

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	344
Land:	Tyrkiet
Kilde:	US Department of State.
Titel:	2012 Country Reports on Human Rights Practices.
Udgivet:	19. april 2013
Optaget på baggrundsmaterialet:	3. juli 2013

2012 Country Reports on Human Rights Practices - Turkey

Publisher [United States Department of State](#)

Publication Date 19 April 2013

Cite as United States Department of State, *2012 Country Reports on Human Rights Practices - Turkey*, 19 April 2013, available at: <http://www.refworld.org/docid/517e6dc114.html> [accessed 11 July 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

EXECUTIVE SUMMARY

Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers. Legislative authority is vested in the unicameral Grand National Assembly (parliament). In the June 2011 parliamentary elections, considered generally free and fair, the Justice and Development Party (AKP) formed a parliamentary majority under Prime Minister Recep Tayyip Erdogan. Civilian authorities maintained effective control of the security forces.

The most significant human rights problems during the year were:

Deficiencies in effective access to justice: Broad laws against terrorism and other threats to the state and a lack of transparency in the prosecution of such cases significantly restricted access to justice. While legal reforms led to the release of thousands from jail, the judicial system was politicized and overburdened and authorities continued to engage in arbitrary arrests, hold detainees for lengthy and indefinite periods in pretrial detention, and conduct extended trials. The secrecy of investigation orders also allowed authorities to limit defense access to evidence and fueled concerns about the effectiveness of judicial protections for suspects. The close connection between prosecutors and judges gave the appearance of impropriety and bias, while broad authority granted to prosecutors and judges contributed to inconsistent and uncertain application of criminal laws, particularly during expansive investigations related to state security.

Government interference with freedom of expression: The penal code and antiterror law retain multiple articles that restrict freedom of the press and the Internet. Authorities imprisoned scores of journalists who remained incarcerated at year's end, most charged under antiterror laws or for connections to an illegal organization. As a result of the Third Judicial Reform Package, the publication of approximately 400 books was no longer prohibited. Journalists, academics, and authors reported self-censorship was common because individuals in many cases were afraid that

criticizing the state or government publicly could result in civil or criminal suits or investigations. Political leaders, including the prime minister, sued their critics for defamation. The government harassed and prosecuted persons sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Authorities detained thousands of persons, including many students, during legal demonstrations and charged many under antiterror laws, significantly limiting freedom of assembly.

Inadequate protection of vulnerable populations: The government did not effectively protect vulnerable populations, including women, children, and lesbian, gay, bisexual, and transgender (LGBT) individuals, from societal abuse, discrimination, and violence. While the passage of a new domestic violence law showed progress, violence against women, including so-called honor killings, remained a significant problem. Child marriage persisted.

Other significant human rights problems during the year included: Security forces committed unlawful killings. Authorities obstructed demonstrations. Security forces allegedly used excessive force during sometimes violent protests related to the Kurdish issue, students' rights, and labor and opposition activities. The government obstructed the activities of human rights organizations, particularly in the Southeast.

Impunity remained a problem. The government investigated reports of abuse by security forces, but the number of arrests and prosecutions was low, and convictions remained rare, although the number increased from previous years.

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

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed politically motivated killings. However, hundreds of security personnel, members of the Kurdistan Workers' Party (PKK) terrorist organization, and civilians were killed in the three-decade-old conflict with the PKK. Government sources indicated that the number of civilian and security personnel deaths decreased from 2011 while the number of alleged terrorists killed increased. The International Crisis Group estimated that 711 citizens were killed in the conflict from mid-June 2011 to mid-August 2012, concluding it was the most violent year for the country's PKK conflict since 1999.

The domestic nongovernmental organization (NGO) Human Rights Foundation (HRF) alleged that police, military, and Jandarma, a paramilitary force under the joint control of the Ministry of Interior and the military charged with policing rural areas, were responsible for 35 civilian deaths and 38 serious injuries through November 30, primarily due to airstrikes or the use of firearms. The number of civilian deaths decreased from 2011.

Human rights organizations and the opposition alleged that security forces caused the deaths of approximately four persons during demonstrations. Human rights organizations continued to assert that the government's failure to delineate clearly in the law appropriate situations for the use of lethal force contributed to cases of disproportionate use of force.

Reports from the security forces (military, Turkish National Police (TNP), and Jandarma) estimated that 17 civilians were killed and 65 were injured in armed clashes related to the struggle against the

PKK in the first 10 months of the year. Approximately 147 members of the security forces were killed and 813 injured in the first 10 months of the year. The Ministry of Defense announced that 560 alleged terrorists were killed, 24 were injured, and 71 captured inside the country during the year. Most of the clashes between the PKK and security forces occurred in the Southeast.

During the year the government used military aircraft or ground operations on 55 occasions to attack areas where the PKK was active in northern Iraq. The Ministry of Defense reported that 413 persons alleged to be terrorists were killed and 304 were injured during such operations. According to press reports, an airstrike killed two civilians in the Iraqi province of Sulaymaniyah on November 7. In October the parliament also authorized troops to launch cross-border action and strikes against Syrian targets, if required by the government.

In December 2011 military aircraft killed 34 civilians, including 17 children, near the town of Uludere, near the Iraqi border, in an airstrike targeting the PKK. A parliamentary commission examined the incident but had not released its final report by year's end. The Diyarbakir public prosecutor's office also did not conclude its investigation. Opposition and human rights organizations alleged that the incident was the result of a failure to implement adequate controls to safeguard civilian life, accused the government of delaying the report for political purposes, and asserted that the delays were consistent with government reluctance to account for official wrongdoing.

According to the Jandarma, landmines killed three civilians and 32 security personnel and injured 24 civilians and 109 security personnel during the year. The HRF reported that land mines and unattended explosives killed 14 civilians and injured 34 during the year.

In addition to dozens of clashes with Turkish security forces and police, on September 19, PKK militants shot and killed civilian government prosecutor Murat Uzun in Tunceli. An investigation into his death was underway at year's end. Other attacks on civilians included one by two PKK militants, who detonated a suicide car bomb in central Kayseri province on May 26, killing themselves and one police officer and injuring 18 persons. On August 20, a bomb exploded aboard a bus in the southeastern city of Gaziantep, killing 11 civilians, including five children, and wounding 69. As the PKK denied responsibility, press reports suggested the Kurdistan Freedom Hawks, a separate terrorist organization, committed the attack.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

According to the European Commission October progress report, there was an increase in kidnappings perpetrated by the PKK in 2012, including numerous instances of government officials, soldiers, and civilians held hostage. Republican People's Party (CHP) parliamentarian Huseyin Aygun was kidnapped in Tunceli on August 12 and released on August 14, the first time a parliamentarian had been kidnapped since the struggle against the PKK began in the 1980s.

The 2012 annual report of the UN Office of the High Commissioner on Human Rights' Working Group on Enforced and Involuntary Disappearances stated that the country still had 60 unresolved disappearance cases. Authorities did not make progress investigating previous cases of

disappearances, many of which dated back to the early 1990s. In a September report Human Rights Watch warned that many of these cases would reach the 20-year statute of limitations by 2014.

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

The constitution and law prohibit such practices, but there were reports that some government officials employed them. Human rights organizations continued to report cases of alleged torture and abuse, especially while the alleged victim was in police custody but not in a place of detention, during demonstrations, and during transfer to prison. They alleged that torture and abuse largely occurred outside of detention centers in more informal venues where it was harder to document.

Prosecutors investigated allegations of abuse and torture by security forces during the year but rarely convicted or punished offenders. Authorities typically allowed officers accused of abuse to remain on duty during their trial. In its October progress report on Turkey, the European Commission noted that law enforcement bodies regularly filed countersuits against persons who alleged torture or mistreatment. In many instances the courts gave such cases priority. Domestic human rights organizations claimed this practice deterred victims of abuse from filing complaints.

A number of human rights observers claimed that only a limited number of detainees reported torture and abuse because many feared retaliation or believed complaining to be futile. Human rights organizations documented several cases of prison guards beating inmates and maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses, such as speaking out against the government. They also noted that LGBT persons, particularly gay men, were subject to abuse and harassment by police on "moral" grounds.

The HRF received 553 allegations of incidents of torture. Of these, 220 allegedly occurred during the year and the rest occurred in previous years. The Jandarma reported that it received 62 allegations of torture, while the TNP reported 26 allegations, 25 of which it dismissed, with one case continuing at year's end. In addition the Jandarma Human Rights Violation Research and Evaluation Center received 178 complaints, of which it investigated 10 cases and dismissed 168.

In July 2011 police took Fevziye Cengiz into custody because she did not have her identification card while at a nightclub with her husband in Izmir. Cengiz claimed abuse while in custody; the officers subsequently filed a countercomplaint, and in September 2011 prosecutors charged Cengiz with "injuring and insulting a civil servant." In November 2011 prosecutors charged the two police officers with "using excessive force" after an official videotape of her arrest showed Cengiz being beaten and slapped by officers while handcuffed. In February authorities transferred the officers to other duties in Istanbul and took them into custody in October to await trial. Judicial proceedings continued at year's end.

The government continued to pursue efforts to ensure compliance with legal safeguards to prevent torture and mistreatment through its ongoing campaign of "zero tolerance" for torture. The TNP reported that, in line with the zero tolerance for torture policy, it installed digital audio and video systems in 1,839 of 2,122 detention centers and testimony rooms, up from only 15 systems that were installed in 2011. The TNP also issued a new directive to prevent the use of excessive force during TNP interventions at public events and demonstrations as well as a directive on tear gas weapons and munitions to educate officers on the appropriate use of these instruments.

According to the parliamentary Human Rights Investigation Commission, 175 military conscripts committed suicide between June 2010 and the end of 2012. The Soldiers' Rights Platform, a Turkish NGO monitoring human rights abuses and violations in the military, documented that the most common reasons for suicide were insults, beatings, and other abuses such as excessive physical activity, denial of access to proper health care, and institutionalized bullying. Increased media attention to the number of suicides prompted an official investigation by the chief of the general staff in December into the causes and circumstances surrounding suicides in the military.

Prison and Detention Center Conditions

Prison facilities remained inadequate and did not meet international standards. Underfunding was a problem and overcrowding was also problematic, although human rights organizations noted significant improvement following the passage of the Third Judicial Package in July. This package of legal reforms contained a number of provisions amending administrative procedures, enforcement, criminal and bankruptcy law. According to official government statistics, approximately 20,000 persons were released from jail because of Third Judicial Package reforms regarding releases pending trial or redefinition of crimes.

Physical Conditions: As of December 31, the Ministry of Justice reported the country had 373 prisons with a designed capacity of 141,775 that held 136,020 inmates, including 31,707 persons in pretrial detention and 104,313 who had been convicted. The military reported that 25 military prisons with a capacity of 5,300 inmates held 56 prisoners and 671 detainees. Authorities occasionally held detainees together with convicts as well as juveniles with adults. They sometimes held inmates convicted of nonviolent, speech-related offenses in high-security prisons.

As of May 31, 4,609 women were in prison, including 1,818 in pretrial detention. As of October 8, there were 1,917 children in prison, including 1,518 in pretrial detention. There were 693 children in prisons specifically for juveniles while 1,224 were in adult prisons in private wards. Human rights activists noted that children were not fully separated from adults in all prisons.

The domestic NGO Human Rights Association (HRA) forwarded allegations of sexual abuse of juveniles at the Pozanti Prison in Adana to the government in July 2011. According to the HRA, authorities put juveniles arrested on political grounds in cells together with violent offenders, who subsequently abused them. In March the Ministry of Justice transferred 200 juveniles out of Pozanti, reassigned four guards and released a report recommending the prosecution of 18 inmates, four high-ranking prison officials, and two prison guards. The case continued at year's end.

The HRF reported 69 suspicious deaths of inmates and detainees during the year. The Ministry of Justice reported that, as of October 8, 139 inmates and 42 detainees had died in prison. The Turkish General Staff reported there were no deaths of detainees or convicts in military prisons during the year.

Fires broke out in Sanliurfa, Karaman, Adana, Gaziantep, and Osmaniye prisons in central and southeastern Turkey on June 16, 18, and 19, resulting in 13 deaths and 89 injuries. According to the government, the fires resulted from prisoner protests and riots; human rights organizations reported that overcrowding and poor ventilation contributed to the severity of the fires. An investigation continued at year's end.

According to human rights organizations, prisoners generally had access to potable water, proper heating, ventilation, and lighting.

The Council of Europe's Committee for the Prevention of Torture (CPT) made an ad hoc visit to the country on June 21-28 to examine the Pozanti allegations and prison fires. The CPT also raised issues related to the situation of PKK leader Abdullah Ocalan and other prisoners held at Imrali high-security closed prison. The CPT had not released its report on the visit by year's end. In response to the visit, authorities issued a circular to all central and provincial police units that emphasized the need to avoid mistreatment and excessive use of force.

Human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. According to the HRA, prisoners receiving medical care often received hostile treatment from guards and doctors, particularly if they requested guards leave the examination room or remove handcuffs. No specific cases of denial of health care to prisoners were reported.

From September 12 through November 18, hundreds of Kurdish inmates staged a 68-day hunger strike, primarily in protest over PKK leader Abdullah Ocalan's alleged isolation and lack of access to lawyers. Government officials noted that the law provided for lawyer visits to sentenced convicts only for limited personal family reasons. The strikes ended immediately upon Ocalan's call to suspend them.

Administration: Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to see a judge once a month, although there was no prison ombudsman institution. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner or take actions to hold perpetrators accountable.

Monitoring: The parliament's Human Rights Investigation Commission (HRIC) reported open authorization to visit and observe military prisons. The HRIC visited 11 civilian prisons and two military prisons during the year. The government permitted prison visits by representatives of some international and domestic human rights organizations, including journalists' groups and EU parliamentary delegations.

Improvements: While overcrowding remained an issue, human rights organizations noted significant improvement following the July 5 passage of the Third Judicial Package, which contained a number of provisions amending administrative procedures, enforcement, criminal and bankruptcy law. According to official government statistics, approximately 20,000 persons were released from jail because of Third Judicial Package reforms regarding releases pending trial or the redefinition of crimes.

During the year prison personnel began receiving five months of training before they started duty. In addition in September the government, in conjunction with the EU, completed a program that trained over 18,000 prison staff on providing professional, effective, and efficient prison services.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. There were numerous reports of government not observing these prohibitions in practice.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control of the security forces. The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma is responsible for specific border sectors where smuggling is common, although the military has overall responsibility for border control and overall external security. Village guards, who report to the Jandarma, are a civil defense force that assisted the state in fighting the armed opposition in the Southeast.

As of October 1, authorities dismissed 236 Turkish General Staff personnel for disciplinary and moral reasons but none for excessive use of force. As of October 8, the TNP reported that 870 investigations were opened against TNP personnel for excessive use of force, with 674 indictments. Authorities did not dismiss any Jandarma for excessive use of force, although they were investigating three cases at year's end.

Village guards, a civilian force that reports to the Jandarma, were less professional and disciplined than other security forces and were accused in past years of attacking civilians, destroying homes and property, drug trafficking, corruption, theft, rape, and other abuses. Kurdish activists demanded their disbandment. According to the Jandarma, the number of village guards increased to 45,861 from 45,081 in 2011, a reversal from the downward trend in the size of the force in previous years. Seven nonspecific complaints were filed against the guards, and Kurdish and human rights organizations continued to criticize the guards for violations and previous cases of impunity.

According to Amnesty International's 2012 report on the country, investigations into alleged human rights abuses by state officials remained inadequate. When investigations were opened, the likelihood of holding those accountable remained remote. The filing of counter charges was used as a tactic against those who alleged abuse. Impunity remained a problem, although there was some progress on prosecuting certain long-standing cases.

In January prosecutors opened a case against retired general and former president Kenan Evren and other former military members who led the 1980 coup and the subsequent three years of military rule. During Evren's seizure of power and rule, 50 persons were executed, 500,000 were arrested, hundreds died in jail, and many more disappeared. While the 94-year-old Evren did not appear in court due to health reasons, hearings continued throughout the year. The case marked the first time that coup perpetrators faced trial for their actions. In April authorities opened a case against the planners of the 1997 "coup by memorandum" (also known as the "postmodern coup"). Authorities detained over 30 active-duty and retired military officers and others for their roles. Both cases continued at year's end.

Authorities arrested Engin Ceber in 2008 for participating in a press meeting and distributing a left-wing magazine. Police allegedly tortured him to death. A suit was filed against the suspects, four of whom were sentenced to life imprisonment in 2010 on the charge of murder by torture. In September 2011 an appeals court overturned the verdict on procedural grounds and sent the case back to the lower court. An October 1 ruling confirmed the earlier convictions, and an additional

nine officials received prison sentences ranging from five months to 12 and a half years for their role. Amnesty International welcomed the result as a landmark verdict.

The TNP and Jandarma received specialized training in areas including human rights and counterterrorism. Thousands of security personnel received human rights training during the year. According to the government, the military emphasized human rights in training for both regular and noncommissioned officers. During the year 105,854 Jandarma officers and 1,250 public order personnel received human rights training. In addition 673 TNP personnel received 32 hours of human rights training, and 8,446 riot police received 106 hours of training, including on human rights.

Arrest Procedures and Treatment While in Detention

The law requires warrants issued by a prosecutor for arrests, unless the suspect is caught committing a crime. Authorities may detain suspects for 24 hours but have prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before arraigning them before a judge. A prosecutor may apply to extend this period of custody before being brought before the court for up to four days. Authorities must tell suspects of the charges against them within 24 hours, although human rights activists claimed that suspects were not always told which specific statement or action was the basis of a given charge. After arraignment, a judge may release the accused upon receipt of an appropriate assurance, such as bail, for crimes that carry sentences of up to three years in prison. For more serious crimes, the judge decides either to release the defendant on his or her own recognizance or hold the suspect in custody prior to trial completion if there are specific facts that justify the suspicion that the suspect will flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. In practice judges often kept suspects in detention without demonstrating the public interest or otherwise articulating a justification.

The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law also requires that the government provide indigent detainees with a public attorney in criminal cases where the defendant requests an attorney. In cases where the potential prison sentence is greater than five years or where the defendant is a child or is disabled, a defense attorney is appointed even absent the request of the defendant. Private attorneys and human rights monitors reported irregular implementation of these laws, particularly with respect to attorney access. According to local bar associations, attorney access for detainees continued to vary widely across the country.

Human rights observers noted in most cases where a defendant could not afford an attorney, one was provided. However, in terrorism-related cases, an attorney was frequently not provided and was explicitly denied until after the suspect had been detained and interrogated by security forces. As in previous years, the HRA and the bar associations claimed that police often intimidated detainees who asked for an attorney, for example, telling them that a court would assume they were guilty if they consulted an attorney during detention.

Authorities generally allowed detainees prompt access to family members. However, particularly in the Southeast, human rights organizations reported difficulties in helping families find out whether a relative had been detained because the government refused to release such information to the organizations or the families.

Arbitrary Arrest: A suspect cannot, under the law, be held arbitrarily or secretly. However, there were numerous reports that the government did not observe these prohibitions in practice. Human rights organizations claimed the broad nature of antiterrorism laws and the criminal code allowed for the arrest of thousands of individuals for suspected antistate or terrorist activity. The organizations claimed that authorities detained, harassed, or arrested members of human rights organizations, academics, elected officials, political activists, media personnel, and human rights monitors for "membership in an illegal organization" and for "promoting terrorist propaganda." By law police and Jandarma may compel citizens to identify themselves without cause.

During the year police routinely detained demonstrators for a few hours at a time, and human rights organizations claimed this practice sharply increased from previous years.

In 2010 the government began trying cases against thousands of persons alleged to be members or supporters of the Kurdistan Communities Union (KCK), the umbrella political organization of the PKK terrorist group. The Peace and Democracy Party (BDP) and human rights organizations claimed that, over a three-year period, authorities detained approximately 20,000 persons, of whom they arrested 8,000, and approximately 4,000 remained detained awaiting trial, including 32 elected mayors, hundreds of political party officials, and numerous journalists and human rights activists. Arrests and hearings continued throughout the year, with judges normally rejecting defendants' requests for conditional release, permission to dispute the validity of the charges, and permission for the defendants to use their mother tongue. Arrests and indictments continued at year's end.

Pretrial Detention: The criminal procedure code limits to 10 years the maximum length of time a person can be held in pretrial detention for organized crime and terrorism-related offenses and limits to five years the maximum length of time a person can be held for other offenses, including three one-year extensions. Lengthy pretrial detention before a verdict remained a problem, primarily because there was no assurance of a speedy trial in criminal cases. Judges ordered some suspects held for long periods or even indefinitely without trial but with the right to come before a judge each month.

Out of 31,707 pretrial detainees, authorities held 74.8 percent for less than one year, 21.48 percent between one and three years, and 3.71 percent for three years or more. Authorities detained 177 persons for more than three years and 16 for more than seven years for continuing cases.

The European Commission's October progress report expressed concerns about the length of pretrial detention. It noted that detentions were generally longer than strictly necessary to defend the public interest, that there were generally limited opportunities for a detainee to challenge the lawfulness of pretrial detention, and that those occasions offered little prospect of success.

Throughout the year prosecutors in Istanbul continued to arrest and indict prominent military officers, businessmen, academics, and members of the press on charges of plotting to foment unrest and topple the elected government as members of an alleged network known as Ergenekon. They indicted more than 275 persons by year's end. Among these, 17 indictments spanned over 8,000 pages. Some opposition politicians, members of the press, and critics of the government considered many of the indictments to be politically motivated. Authorities held dozens of defendants for over five years, although they released some pending trial during the year. Since the investigation began in 2007, there have been no convictions in the case. The Ergenekon trials continued at year's end.

The OdaTV case continued throughout the year, with OdaTV journalists Soner Yalcin, Nedim Sener, Ahmet Sik, and at least 11 other persons under indictment for allegedly plotting a coup related to Ergenekon and belonging to a terrorist organization. Their indictments sought 15 years' imprisonment. On March 12, authorities released Sener and Sik pending trial after over a year in detention and, on December 26, released Yalcin after 682 days in jail. Others remained in jail. The OdaTV trial continued at year's end.

The continuing case against suspected members of the KCK resulted in thousands of detentions and arrests during the year. As with other cases, after the passage of the Third Judicial Reform Package, the courts released some suspects pending trial. On July 13, prominent academic Busra Ersanli, accused of belonging to the KCK, was released pending trial after eight months in detention. Authorities released 15 others with Ersanli.

Detention of Rejected Asylum Seekers or Stateless Persons: Foreigners who claimed asylum after being detained by security forces were held in "guest houses for foreigners" operated by the Foreigners' Department of the TNP.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. However, the judiciary was occasionally subject to outside influence. Broad authority granted to prosecutors and judges, as well as their inclination to protect the state over the individual, contributed to inconsistent and uncertain application of criminal laws. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power.

In practice critics asserted that the government used its influence among judges and prosecutors to ensure the election of handpicked candidates to the High Council of Judges and Prosecutors (HSYK). The HSYK selects judges and prosecutors for the country's courts and is responsible for court oversight. The constitution provides tenure for judges, but the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the HSYK. Once appointed they are often housed together, frequently share the same office space, and often work in the same courtroom for many years. International human rights organizations noted prosecutors receive special status, often entering courtrooms with judges and sitting elevated above defense lawyers. Human rights and bar associations also noted that defense attorneys generally underwent less rigorous training than their prosecutorial counterparts and were not required to pass an examination to demonstrate a minimum level of expertise.

The constitution provides for the trial of military personnel in civilian courts if their alleged crime was committed against the state, constitutional order, or the functioning of constitutional order. The constitution also provides for civilian judicial review of decisions of the Supreme Military Council.

According to the 2012 Amnesty International report on the country, criminal defendants faced protracted and unfair trials, especially for violations of antiterror laws, which have led to additional abuses. The report also asserted that convictions under antiterror laws were often based on

unsubstantiated or unreliable evidence, including the extensive use of secret witnesses, particularly in cases related to state security.

On September 21, the Istanbul 10th Heavy Penal Court convicted 324 military officers of conspiracy to commit treason in the "Sledgehammer" (Balyoz) coup case. The court sentenced the three most senior officers to imprisonment for life, commuted to 20 years' imprisonment, while it gave the other defendants sentences ranging from six to 18 years in prison. On October 22, a lower court rejected the appeal applications of 250 active-duty and retired members of the military. Some observers saw Balyoz as politically motivated, alleging that key parts of the prosecutor's indictment had been forged, while others saw it as part of the process of asserting civilian control over a military that had previously wielded undue political power. The convicted parties had not appealed the verdict to the Supreme Court of Appeals as of year's end. However, defendants did appeal to the UN Human Rights Council's Working Group on Arbitrary Detention to seek a determination that the government was holding the defendants in contravention of its international legal obligations. In their appeal, the defendants protested prosecutors' use of anonymous tips in their indictment, alleged authorities had forged evidence, and asserted the court had overlooked a range of other irregularities.

Trial Procedures

Under the law, defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. There were multiple confirmed reports that the government did not observe this law in practice. Courtroom proceedings are public for all cases except those involving minors as defendants and those with security concerns. Court files, which contain the indictment, case summaries, judgments, and other court pleadings, are closed to everyone other than the parties to a case, making it difficult to obtain information on the progress or results of court cases. There is no jury system, and a judge or a panel of judges decides all cases.

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, within limits, present witnesses and evidence on their behalf. Bar associations reported that in practice a court usually did not allow defense attorneys to conduct the questioning but instead asked them to submit questions for the court to ask. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right to not testify or confess guilt and the right to appeal, although in practice appeals generally took several years to conclude. Defendants sometimes waited several years for their trials to begin, and thus trials often last several years. Proceedings against security officials often were delayed because officials did not submit statements promptly or attend trials.

The Third Judicial Reform Package contained a number of provisions amending trial procedures. Under the new legislation, courts cannot put time limits on defendants and prosecutors for judicial processes, expel the accused or the defense from hearings on the grounds of behavior, or limit to one the number of defense lawyers while the suspect's statement is being taken or during custody. It appoints special judges to hear terrorism and organized crime cases and determine pretrial matters, such as detention and release.

While the law prohibits the use in court of evidence obtained by torture, prosecutors in some instances failed to pursue torture allegations, forcing defendants to initiate a separate legal case to

determine whether the inclusion of evidence was lawful. Human rights organizations reported that, in such instances, the primary case frequently was concluded before the secondary case was decided, leading to unjust convictions.

The provision of interpretation services was limited to situations where defendants did not have sufficient command of Turkish to defend themselves or where the defendant or victim was disabled. Court decisions on the use of languages other than Turkish were inconsistent, however.

Political Prisoners and Detainees

The law does not provide a separate category for political prisoners. The HRA asserted that there were several thousand political prisoners from across the political spectrum, including journalists, political party officials, and academics. The government stated that those alleged to be political prisoners were in fact charged with being members of, or assisting, terrorist organizations. Consistent with the broad definition of terrorism and threats to national security, prosecutors often did not distinguish between persons who incited violence, those who supported the use of violence by the PKK, and those who rejected violence but sympathized with some or all of the political goals of the Kurdish nationalist movement.

According to the Ministry of Justice, as of December 31, there were 4,446 persons detained and 3,699 convicted on terrorism charges.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm, including for alleged human rights violations. Individuals were able to apply directly to the Constitutional Court for redress starting September 23.

Regional Human Rights Court Decisions

On September 23, a new legal mechanism allowed individual appeals to be directly submitted to the Constitutional Court. Until this date, individuals could appeal alleged violations of human rights by the state to the European Court of Human Rights (ECHR) after all avenues for a remedy in the domestic legal system had been exhausted. After September 23, the ECHR temporarily suspended the acceptance of new cases until the effectiveness of the new Constitutional Court mechanism could be determined, a process observers estimate could take up to two years.

According to the European Commission's October progress report, the state has abided by the majority of ECHR rulings but has not made the law consistent with some of the ECHR's rulings. As of September 30, there were 16,850 cases against the state pending at the ECHR. During the year 103 cases ended with a decision against the state while three were decided in the state's favor.

The Ministry of Justice's Human Rights Department is the sole responsible authority in the ministry regarding human rights issues. It is charged with facilitating the implementation of the country's obligations under the European Convention on Human Rights and coordinating the execution of ECHR decisions.

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

The constitution provides for the "secrecy of private life" and states that individuals have the right to demand protection and correction of their personal information and data.

The law allows for telephone tapping with a court order. Only the country's telecommunication agency is authorized to tap telephones, and only when presented with a court order directed against alleged drug traffickers, organized crime members, and terrorists. Assumptions of widespread use of eavesdropping bugs and wiretapping had a chilling effect on freedom of expression and encouraged self-censorship at home as well as in professional environments. There were numerous reports by individuals and public figures alleging that their telephones were illegally tapped without a court order.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The penal code and antiterror law contain multiple articles that restrict freedom of the press. International and domestic human rights organizations noted particular concern over the overly broad definition of terrorism under the antiterror law and the disproportionate use of the antiterror law by authorities against members of the press, academics and students, and members of the political opposition and Kurdish activist community. Human rights monitors also emphasized that the penal code contains multiple articles that directly restrict press freedom and free speech, including provisions on praising a crime or criminal, inciting the population to enmity or hatred and denigration, and protecting public order. Authorities indicted journalists for protecting the confidentiality of sources and investigations; attempting to influence the judiciary; insulting the Turkish nation, the founder of the Turkish Republic, Mustafa Kemal Atatürk, the republic, and organs and institutions of the state; and discouraging individuals from doing their military service.

The Third Judicial Reform Package contained reforms allowing authorities to suspend or abandon the prosecution of journalists accused of propaganda on behalf of terrorist organizations and also provided for the release of media personnel accused of belonging to or "collaborating" with outlawed organizations. The package also requires judges to justify in writing why authorities must keep detained suspect in detention before trial.

Freedom of Speech: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, 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 in the public sphere, particularly on problems relating to political Islam, Kurds, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. Government critics and human rights associations acknowledged that open debate was far more accepted than it was a decade ago. However, many who wrote or spoke on such topics risked investigation and some reported exercising self-censorship.

Article 301 of the penal code criminalizes insults to the Turkish nation. The Ministry of Justice reported receiving 247 complaints concerning Article 301 through November 13 – down from 305

in 2011 – of which, it rejected 222. As of November 13, the Ministry of Justice had given permission for 18 cases to proceed and was evaluating seven cases.

In June authorities charged pianist Fazil Say with inciting hatred and insulting the values of Muslims for retweeting the phrase, "I am not sure if you have also realized it, but if there's a louse, a nonentity, a lowlife, a thief or a fool, it's always an Allah-ist." If convicted, he faces up to 18 months in jail. On October 18, a court dismissed his plea for acquittal, and the case continued at year's end.

Freedom of Press: The country had active privately owned print media. Hundreds of private newspapers spanning the political spectrum appeared in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. However, authorities routinely censored media with pro-Kurdish or leftist content, particularly in the Southeast, by confiscating materials or temporarily closing down the media source. The government's close business relationships with various media conglomerates further limited media independence and encouraged a climate of self-censorship.

Turkish Radio and Television (TRT) is a government-funded semiautonomous body. The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations that operated at local, regional, and national levels. In addition privately owned television channels operated on cable networks, and the RTUK granted 29 television and radio enterprises broadcast permits necessary for their operation. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Large, private holding companies that had a wide range of outside business interests owned most media. The concentration of media ownership influenced the content of reporting and limited the scope of public debate.

In addition to Turkish, the RTUK allowed radio and television stations to broadcast in Arabic, Armenian, Assyrian, Bosnian, Circassian, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year. Public broadcaster TRT offered a Kurdish television channel (TRT 6).

According to the TNP, authorities confiscated 46 publications in 2012, including 12 newspapers. During the year authorities continued to file numerous cases against publications under the antiterror laws. As a result of the Third Judicial Reform Package, the government lifted a ban on hundreds of previously censored publications.

Violence and Harassment: Prosecutors continued to bring dozens of cases against writers, journalists, and political figures under various laws that restrict media freedom. Human rights and press freedom activists asserted that authorities filed numerous civil and criminal complaints against authors and publishers for ideological reasons. Authorities at times also ordered raids on newspaper offices; closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Government officials, including political leaders, made statements throughout the year that appeared intended to influence media content, including but not limited to news coverage.

Scores of persons identified as journalists remain imprisoned at year's end, most charged under antiterror laws or for connections to an illegal organization. On December 20, Reporters without Borders reported that at least 61 journalists were arrested during the year, with approximately 42 journalists and 30 other media personnel detained awaiting trial. Authorities charged most of these journalists under the antiterror laws. In October the Committee to Protect Journalists (CPJ)

estimated that 70 percent of the imprisoned journalists were Kurdish or worked for Kurdish publications. In detailed responses to the CPJ and Reporters without Borders reports, the Ministry of Justice asserted that most of the detained journalists were under prosecution for crimes not related to their work.

After public and international pressure, the government released some journalists from detention while their cases were pending trial. OdaTV journalists Soner Yalcin, Nedim Sener, and Ahmet Sik were released pending trial on March 12 after more than a year in detention; Yalcin was released on December 26 after 682 days in jail.

Following significant international pressure, on April 10, authorities released on his own recognizance after five months' detention prominent journalist, publisher, and human rights activist Ragip Zarakolu. Zarakolu was charged in October 2011 as part of the KCK case with violating antiterror laws, "helping terror organizations by means of his international prestige," as well as publishing books on the Kurdish issue. Zarakolu had his first hearing July 13-21, during which his 2,500-page indictment was read. The court then adjourned proceedings; their resumption remained pending at year's end.

After the passage of the Third Judicial Reform Package, authorities dropped several cases against members of the press and released approximately 15 journalists from prison pending trial. For example, on July 23, Vedat Kursun, former editor in chief of the Kurdish-language newspaper *Azadiya Welat* (*Free People*), was released from prison after 43 months. A court had sentenced Kursun to 10 years and six months' imprisonment for membership in a terrorist organization and violating antiterror laws in connection with 102 articles he wrote in 2007 and 2008. Five additional *Azadiya Welat* journalists remained imprisoned in connection with the KCK case at year's end.

Censorship or Content Restrictions: Printing houses were required to submit books and periodicals to prosecutors at the time they were published. The Turkish Publishers' Association (TPA) reported that publishers often exercised self-censorship, avoiding works with controversial content in order to stay out of court.

The government maintained a list of banned publications; however, the Third Judicial Reform Package declared null and void the banning of all past publications unless a court issued a new order for the banning of a specific publication. As a result authorities no longer banned publication of approximately 400 books. Prosecutors did not apply for renewal of previously banned publications, although they continued to ban new publications throughout the year. According to the TPA, authorities banned 10 books during the year, a decrease from 2011, although unofficial prohibition and recall of books, particularly those related to the Kurdish issue, remained a problem.

Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. According to the TPA, authorities investigated or continued court cases against 45 publications and publishers during the year, including numerous books related to the Kurdish issue.

Human rights activists and the media reported that authors increasingly practiced self-censorship to avoid prosecution. Observers also reported that, with the consolidation of media outlets into a few media conglomerates with other business interests, media entities increasingly practiced self-censorship in order for such conglomerates to remain eligible for government contracts. Journalists

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

Libel Laws/National Security: Observers reported that government officials used defamation laws to stop political opponents from voicing criticism. Antiterror laws had the greatest impact in limiting free expression related to Kurdish issues.

On December 25, Prime Minister Erdogan was awarded 15,000 lira (approximately \$8,300) after he won a libel case against former *Taraf* editor in chief Ahmet Altan. Erdogan's lawyers argued that Altan had violated Erdogan's personal rights by calling him "arrogant, uninformed, and uninterested" in a March 2011 newspaper column. According to the CPJ, thousands of journalists faced criminal charges, many of them multiple counts, for violations of the criminal code, including "denigrating Turkishness" or influencing the outcome of a trial as well as for offenses related to the antiterrorism law.

Publishing Restrictions: Printing houses were required to submit books and periodicals to prosecutors at the time they were published. Media activists reported that the Ministry of Culture sometimes denied approval of a barcode required for all publications as a means of censorship.

Internet Freedom

The government maintained restrictions on Internet access. The Internet law allows the government to prohibit a Web site if there is sufficient suspicion that the site is committing any of eight crimes: insulting Atatürk; engaging in obscenity; engaging in prostitution; gambling; encouraging suicide; encouraging sexual abuse of children; encouraging drug abuse; or encouraging provision of substances dangerous to health. Upon receiving a complaint or as a result of personal observations, a prosecutor may request that a judge prohibit access to the offending site or, in an urgent situation, the Telecommunication Internet Presidency (TIB) may prohibit access while the complaint is examined. In either case, a judge must rule on the matter within 24 hours. Following a judicial decision to uphold the complaint, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. ISP administrators may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows persons who believe a Web site has violated their personal rights to request the TIB to order the service provider to remove the offensive content. Authorities also used the antiterror law and other sections of the penal code to block Web sites.

There were no official figures on the number of blocked Web sites. However, Engelliweb, an NGO working on Internet freedom issues, reported that authorities had blocked 6,609 Web sites in 2012, for a total of 22,629 blocked sites, up from 15,595 in 2011.

The Information Technologies Institute (BTK) reported that 47 percent of the Web sites that were blocked contained pornography, a significant decrease from the previous year. Authorities also blocked Kurdish-related sites, including *ozgurluk.org* and *firatnews.org*, as well as Kurdish video and radio Web sites, such as *medciwan.com*, on antiterror grounds.

In November 2011 the BTK implemented a voluntary filter with "child" and "family" settings. Civil society organizations criticized the program, both for the government's involvement in deciding

what was appropriate for family or child use on the Internet and a lack of transparency regarding the criteria used to block sites. The BTK met several times with civil society groups and came up with agreed procedures to address their concerns.

According to the *Google Transparency Report*, from January to June the company received 148 requests from the BTK to remove 426 YouTube videos, Blogger blogs, one Google document, and one search result on the basis of their alleged criticism of Ataturk, the government, or national identity and values. Google restricted Turkish users from accessing 63 percent of the BTK's YouTube videos of concern. The number of requests for removal of content that Google received between January 1 and June 30 increased by 1,013 percent compared with the last half of 2011.

Government authorities on occasion accessed Internet user records to "protect national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the "highest administrative authority" before taking such action and generally did so in practice. In December the ECHR found the country's Internet content regulation and supervision law, Law 5651, to be in violation of the European Convention on Human Rights and fined the state for violating freedom of expression. Law 5651 allows authorities to block Internet content that is obscene or promotes child abuse or gambling. Approximately 79 percent of Web sites blocked under the law were the result of administrative decisions by TIB, although some sites were blocked as a result of court orders.

The BTK reported there were approximately 28,000 Internet cafes in the country. Internet cafes were primarily used by young people. Under the Internet law, mass use providers, including Internet cafes, can only operate if they obtain an official activity certificate from a local authority representing the central administration. Internet access providers are required to deploy and use filtering tools approved by TIB. Providers who operate without official permission face administrative fines. Internet activists and the press reported that more than one million Web sites were blocked in Internet cafes in the country. The sites for many mainstream LGBT organizations were among those blocked. Additional Internet restrictions were applied in government and university buildings. These restrictions led to a flowering of "tunnel" sites, which trick filters and allow users to reach blocked sites by altering Internet addresses.

According to International Telecommunications Union statistics, 47.2 percent of the country's population used the Internet in 2012, an increase from 42 percent in 2011.

Academic Freedom and Cultural Events

Government restrictions on freedom of speech at times limited academic freedom and cultural events. Some academics and event organizers stated they practiced self-censorship on sensitive topics. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board (YOK) that limited the autonomy of universities in staffing, teaching, and research policies and practice.

In June authorities detained former YOK president and Turkish Science Foundation president Kemal Guruz, eight months after freeing him pending trial in the Ergenekon case. Human rights activists claimed that his arrest was part of a systematic intimidation of academics who opposed the government's efforts to introduce or assert Islamic elements into the country's academic institutions. Prosecutors stated that in 1997, while Guruz was president of YOK, he helped the military to

prepare the so-called postmodern coup by providing information about the religious orientation of Turkish university rectors. The case continued at year's end.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly. However, the government selectively restricted meetings to designated sites or dates, and banned demonstrations outright particularly if they were concerned with sensitive issues or were critical of the government.

There were confirmed and/or credible reports that police beat, abused, or harassed demonstrators during the year. A report by the main opposition Republican People's Party (CHP), sourced to the HRF, the HRA, and the Migration Foundation, stated that four persons were killed and 555 wounded during demonstrations through November. According to the CHP report, police detained 46,529 persons and arrested 1,831 involved in demonstrations through November, a significant increase from 2011. The Jandarma reported that it detained 72 persons and later released them in 10 different demonstrations during the year. The detentions varied in length from several hours to several days.

Human Rights Watch criticized the use of terrorism laws to restrict freedom of expression and assembly and to punish demonstrators as though they were armed militants. On December 18, Prime Minister Erdogan attended a ceremony at the Middle East Technical University (METU), a prominent Ankara university, for the launch of a communications satellite. When students gathered to protest his attendance, approximately 3,000 police blocked roads and used tear gas, plastic bullets, and clubs against the crowd, some of whom threw stones. One student was injured and 12 students were detained; authorities charged eight with participation in a terrorist organization. The government denounced the demonstrations as acts of violence and blamed the METU rector and professors for incitement, while the METU rector accused the police of excessive force. An investigation by YOK continued at year's end.

Throughout the year university students protested on a variety of topics, including the cost of tuition. According to the Ministry of Justice, authorities held 2,824 students as of the end of July, of whom they placed 1,778 in pretrial detention; courts convicted 1,046 students, including 178 for "being a member of an armed terrorist organization." As of July authorities had an additional 609 students on trial on the same charge.

On October 29, the Ankara governor's office banned opposition groups' Republic Day rally on the grounds that "some groups may seek to incite anarchy in the country." The opposition went ahead with the rally, which was attended by nearly 20,000 persons. Riot police used tear gas and water cannons against the crowd, which included the leader of the main opposition party, the CHP.

The government limited celebrations of the Kurdish holiday Newroz (New Year) to March 21, and the HRA reported that the Ministry of Interior banned or postponed 129 planned Newroz celebrations for arbitrary reasons. Clashes broke out, particularly in Diyarbakir, and police used gas bombs and water cannons against the crowd. According to the HRA, two persons were killed, 178 wounded, 1,014 detained, and 206 arrested during the celebrations. Haci Zengin, a BDP branch office head in Istanbul, died after being hit on the head by a tear gas canister.

On August 7, following the passage of the Third Judicial Reform Package, a criminal court released pending trial Sevil Sevimli, a 21-year-old French citizen and student, who was arrested during the May 1 Labor Day protests in Eskisehir for alleged involvement in the Revolutionary People's Liberation Party-Front (DHKP-C) while with the Erasmus student exchange program. She remained in Turkey awaiting trial at year's end.

Freedom of Association

While the law provides for freedom of association, the government maintained several restrictions on this right in practice.

Under the law, persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this placed an undue burden on their operations. LGBT and women's groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate through the threat of large fines.

According to the Third Sector Foundation of Turkey, an advocacy NGO, the criteria for NGOs to obtain public benefit status entitling them to certain tax exemptions were restrictive and complicated. The Council of Ministers must approve applications for public benefit status. The law does not allow applicants to appeal if the council rejects their petitions. In one case authorities fined the Ankara branch of the domestic NGO Association in Support of Contemporary Living (CYDD) 150,000 lira (approximately \$85,000) in December for not paying taxes. The Finance Ministry declared some of the CYDD's activities were commercial in nature and thus should be subject to corporate tax. The CYDD filed a suit challenging the claim, and the case continued at year's end.

c. Freedom of Religion

See the Department of State's [*International Religious Freedom Report*](#).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, at times the government limited these rights in practice.

The government increasingly cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations while providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern. While the government signed the 1951 UN Refugee Convention and its 1967 protocol, it ratified the protocol with a geographic limitation recognizing the rights granted in the convention only for refugees from Europe. While most asylum seekers are thus not considered refugees under the law, the government granted temporary asylum to all non-European asylum seekers who met the definition of a refugee as defined in the 1951 convention.

Authorities assigned UNHCR-recognized refugees to 62 satellite cities where they received services from local authorities under the responsibility of provincial governorates. These refugees needed permission from local authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies. Local officials had significant discretion in working with refugees and NGOs, and the levels of assistance they provided varied widely.

Authorities required asylum seekers to register in order to legalize their temporary stay in the country. As prospects for integrating refugees in the country were limited and voluntary repatriation was not feasible for many refugees, resettlement in a third country was often the only option available for individuals in need of an immediate durable solution. A refugee accepted by a third country for resettlement needed to obtain exit permission before leaving Turkey. No data were available at year's end regarding the number of waivers granted.

The UNHCR reported that 298 LGBT refugees from Iran were living in the country at year's end. Human rights groups reported that these refugees faced numerous problems in addition to their refugee status due to their sexual orientation or gender.

In-country Movement: The constitution provides that only a judge may limit the freedom to travel and only in connection with a criminal investigation or prosecution. The government maintained roadway checkpoints in the Southeast, where it maintained a heavy security presence.

At times the PKK blocked roads, set up checkpoints, and kidnapped civilians and government authorities in southeastern provinces.

Internally Displaced Persons (IDPs)

The conflict between security forces and the PKK displaced hundreds of thousands of citizens since its start in 1984, the vast majority of whom were Kurds in the Southeast. During the year the Ministry of Interior reported there were 386,360 IDPs in the country, many of whom have not returned home due to continued insecurity and concerns about the presence of village guard militias, landmines, and lack of basic social services and economic opportunities in the region.

The law allows persons who suffered material losses due to actions by the PKK or security forces during the conflict with the PKK to apply to the government's damage determination commissions for compensation. In April authorities extended by one year the period for implementing the law on compensation for losses resulting from terrorism and the fight against terrorism. Between mid-2004 and October 2012, the Ministry of Interior reported 361,279 applications were made, of which 307,789 were completed. Compensation was awarded in 166,962 cases; at year's end the government agreed to pay a total of 2,847,532,798 lira (approximately \$1.6 billion) to successful applicants. However, delays in payments continued. Several cases were pending before the ECHR, as local 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.

Voluntary and assisted resettlement continued. In a few cases, IDPs could return to their former homes, while in other cases centralized villages were constructed.

Protection of Refugees

Access to Asylum: An administrative regulation provides for the granting of asylum or refugee status. The country accepts its obligations under the 1951 Refugee Convention and its 1967 protocol only with respect to refugees from Europe. During the year the Ministry of Interior conducted a parallel refugee status determination process to that of the UNHCR's determination and issued parallel decisions to the latter's decisions in nearly all cases. The law does not have a strict time limit for asylum seekers or require them to present a valid identity document. The TNP reported that, as of October 1, there were 38,568 asylum seekers in the country, 17,010 of them new during the year.

Safe Country of Origin/Transit: The UNHCR reported successful interventions in most cases where asylum seekers arrived lawfully in the country after transiting one or more other countries. It also reported generally good access during the year to persons in detention who wished to apply for asylum and persons seeking asylum while they were in the international areas of the country's airports. The UNHCR reported problems related to access to asylum seekers from airports and seaports, and a lack of consistent implementation to ensure access to procedures by all applicants in these locations remained a concern. In one stowaway case, the government did not allow the disembarkation of five individuals, asserting that Turkey was not the first port of call.

Refoulement: The UNHCR sometimes had difficulty gaining access to interview potential refugees whom security forces had already detained or arrested for illegal entry into the country. According to press reports, authorities deported one Kazakh refugee to Kazakhstan on June 1.

The government's visa policies generally facilitated easy entry. Iraqi citizens were generally able to obtain a 90-day tourist visa upon arrival at the border gates in Turkey. Border authorities may deny entry if a foreigner has violated the country's visa policy or exceeded time limits during a previous stay in the country. Apart from such cases, the UNHCR reported no denial of visa or entry during the year.

Access to Basic Services: Provincial governments, working with local NGOs, are responsible for meeting the basic needs of UNHCR-recognized refugees and other asylum seekers assigned to satellite cities in their jurisdictions, including by providing access to employment, healthcare, and education. Basic services were dependent on the goodwill of local officials. Governors had significant discretion in working with refugees and with NGOs, and the response of local officials to refugee presence varied widely.

Temporary Protection: The government provided temporary protection to asylum seekers who may not qualify as refugees, including individuals of non-European origin.

Syrians began fleeing into Turkey in significant numbers in mid-2011 in response to the conflict in Syria. The government maintained an open border to Syrian arrivals (and to voluntary returns), although in August it began holding persons at the border pending availability of accommodation in Turkey.

The government responded robustly to the humanitarian needs of displaced Syrians, spending over an estimated one billion dollars on aid and assistance, primarily for the construction and administration of 14 camps in southeastern Turkey. From March 2011 to December 26, the government provided temporary refuge and assistance to 206,954 Syrian citizens, with 147,107 remaining in camps along the Turkish-Syrian border. In most cases the level of assistance was

acknowledged to be above international standards. An additional 70,000 to 100,000 Syrians lived outside the camps and could be issued one-year residence permits if they provided proper documentation. Unlike those in the camps, these Syrians did not have access to free services, including food and healthcare.

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

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

Elections and Political Participation

Recent Elections: The 2011 parliamentary elections were held under election laws in line with international standards, according to the Organization for Security and Cooperation in Europe (OSCE). In its observation report following the elections, the OSCE generally assessed that the government demonstrated a broad commitment to holding democratic elections. The OSCE also noted the previous legal prohibition against using any language other than Turkish in political campaigning had been partially repealed but expressed concern that laws continued to unduly limit freedom of expression, freedom of association, and electoral rights.

The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament, which some political parties and human rights groups criticized as unduly high. Only three of the 15 parties that competed in the elections in 2011 crossed this threshold. Candidates who ran as independents were able to bypass the threshold and a coalition of 36 victorious independent candidates banded together after the election to form a fourth bloc, the BDP.

Although members of parliament are entitled to immunity from prosecution while they are in office, courts blocked the release from prison of five successful BDP candidates, two successful CHP candidates, and one successful Nationalist Movement Party candidate previously imprisoned on charges related to the KCK, Ergenekon, and Balyoz cases. The eight elected parliamentarians were still in prison at the year's end.

Political Parties: Political parties and candidates could freely declare their candidacy and run for election. However, the chief prosecutor of the Court of Appeals can seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court. Throughout the year the police and judiciary pursued action against BDP members, mostly for alleged membership in or verbal support of the KCK/PKK or its actions. Prosecutors sought to lift the immunity of BDP deputy leader Gultan Kisanak and nine other BDP parliamentarians, who were filmed embracing PKK militants in August, in order to prosecute them on terrorism offenses. An effort to lift the immunities continued at year's end in the parliament.

Participation of Women and Minorities: There were 79 women in the 550-seat parliament and one woman in the 26-member cabinet. There was one Christian Syriac in the parliament; he was the first Christian to win a seat in approximately 50 years.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. Adopted in July, the Third Judicial Reform Package amended the provisions on corruption in the criminal code, redefining and extending the scope of bribery as an offense. The European Commission noted in its October progress report that there has been no progress in limiting the immunity of members of parliament and senior public officials in corruption-related cases or in establishing objective criteria for lifting their immunity. Several motions for lifting the immunity of parliamentarians appeared to be politically motivated.

Authorities have not established a track record in investigating, indicting, and convicting individuals accused of corruption, and there were concerns about the impartiality of the judiciary in the handling of anticorruption cases.

In January the parliament adopted the Law on Presidential Elections. The law introduced rules on the transparency of presidential election campaigns that cover prohibited funding sources, donation limits, and disclosure of candidates' assets.

The law requires government officials to provide a full financial disclosure, including a list of physical property, every five years, and officials generally complied with this requirement. The Prime Ministry's Inspection Board, which advises the Corruption Investigations Committee, is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. The parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister. A majority vote is needed to send such cases to the courts for further action. There was no coordination with civil society on oversight.

The law provides for public access to government information. However, the government occasionally rejected applications on national security, as the law restricts access to information pertaining to state secrets, the privacy of individuals, and intellectual property. The law requires institutions to provide the requested information within 15 or 30 working days, depending on the volume of the request. In such a case, the applicant will be informed of the extension and the underlying rationale within 15 working days. Processing fees are considered "reasonable," and are waived if the information can be obtained and provided via e-mail. Officials and other civil servants who negligently, recklessly, or deliberately obstruct the law are subject to disciplinary sanctions.

Denials of requests for information may be appealed. Within 15 days starting from the date of official notification, an applicant whose request for information is rejected may appeal to the Board of Review of the Access to Information, which then has 30 days to render a decision. Following the board's decision, individuals can also appeal for judicial review in an administrative court.

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

Domestic and international human rights groups operated throughout the country, but some faced government obstruction and restrictive laws regarding their operations, particularly in the Southeast. Government officials were occasionally uncooperative and unresponsive to their views. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure

orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. Scores of lawyers, particularly those defending plaintiffs in high-profile cases such as the KCK trials, continued to be detained throughout the year.

Authorities arrested Muharrem Erbey, the president of the HRA in Diyarbakir and vice president of the national HRA, in 2009 on KCK-related charges. The HRA and many international human rights organizations asserted that Erbey was arrested for his work at the HRA and as a human rights lawyer. In 2010 his trial began along with the trial of other suspects in the KCK case in Diyarbakir; the trial continued at year's end.

On September 25, police raided the HRA's Mersin office and detained HRA Mersin chairperson Ali Tanriverdi as part of an anti-KCK sweep. The HRA claimed the police produced no search warrant, confiscated computers and electronic equipment, and did not immediately allow Tanriverdi to call a lawyer. Tanriverdi, Erbey, and 13 additional HRA employees remained in pretrial detention at year's end.

Government Human Rights Bodies: The Human Rights Presidency (HRP), a body in the Prime Ministry, is authorized to monitor the implementation of legislation relating to human rights and to coordinate the work of various government agencies involved in the field of human rights. All 81 provinces established provincial human rights councils under the HRP, which was generally accorded little to no credibility by human rights organizations. The HRP, which reports statistics on a year's lag, received 5,289 complaints in 2011, the majority of which related to health and patients' rights, environmental rights, and prohibition of inhumane treatment.

The Human Rights Agency and Ombudsman Institution were established on June 29 and June 30, respectively. The Human Rights Agency was intended to replace the HRP to act autonomously to protect and promote human rights, although the agency had not started full operations at year's end.

The Ombudsman Institution was established as an independent complaint mechanism to investigate, research, and make suggestions regarding government practices and actions, particularly in regards to human rights issues. On November 27, the parliament appointed former appeals court judge Nihat Omeroglu as ombudsman. The appointment immediately generated criticism among human rights activists and the political opposition as Omeroglu was widely viewed as affiliated with the AKP and was also a member of the court that ratified the guilty verdict against Turkish-Armenian journalist Hrant Dink for "humiliating Turkishness."

The Ministry of Justice's Human Rights Department is the sole responsible authority in the ministry regarding human rights issues. It is charged with facilitating the implementation of the country's obligations under the ECHR and coordinating the execution of ECHR decisions. Through October 30, the parliament's Human Rights Investigation Commission received 2,600 complaints of alleged human rights violations.

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

The law prohibits discrimination based on race, gender, religion, disability, language, or social status. The government did not enforce these prohibitions effectively. The constitution allows measures to be taken to advance gender equality as well as measures to benefit children, seniors,

persons with disabilities, widows, and veterans without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

Women

Rape and Domestic Violence: The law prohibits violence against women, but human rights organizations claimed that the government did not effectively enforce it. The law prohibits sexual assault, including rape and spousal rape, with penalties of imprisonment for a term of two to seven years. The government did not effectively or fully enforce these laws or protect victims, and victims often waited days or weeks to report incidents due to embarrassment or reprisals, hindering effective prosecution of assailants. Government statistics on violence against women were incomplete, and societal acceptance of domestic abuse in some cases contributed to its underreporting.

On March 20, the Protection of the Family and Prevention of Violence against Women Law entered into force, adding several measures to protect women against violence during marriage, after divorce, and while in a common law relationship. In an important change, the law covers all women, regardless of marital status, and provides for the police and local authorities to grant various levels of protection and support services to victims of violence or to those at risk of violence, requires government services such as shelter and temporary financial support, and provides for family courts to impose sanctions on those responsible for the violence.

The law provides for the establishment of prevention of violence and monitoring centers in 14 pilot cities. Economic, psychological, legal, and social assistance was provided in these centers. The Institution for Social Services and Orphanages opened 18 shelters during the year and operated 71 women's shelters with a capacity of 1,723 persons. Municipalities opened five shelters and operated 32 women's shelters with a capacity of 668 persons. NGOs operated two women's shelters. Regulations call for women's shelters in any city with a population of more than 50,000. Observers noted that there were an inadequate number of shelters, or no shelters at all, in many such cities. In addition NGO shelters suffered from a lack of financial support, and one shelter in Ankara closed in late 2012 due to insufficient funding. As of October 1, 9,889 calls had been made to the government's domestic violence hotline regarding violence, negligence, or exploitation.

Despite the new law, violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. The criminal code does not specifically forbid "spousal abuse" but provides for crimes such as assault, wrongful imprisonment, or threats. The civil code establishes spousal abuse as grounds for granting divorce. During the year courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. Women's NGOs charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families. For example, on December 6, a former boyfriend killed schoolteacher Gulsah Akturk while she sought shelter with her family in Konya. A subsequent investigation revealed she had applied to the Van governor's office for protection but was refused after the deputy governor allegedly told her, "at the worst you will die."

The Turkish Women's Associations Federation reported that 256 women were killed through November, a significant increase from its 2011 count. A tally by the independent news entity BIANET counted at least 165 women killed and 150 raped in 2012. Of those, 24 women died and 21 were injured after they had demanded protection from authorities.

Harmful Traditional Practices: So-called honor killings of women continued to be a serious problem. Most honor killings occurred in conservative families in the rural Southeast or among families of migrants from the Southeast living in large cities. Individuals convicted of honor killings may receive life imprisonment. Because courts reduce sentences for juvenile offenders, observers noted that families often designated young male relatives to perform such killings. Due to penalties for honor killings, family members sometimes pressured girls to commit suicide to preserve the family's reputation. The Jandarma reported 19 honor killings occurred during the year through October.

On December 17, 15-year-old Hatice Dasci, who was four months pregnant, was found dead in Batman. A subsequent investigation established that her two cousins raped her after she returned home from a forced marriage. Authorities issued arrest warrants for the two cousins and arrested her grandfather and uncles on suspicion of murder. The case continued at year's end.

Sexual Harassment: The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring three months to two years' imprisonment plus a fine for sexual harassment and two to seven years' imprisonment for sexual assault. Women's rights activists reported authorities rarely enforced these laws.

Reproductive Rights: Couples and individuals in most cases had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination. The prime minister has called for married women to have at least three children. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections. The UN Population Fund report, *State of World Population 2012*, estimated that skilled attendants assisted in 91 percent of all births, while 73 percent of married women used some method of birth control as of 2010.

Discrimination: While women enjoy the same rights as men under the law, societal and official discrimination were widespread. The constitution permits measures, including positive discrimination, to be taken to advance gender equality.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to the Turkish Statistic Institute (TUIK), women's participation in the labor market was at 30.3 percent, an increase from 25.6 percent in 2011. Women were mostly employed as unpaid family workers with no social protection apart from that afforded by other family members. The number of women in politics and senior management remained very small. Women were also underrepresented in management in trade unions. The government, working with the state employment agency Is-Kur and women's groups, developed programs to encourage the hiring of women. The government reported that men and women were offered equal opportunities in work and received equal pay for equal work.

Children

Birth Registration: There is universal birth registration in the country, and births were generally registered immediately. Citizenship is passed through a child's parentage, not through birth on Turkish soil. Only one parent needs to be a Turkish citizen to pass citizenship to a child. In special cases where a child, born in Turkey, cannot receive citizenship from any other country due to the status of his or her parents, then Turkish citizenship is granted to the child.

Child Abuse: Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. The law provides police and local officials authority to grant various levels of protection and support services to victims of violence or to those at risk of violence, requires the government to provide services such as shelter and temporary financial support, and provides family courts authority to impose sanctions on those responsible for the violence. Through August 31, the government's domestic violence hotline received 5,177 calls from or regarding children.

Child Marriage: The law defines 17 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies. Child marriage occurred particularly in poor, rural regions, and women's rights activists reported that the problem remained serious. According to TUIK and the End Violence against Women Platform, there were 181,000 child brides in the country during the year through November. According to the End Violence against Women Platform, 825 children under 18 gave birth in Diyarbakir Women and Children State Hospital through November.

Sexual Exploitation of Children: The constitution provides that the state shall take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. There were reports that children were subject to commercial sexual exploitation. A person convicted of encouraging or facilitating children into prostitution can receive a prison sentence of between four and 10 years; if violence or pressure is involved, the sentence can be doubled.

The age of consent in the country is 15. The law provides for imprisonment for six months to two years for statutory rape; the sentence is doubled if the offender is more than five years older than the victim. The law prohibits producing or disseminating child pornography and provides for a sentence of six months to two years in prison as well as a fine.

Incest remained a problem, although official statistics were incomplete and prosecutions remained minimal. The Jandarma received 95 reports of incest through October 1.

Child Soldiers: The terrorist group PKK regularly recruited children. A report released by the think tank TEPAV in February estimated that 42 percent of PKK members were under the age of 18. The exact number of PKK child soldiers was unknown.

International Child Abductions: The country is a party to the Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were some reports of anti-Semitic incidents against members of the Jewish community, who numbered approximately 20,000. A variety of newspapers, commercials, and television shows continued to carry anti-Semitic messages, and anti-Semitic literature was common in bookstores.

In March local and international Jewish groups, including the Anti-Defamation League, criticized a cosmetics company for featuring Adolf Hitler in a television commercial for men's shampoo that ran on state television. The company defended the commercial but pulled it off the air.

Jewish leaders in the country believed that occurrences of anti-Semitism were directly related to events in the Middle East, although members of the Jewish community did not report any incidents that suggested the public directed anti-Israeli sentiment toward them during the year. Two years after the "free Gaza" flotilla incident in 2010, government leaders continued to emphasize publicly that Jewish citizens of Turkey were distinct from both Israeli citizens and the Israeli government, and asserted that the country's Jews should be protected.

Trafficking in Persons

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

Persons with Disabilities

The constitution permits positive discrimination for persons with disabilities and the law prohibits discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, and in the provision of other state services. The government did not enforce the law effectively.

The law requires all governmental institutions and businesses to make necessary arrangements for access for persons with disabilities in public areas and on public transportation by July 2011, but the government made little progress implementing the law. Access in most cities was extremely limited, and there was no clear system of fines or other punishment for noncompliance. The Disabled and Senior Citizens Directorate General, under the Family and Social Policies Ministry, is responsible for protecting persons with disabilities, although human rights associations, including domestic advocacy organization Solidarity Association for the Physically Disabled, claimed the directorate was underfunded. Through August 31, the government's domestic violence hotline received 45,761 calls from individuals with disabilities and 2,186 from elderly persons.

Under the law, in companies with more than 50 workers, at least 3 percent of the workforce are required to be persons with disabilities; in the public sector, the requirement is 4 percent. According to the Labor Ministry, at the beginning of the year, the state employed 20,829 persons with disabilities.

The law provides that all public schools must accommodate disabled students, although activists reported instances of students with disabilities being refused admission or encouraged to drop out of school. According to the July report of the UN Committee on the Rights of the Child, a large number of school-age children with disabilities did not receive adequate access to an education. During the 2011-12 school year, the Ministry of Education's Directorate General for Special Education and Counseling spent 70 million lira (approximately \$40 million) and provided special accommodation and transportation to school for 41,000 students with disabilities. In addition

245,000 students with disabilities received eight hours of individual education and four hours of group education per month.

As reported by the Lantos Foundation for Human Rights and Justice, when boarding a Turkish Airlines flight from Istanbul to Amsterdam, airline staff refused Kersen DeJong a seat that would accommodate his two artificial legs, forcing him to separate them from his upper body, and then drag himself to his seat with his hands. Airline staff stored his artificial limbs in an overhead compartment away from his assigned seat. All of this occurred while the flight crew and passengers looked on.

National/Racial/Ethnic Minorities

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities. The European Commission's October progress report observed that the government's overall approach to minorities remained restrictive.

The country's law is interpreted to recognize only three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other ethnic or religious minorities, such as Alevis, Assyrians, Protestants, Roman Catholics, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, or Laz, are prohibited from fully exercising their linguistic, religious, and cultural rights and continued to face varying levels of pressure to assimilate. While dialogue with non-Muslim religious communities continued, persons professing faith in minority religions or no faith continued to be subject to discrimination and threats from extremists.

Citizens of Kurdish origin constituted a large ethnic and linguistic group. More than 15 million of the country's citizens identified themselves as of Kurdish origin and spoke Kurdish dialects. Kurds who publicly or politically asserted their Kurdish identity or promoted using Kurdish in the public domain risked censure, harassment, or prosecution, although significantly less so than in previous years.

Restrictions remained on use of languages other than Turkish in political and public life. Children whose first language was Kurdish could not be taught fully in Kurdish in either private or public schools. However, with the introduction of the new "4+4+4" education system in September, Kurdish was taught as an elective course in the fifth grade, to be expanded into the next higher grade each year after that. At least three universities provided Kurdish language programs. The Kurdish inmates who conducted a hunger strike from September 12 to November 18 demanded, among other things, the right to use their mother tongue in schooling, courtroom defense, and local government administration.

On February 26, anti-Armenian signs and chanting were reported among the thousands of protesters gathered in Istanbul to mark the 20th anniversary of the violence in Khojaly. Authorities later charged 10 persons with "igniting hatred and revenge among public" for opening a banner that included hate speech. On December 10, a court sentenced six of the accused to five months of prison, later commuted to a fine of 3,000 lira (approximately \$1,700). On December 7, the Second Criminal Court convicted Okan Bas, an ultranationalist columnist, of a hate speech for praising the 2007 murder of prominent Turkish-Armenian journalist Hrant Dink and imposed a five-year suspended sentence. Like the previous year, the gatherings on April 24 to commemorate events

relating to the Armenian issue and the tragic events of 1915 were peaceful and received police protection where necessary.

On January 17, a court ruled that Yasin Hayal was guilty of masterminding the murder of Hrant Dink. The court sentenced Hayal to life imprisonment and two other men to 12 years' imprisonment each for helping him. The court rejected claims of a wider plot and dropped conspiracy charges against 19 suspects. Dink's family and human rights associations denounced the verdict, claiming that the court failed to address state officials' alleged involvement. On January 19, at least 40,000 persons marched in Istanbul to commemorate Dink's life and call for justice. An appeal at the 9th Criminal Chamber of the Supreme Court of Appeals continued at year's end.

There was no firm estimate of the number of Roma in the country. The Romani community continued to face problems with access to education, health care, and housing. The European Commission's October progress report noted some progress was made regarding the situation of Roma. On April 8, numerous associations celebrated International Roma Day in Ankara.

The Labor Ministry and Is-Kur promoted the employment of Roma in temporary public benefit jobs, and three- to six-month vocational training programs for Roma continued in 15 provinces. During the year the government employed 1,365 Roma in various jobs, such as cleaning offices and maintaining and landscaping public parks. However, these positions did not involve job or career training of the sort that would ensure continued employment after the project ends in 2014.

Romani populations also suffered displacement as housing projects extended into their traditional areas of residence. In the Sulukule neighborhood of Istanbul, redeveloped housing continued to sell for multiple times the amounts the mostly Romani occupants received as compensation for leaving the area. Most former residents declined the government's offer of new housing on the outskirts of the city. On September 13, the Istanbul Fourth Administrative Court halted the construction of new villa-style housing after a four-year court case brought by the Istanbul branch of the Chamber of Architects, the Chamber of Urban Planners, and the Sulukule Roma Culture and Solidarity Association. The municipality of Fatih took the case to court, which ruled that the construction and sale of the villas could continue to completion; however, the villas remained unoccupied pending the court's resolution of the issues of title and compensation. The case continued at year's end. Other similar urban renewal projects were successfully completed in Cannakale and Edirne and were occupied by Roma who were able to obtain the new housing at low cost; however, residents opposed a project in Izmir as an unnecessary relocation of the Romani community.

Some progress occurred on preserving cultural rights. *Sabro*, the first Assyrian newspaper in Turkey, started monthly publication in March and featured the writings of Turkish, Armenian, and Greek intellectuals. The Diyarbakir City Theater performed Shakespeare's *Hamlet* in Kurdish in a tour around Turkey, most notably at the Ankara State Theater on November 26 with the minister of culture in attendance.

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

While the law does not explicitly discriminate against LGBT individuals, organizations that worked with them stated that references in the law relating to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" were sometimes used as a basis for abuse by police

and discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. LGBT groups claimed that police harassed and arbitrarily arrested transgender individuals during the year. Human rights organizations reported many prosecutions for "offending public morals." Authorities often used the law on misdemeanors to impose fines on transgender persons when they frequented stores or walked on city streets. Police claimed they were acting on complaints they had received. Transgender NGO representatives reported they were subjected to violence but that there was no place where they could make a complaint or press for their rights. They alleged that police insulted and swore at them while doctors ridiculed them.

Domestic NGO KAOS-GL reported there were four killings during the year that it classified as LGBT hate crimes. Six transgender persons were also killed during the year. KAOS-GL recorded eight assaults, two lynching threats, two accusations of torture and inhuman treatment, one case of domestic violence, and one case of rape against LGBT persons during the year. On October 24, an unknown assailant in Antalya killed Sehap Guneser, the second transgender woman to be killed in Antalya during the year. According to LGBT activists, police pepper-sprayed those who came to her aid after the attack. An investigation into her death continued at year's end.

Police provided protection to some "pride" events in Istanbul and other cities. During the Istanbul trans-pride parade in June, an extremist group attacked marchers; riot police broke up the altercation. In the Istanbul pride parade in July, no incidents of violence were reported.

There were active LGBT organizations in Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir and unofficial groups in smaller cities and on university campuses. Groups reported harassment by police and government authorities. Many university groups in small cities complained that they had tried to organize, but the rector denied permission. LGBT organizations reported that the government used regular and detailed auditing to create administration burdens and threaten the possibility of large fines.

Authorities did not allow openly gay men to perform military service for "health reasons" due to their sexual orientation. Gay men requesting military exemption for reasons of sexual orientation had to undergo an invasive burden of proof, but authorities denied such requests many times, even after the men proclaimed their sexual orientation and underwent treatment and examination at several military medical facilities. LGBT groups complained that gay men were required to show photos or videos of themselves in overtly sexual positions and to undergo thorough medical evaluations to prove their homosexuality to military officials. The groups further complained that military officials "outed" gay men to their families and communities.

Other Societal Violence or Discrimination

The Ministry of Health reported 776 new cases of HIV/AIDS through November, a significant increase from the previous year. Human rights organizations complained that the media and medical professionals often did not respect the privacy of individuals with HIV/AIDS and often reported their names in the media. Many persons living with HIV/AIDS reported discrimination in access to housing, public services, benefits, and health care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of most but not all workers to form and join independent unions of their choice, to conduct their activities without interference, and to bargain collectively. Certain public employees, such as the military and police, cannot form unions. There are no restrictions on membership or participation of persons or unions in regional, national, or international labor organizations, but a notary public must certify such participation and report it to the government. The law requires unions to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas), allow government representatives to attend their conventions, and record the proceedings. The law provides for the right to strike but prohibits strikes by white collar civil servants; public workers engaged in safeguarding life and property; and workers in the coal mining and petroleum industries, hospitals and funeral industries, energy and sanitation services, national defense, banking, and education. The law requires the latter group of workers to resolve disputes through binding arbitration. The law prohibits antiunion discrimination, and workers have the right to sue when dismissed; if they win they can receive either reinstatement or compensation.

Employees cannot join two unions in the same industry unless working for different employers. The law allows for a person to participate in solidarity strikes and for public sector workers to bargain collectively. The law on trade unions allows collective bargaining, but not strikes, by civil servants.

The Unions and Collective Bargaining Law passed on October 18 revised regulations on trade union formation and collective bargaining. The new law lowered two thresholds for a labor union to be authorized as an agent of collective bargaining. It also rectified outdated accounting and redefined industry sectors, which unions claimed would make unionization and collective bargaining more difficult. The Labor Ministry stated these changes were realignments to fit constitutional tenets or EU and International Labor Organization standards. The ministry claimed that the new law also lifted some constraints on unions in keeping with the broader liberalization of legislation. Unions were skeptical of any apparent advances, stressing that all forms of antiunion discrimination continued to exist in practice. According to the International Trade Union Confederation, the law will deprive approximately six million workers in small and medium-size enterprises the protection of union membership.

The government maintained a number of restrictions on the right of association and collective bargaining. A minimum of seven workers is required to establish a new trade union without prior approval. By law, to become a bargaining agent, a union must represent 40 percent (reduced from 50 percent by the new law) of the employees at a given work site and 1 percent (reduced from 10 percent, and due to rise to 3 percent in a stepwise fashion) of all the workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols in any union or confederation publications.

In practice, despite restrictions, workers exercised their rights of association and collective bargaining and, in the private sector, the right to strike. The European Commission's October progress report noted that the country excessively restricted the right to strike. On May 29, a strike

began after a call from Turkish Civil Aviation Union (Hava-Is). The union asked members to protest a legislative attempt to remove aviation workers' rights to strike by slowing down operations at their workplaces. After declaring the strike "lawless," the airline fired 305 employees who participated in the action at the country's largest airport in Istanbul. On December 25, the 12th Labor Court ruled 26 persons had the right to return to their jobs or receive compensation. The case of the remaining plaintiffs continued at year's end.

In practice government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Police were frequently present at union meetings and conventions.

Threats, violence, and systematic layoffs were common responses to unionized workplaces. On June 25, police carried out raids on the offices of KESK and KESK-affiliated unions, including Egitim Sen (Education and Science Workers Union), Tum-Bel-Sen (All Municipality Workers Trade Union), SES (Health and Social Services Workers Union), and Birlesik Tasimacilik Calisanlari Sendikasi (BTS) under an operation against illegal terrorist organizations. In the raids, authorities arrested and detained 71 trade union members and leaders; 28 remained in detention pending trial at year's end.

Unions alleged that antiunion discrimination occurred regularly. If a court ruled that an employer unfairly dismissed and should either reinstate or compensate a worker, the employer generally paid compensation to the employee along with a fine. Service sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor and the government effectively enforced such laws. There were no available data on the number of victims removed from forced labor during the year.

Also see the Department of State's [Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, and the government effectively implemented the law with some exceptions. The use of child labor was found mostly in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales, although its incidence was thought to be low and difficult to detect. Some parents forced their children to work on the streets selling tissues or food, shining shoes, or begging.

The law prohibits the employment of children younger than 15 and prohibits children under the age of 16 from performing arduous or dangerous work. The government prohibits children under the age of 18 from working in certain professions or under hazardous conditions, such as working at night or in underground mining. The Ministry of Labor and Social Security effectively enforced these restrictions in most workplaces. Through June authorities rescued 294 children living or

working on the streets and 434 children considered at risk of working on the streets from their situations and provided them access to education.

According to the Ministry of Labor, projects combating child labor expanded outside the ministry's own programs, such as an awareness and action campaign taken up independently by a local agricultural association in Ordu.

While businesses were subject to labor inspections, many workplaces that employed children were not routinely inspected, including farms employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons. These workplaces could be inspected if a complaint was submitted to the Ministry of Labor and Social Security.

While government statistics were not available, the frequency of child labor was believed to be moderate. Employment of young boys and young girls was not uncommon. While girls were rarely seen working in public, many were kept out of school to work in handicrafts or light assembly at home, particularly in rural areas. The Labor Ministry identified the worst forms of child labor as working in the streets, in the informal urban economy, in seasonal commercial agriculture, and as domestic service workers. In agriculture children were often subjected to long hours involving work with heavy machinery and exposure to chemical pesticides. Children also migrated with their families following harvests, potentially disrupting their education.

Children legally employed at small enterprises must register with one of 39 Ministry of Education "lifelong learning centers" and were required to go to the center once a week for training. The law in turn obligates the centers to inspect their workplaces. The Social Services and Child Protection Institution operated centers in 30 provinces and had a hotline for reporting child exploitation and negligence. With TNP cooperation, the institution located "at risk" street children and directed them to child centers for care and reintegration into the educational system. Through June these centers supported 1,893 children.

Also see the Department of Labor's [*Findings on the Worst Forms of Child Labor*](#).

d. Acceptable Conditions of Work

The national minimum wage was 940.50 lira (\$526) per month. The official poverty level was 3,091 lira (\$1,717) per month in September according to unions. All workers covered by the labor law were also covered by the law establishing a national minimum wage; the law requires equal pay for equal work. The Ministry of Labor Inspection Board effectively enforced the law. The Organization for Economic Cooperation and Development indicated that the national minimum wage did not take sufficient account of regional variations in productivity and living costs.

The law establishes a 45-hour workweek with a weekly rest day and limits overtime to three hours per day for up to 270 hours a year. The law mandates premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in other sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime.

While the law mandates occupational health and safety regulations, in practice the Ministry of Labor Inspection Board did not carry out sufficient inspection and enforcement programs. According to the worker advocate organization Assembly for Worker Health and Safety, 878 workplace deaths occurred during the year. Construction was the worst sector in terms of workplace casualties, with at least 279 deaths recorded during the year due to falls.

Because of previously high inflation, insufficient public services, lack of coordination between the public organizations, and ineffective supervision mechanisms, the country has historically had a large informal economy. In June the Ministry of Finance announced that, according to TÜİK statistics, the informal sector's share of the economy had fallen to an estimated 27.7 percent of GDP from 32.4 percent in 2002.

Search Refworld

by keyword

and / or country

All countries



Clear Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Turkey](#)

Topics

- [Access to procedures](#)
- [Anti-terrorism law](#)
- [Arbitrary arrest and detention](#)
- [Domestic violence](#)
- [Extrajudicial executions](#)
- [Forced marriage](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of information](#)
- [Gender discrimination](#)
- [Honour killings](#)
- [Human rights monitors](#)
- [Independence of judiciary](#)
- [Kurd](#)
- [Lesbian, gay, bisexual, transgender and intersex \(LGBTI\)](#)
- [Persecution based on political opinion](#)
- [Persecution on the basis of sexual orientation or gender identity](#)
- [Pre-trial detention](#)
- [Religious persecution \(including forced conversion\)](#)
- [Rule of law / Due process / Procedural fairness](#)
- [SGBV](#)
- [Security forces](#)

