during that period. Several cases were ongoing at year's end.

An ambassador-level official at the Ministry of Foreign Affairs serves as national coordinator for the government's Task Force on Human Trafficking, which is composed of representatives from the ministries of health, interior, justice, finance, and labor, among others. The government actively participated in international antitrafficking investigations. During the year the government expanded bilateral and multilateral protocols with neighboring countries and regional groups to include antitrafficking law enforcement agreements.

Source country officials reported that central government offices did provide information on trafficking matters in a somewhat timely manner, but dealings with offices outside Ankara were slow and difficult. One source country NGO reported that it took the government more than three months to respond to each of its requests to assist trafficking victims.

The country was a destination and source for trafficked persons. The government placed at 235 the number of identified trafficking victims during the year. Various NGOs operating in the country and in neighboring source countries estimated the number of trafficking victims to be nearly 10 times that figure. Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, were at the greatest risk of being trafficked into the country. The most identified foreign victims were trafficked for sexual exploitation and were found in Istanbul, Ankara, and Antalya, although victims were identified in cities all around the country. Nearly all of them were treated for sexually transmitted diseases. There were media reports of Turks being trafficked internally and externally. Newspapers reported that British police raided a massage parlor in Birmingham, United Kingdom, in early October and found 2 Turks among 19 women trafficked for sexual exploitation. According to NGOs working in the field, the number of women trafficked internally for sexual exploitation was increasing.

Internal trafficking was a problem. Most trafficking activity within the country occurred in Istanbul, Antalya, Ankara, Mersin, and Trabzon. For example, in September a 14-year-old runaway girl was reportedly held captive in Antalya and forced to have sexual relations with numerous men. She was rescued by police, and the traffickers were arrested and charged with trafficking. The case was pending at year's end.

Foreign victims trafficked to the country were typically recruited by small networks of foreign nationals and Turkish citizens who relied on referrals and recruitment from friends and family members in the source country. Some victims answered newspaper advertisements or enlisted the help of job agencies in the source country. The victims often did not know where they were going or which airlines they were using. Some victims reportedly arrived in the country knowing that they would work illegally in the sex industry; however, most arrived believing they would work as models, waitresses, dancers, domestic servants, or in other regular employment. Traffickers typically confiscated victims' documents, then confined, raped, beat, starved, and intimidated them by threatening their families and ultimately forced them into prostitution.

Not all trafficking cases were for sexual purposes. One foreign victim was saved from domestic servitude after calling the trafficking hot line. The media reported that young Turkish men and women, many underage, were recruited to work in brick factories in Tekirdag Province, receiving little or no salaries and living in hazardous conditions on site.

A Moldovan mother recounted a common trafficking scenario. She was lured to the country with the promise she would earn \$300 (409 lira) per month as a domestic helper and nanny. After her arrival, her captors locked her in a dark basement, then deprived her of food and tortured her until she submitted to prostitution. The victim asserted that she only left the premises three times in five years, twice at night and once when she was rescued. Claiming that Turkish men liked plump women, the traffickers fed the victim "serum" to fatten her up and did not allow her to exercise. Police rescued the victim in August after she called the trafficking hot line. After a stay at the Istanbul shelter, the victim returned to her children in Moldova.

There were credible reports that the government continued its practice of processing trafficking cases as voluntary prostitution and illegal migration. Source country NGOs reported that 226 victims of trafficking either voluntarily left or were deported during the year. There were allegations that the government had deported more than 80 women by sea to Odessa; many of them were not Ukrainian citizens. In Ukraine NGOs identified the women as trafficking victims and repatriated them to their home country.

The first shelter for trafficking victims in the country was located in Istanbul and operated by the Istanbul municipality and the Human Resources Development Foundation, an NGO. The facility sheltered 135 victims during the year. While the 10-bed shelter was generally filled to capacity, the government continued to shelter trafficking victims at battered women's shelters, when available, or in detention centers where the victims were kept separate from inmates.

In October authorities opened a second shelter for victims of trafficking in Ankara. The Foundation for Women's Solidarity, an NGO, operated the shelter and sheltered five victims of trafficking during the year.

The health and justice ministries provided free medical and legal services to foreign victims choosing to remain in the country. By the end of October the Ministry of Interior had issued eight humanitarian visas, which allowed victims to remain in the country for a maximum of six months. The government did not have a repatriation program for victims.

In May the government, in cooperation with IOM, began a multi-country trafficking in persons' prevention and public awareness campaign, including the establishment of a toll-free hotline for victims. Television commercials in Ukraine, Moldova, and Turkey, posters and billboards in major airports and seaports in each country, inserts given at passport control booths to the targeted group of women, and a Russian/Turkish periodical distributed by Turkish consulates in all Russian-speaking posts advertised the hot line in Turkish, Romanian, Russian, and English. The operations division of the general command of the Jandarma published an additional 150 thousand copies of a pamphlet in Turkish, Russian, and English outlining what trafficking is, how to recognize victims, and what to do if someone suspects trafficking.

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. Although they suffered from a lack of economic opportunity, there was no societal discrimination. 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.

In September Mental Disability Rights International released a report stating that people with mental disabilities in the country were subject to treatment "tantamount to torture." The international NGO, which conducted a two-year study in the country, claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in "prison-like incarceration." Specific abuses listed in the report included: mental patients committed to psychiatric hospitals without judicial review; excessive use of painful electroconvulsive shock treatment without anesthesia or muscle relaxant; use of shock treatment on young children; malnutrition and dehydration of patients; lack of rehabilitation and physical therapy; and excessive use of physical restraints, including children tied to beds for extended periods.

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.

The government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications (see Section 2.a.).

In February the HRA Istanbul branch sent a letter to the education minister protesting a poetry book published by the ministry. According to the HRA, the book, *On This Path*, has racist statements about Armenians, including "Are you human, you Armenian?" and "Armenian lower than a *Russian*." The HRA requested that the ministry remove the book from the curriculum. There were no further developments at year's end.

A number of private Kurdish language courses closed during the year, citing a lack of students. Kurdish rights advocates said many Kurds could not afford to enroll in private classes. They also maintained that many potential applicants were intimidated because authorities required those enrolling in the courses to provide extensive documents, including police records that were not required for other courses. They maintained that the requirements intimidated prospective applicants, who feared police were keeping records on students taking the courses.

No official estimate of the Romani population existed. The International Romani Studies Network (IRSN) released a report during the year that estimated the Romani population at approximately 2 million. According to the report, Roma faced significant discrimination, and the national media consistently portrayed them in ways that supported negative stereotypes. IRSN reported that Roma were more consistently undereducated and underemployed, suffered much higher levels of ill-health, higher incidences of discrimination based on ethnicity, and had poorer housing than any other group in the country. The report maintained that there were virtually no positive role models for Romani youth other than musicians and that Roma who achieved success generally felt the need to hide their ethnic identity.

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

Other Societal Abuses and Discrimination

While the law does not explicitly discriminate against homosexuals, representatives of the 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 to punish homosexuality. Gay and lesbian rights activists maintained that homosexuals risked losing their jobs if they disclosed their sexual orientation and said the law did not protect their rights in such circumstances.

In September the Ankara governor's office applied to the public prosecutor for the closure of Kaos GL after the organization applied for association status. The governor's office maintained that the organization's name and the goals stated in its bylaw—including the defense of gay and lesbian rights—were against the moral values of the country. However, the prosecutor's office, citing international conventions on human rights, determined in October that the organization had not violated the law, and the organization became a legal association.

Section 6 Worker Rights

a. The Right of Association

The law provides some but not all workers with the right to associate and form unions subject to diverse restrictions; some workers exercised this right in practice. The government maintains some restrictions on the right of association. Unions are required to obtain official permission to hold meetings or rallies and to allow government representatives to attend their conventions and record the proceedings; however, these requirements were not always enforced. Prosecutors could ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions based on alleged violation of specific legal norms. Approximately 25 percent of the wage and salary workers in the labor force was unionized.

In May the High Court of Appeals ordered the closure of the teachers' union Egitim-Sen on the grounds that the union's bylaw violated the constitution by advocating the right of individuals to receive education in their mother tongue. In June an attorney for the union filed an appeal with the ECHR. In July Egitim-Sen removed the controversial article from its bylaws, enabling the union to avoid closure while the ECHR case was pending. According to Egitim-Sen, authorities began to pursue the case after the military General Staff sent a letter to the Labor Ministry in 2003 asserting that the bylaw violated the constitution.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. Union representatives claimed that employers sometimes fired workers because they had joined a union, using alleged incompetence or economic crises as a pretext. Fired workers have the right to appeal the decision of their employer, but under the law the employer is generally not obligated to reinstate the worker.

b. The Right to Organize and Bargain Collectively

The ability of unions to conduct their activities, including collective bargaining, is subject both in law and in practice to diverse government restrictions and interference. Industrial workers and public sector employees 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. In June the International Confederation of Free Trade Unions claimed that the law resulted in workers in many sectors not being covered by collective agreements.

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. A union that failed to comply with these steps forfeited its right to strike. The law prohibits unions from engaging in secondary (solidarity), political, or general strikes--strikes involving multiple unions over a large geographical area--or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

The law allows the government to suspend strikes for 60 days on national security or public health and safety grounds. Unions may petition the Council of State to lift such a suspension. If an appeal failed and the parties and mediators failed to resolve the dispute, a strike is subject to compulsory arbitration at the end of the 60-day period.

The law prohibits strikes by civil servants, public workers engaged in the protection of life and property, the mining and petroleum industries, sanitation services, national defense, 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; while some illegal strikers were dismissed, in most cases employers did not retaliate.

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 such practices occurred (see section 5).

Some parents forced their children to work on the streets and to beg (see Section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

There are comprehensive laws or policies to protect children from exploitation in the workplace, and the government generally sought to implement them but was hampered by lack of personnel and resources. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than 8 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 children attending school from working more than 2 hours per day or 10 hours per week.

The Ministry of Labor 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 small-scale agricultural enterprises, maritime and air transportation, family handicraft businesses, and small shops.

Nonetheless, child labor was widespread. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 948 thousand in 2003 to 764 thousand in 2004; however, some observers claimed that there were no reliable statistics in this field and that the actual number of working children was rising.

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 Labor Ministry, 65 percent of child labor occurred in the agricultural sector. However, some observers maintained that the bulk of child labor had shifted to urban areas as rural families migrated to cities. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy.

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 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. There were 298 centers located in 81 cities; these centers provided apprenticeship training in 113 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.

Children were trafficked for sexual exploitation (see section 5).

There were no reliable statistics for the number of children working on the streets nationwide. The government

operated 28 centers to assist such children.

e. Acceptable Conditions of Work

The Minimum Wage Commission, a tripartite government-industry-union body that reviews the minimum wage every six months, set the minimum monthly wage for the second half of the year at approximately \$360 (489 lira) per month, which did not provide a decent standard of living for a worker and family. However, most workers earned considerably more than the minimum wage. Approximately one-third of the labor force was covered by the labor law and received fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 63 percent of total compensation.

The law establishes a 45-hour workweek with a weekly rest day, and limits overtime to 3 hours per day for up to 90 days a year. 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 government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which included employee and employer representatives as well as safety inspectors, determined that the operation endangered workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in inadequate attention to occupational safety and health by workers and employers alike. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and they did so in practice.



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