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## Freedom in the World 2011 - Turkey

**Capital:** Ankara

**Population:** 73,600,000

Political Rights Score: 3 \*

Civil Liberties Score: 3 \*

Status: Partly Free

### Overview

**In September 2010, Turkish referendum voters approved constitutional changes that included a restructuring of the civilian judiciary and limitations on the jurisdiction of military courts. The package also allowed for the prosecution of the leaders of the 1980 military coup.**

Turkey emerged as a republic following the breakup of the Ottoman Empire at the end of World War I. Its founder and the author of its guiding principles was Mustafa Kemal, dubbed Atatürk (Father of the Turks), who declared that Turkey would be a secular state. He sought to modernize the country through measures such as the pursuit of Western learning, the use of the Roman alphabet instead of Arabic script for writing Turkish, and the abolition of the Muslim caliphate.

Following Atatürk's death in 1938, Turkey remained neutral for most of World War II, joining the Allies only in February 1945. In 1952, the republic joined NATO to secure protection from the Soviet Union. However, Turkey's domestic politics remained unstable, and the military – which saw itself as a bulwark against both Islamism and Kurdish separatism – forced out civilian governments on four occasions between 1960 and 1997. In the most recent of the incidents, the military forced the resignation of a government led by the Islamist party Welfare, which had won parliamentary elections in 1995.

The governments that followed failed to stabilize the economy, leading to growing discontent among voters. As a result, the Justice and Development (AK) Party won a sweeping majority in the 2002 elections. The previously unknown party had roots in Welfare, but it sought to distance itself from Islamism. Abdullah Gül initially served as prime minister because AK's leader, Recep Tayyip Erdogan, had been banned from politics due to a conviction for crimes against secularism after he read a poem that seemed to incite religious intolerance. Once in power, the AK majority changed the constitution, allowing Erdogan to replace Gül in 2003.

Erdogan oversaw a series of reforms linked to Turkey's bid to join the European Union (EU). Accession talks officially began in 2005, but difficulties soon arose. Cyprus, an EU member since 2004, objected to Turkey's support for the Turkish Republic of Northern Cyprus, which is not recognized internationally. EU public opinion and some EU leaders expressed opposition to Turkish membership for a variety of other reasons. This caused the reform process to stall, and Turkish popular support for membership declined even as Turkish nationalist sentiment increased.

Ahmet Necdet Sezer's nonrenewable term as president ended in May 2007. He had been considered a check on the AK-dominated parliament, and the prime minister's nomination of a new president was closely watched. Despite objections from the military and the secularist Republican People's Party (CHP), Erdogan chose Gül. In a posting on its website, the military tacitly threatened to intervene if Gül's nomination were approved, and secularists mounted huge street demonstrations to protest the Islamist threat they perceived in his candidacy. An opposition boycott of the April presidential vote in the parliament prevented a quorum, leading the traditionally secularist Constitutional Court to annul the poll. With his nominee thwarted, Erdogan called early parliamentary elections for July.

AK won a clear victory in the elections, increasing its share of the vote to nearly 50 percent. However, because more parties passed the 10 percent threshold for entering the legislature than in 2002, AK's share of seats decreased slightly to 340. The CHP together with its junior partner, the Democratic Left Party, won 112 seats. The Nationalist Movement Party (MHP) entered the assembly for the first time, with 70 seats. A group of 20 candidates from the pro-Kurdish Democratic Society Party (DTP) also gained seats for the first time by running as independents, since they did not have the national support required to enter as a party. Other independents won the remaining 8 seats. The MHP decided not to boycott the subsequent presidential vote, and Gül was elected president in August.

In an October 2007 referendum, voters approved constitutional amendments that, among other changes, reduced the presidential term to five years with a possibility for reelection, provided for future presidents to be elected by popular vote, and cut the parliamentary term to four years.

In 2008, long-standing tensions between the AK government and entrenched, secularist officials erupted into an ongoing investigation focused on an alleged secretive ultranationalist group called Ergenekon. A total of 194 people were charged in three indictments in 2008 and 2009, including military officers, academics, journalists, and union leaders. A trial against 86 people began in October 2008, and a second trial against 56 people began in July 2009. Ergenekon was blamed for the 2006 bombing of a secularist newspaper and a court shooting that killed a judge the same year; its alleged goal was to raise the specter of Islamist violence so as to provoke a political intervention by the military. The trials continued in 2010, with only three suspects released and many more arrested, including 21 generals in February. Moreover, the chief prosecutor investigating the Ergenekon case was himself arrested in February 2010 for allegedly helping to establish the clandestine group; he was released in June, but his trial was still pending at year's end. Critics continued to accuse the government of using the far-reaching case to suppress its political opponents. In December, the trial began for approximately 200 active and retired military officers accused of plotting to overthrow the AK government in 2003.

Meanwhile, in September 2010, the government called a referendum on a new package of constitutional amendments. The controversial measures included an increase in the memberships of the Constitutional Court and the Supreme Board of Judges and Prosecutors, allowing for more AK appointments; both bodies had clashed with the AK government in the past. Voters accepted the amendments by an unexpectedly wide margin, 58 percent to 42 percent. The DTP's successor party boycotted the vote.

The AK government in 2009 made positive overtures to the separatist Kurdish Workers' Party (PKK), raising hopes of a permanent ceasefire in the group's decades-long guerrilla

war against government forces in the southeast. An earlier halt in fighting had lasted from 1999 to 2004. However, the DTP's disbandment in late 2009 for alleged PKK ties, and the prosecution of accused PKK collaborators in 2010, soured the state's relations with the Kurdish minority.

### Political Rights and Civil Liberties

Turkey is an electoral democracy. The 1982 constitution provides for a 550-seat unicameral parliament, the Grand National Assembly. Reforms approved in a 2007 referendum reduced members' terms from five to four years. The changes also envision direct presidential elections for a once-renewable, five-year term, replacing the existing system of presidential election by the parliament for a single seven-year term. The president appoints the prime minister from among the members of parliament. The prime minister is head of government, while the president has powers including a legislative veto and the authority to appoint judges and prosecutors. The July 2007 elections were widely judged to have been free and fair, with reports of more open debate on traditionally sensitive issues.

A party must win at least 10 percent of the nationwide vote to secure representation in the parliament. The opposition landscape changed in 2007, with the entrance of the MHP and representatives of the DTP into the legislature. By contrast, only the two largest parties – the ruling AK and the opposition CHP – won seats in the 2002 elections.

Political parties have been shut down for having a program that is not in agreement with the constitution, a condition that could be interpreted broadly. In December 2009, the Constitutional Court shuttered the DTP and banned many of its members from politics, forcing the removal of two members of parliament from office. Major protests that followed the ruling were often violent and even deadly. The party's remaining lawmakers regrouped under the new Peace and Democracy Party (BDP).

Reforms have increased civilian oversight of the military, but restrictions persist in areas such as civilian supervision of defense expenditures. The military continues to intrude on issues beyond its purview, commenting on key domestic and foreign policy matters. A 2009 law restricting the use of military courts brought Turkey closer to EU norms, and the 2010 constitutional amendments limited the jurisdiction of military courts to military personnel. The amendments also removed an article that had prevented the prosecution of the leaders of the 1980 military coup.

Turkey struggles with corruption in government and in daily life. The AK government has adopted some anticorruption measures, but reports by international organizations continue to raise concerns, and allegations have been lodged against both AK and CHP politicians. Prime Minister Recep Tayyip Erdogan has been accused of involvement in a scandal over the misuse of funds at a charity called Lighthouse. Following a related trial in Germany, an investigation began in Ankara that was ongoing as of the end of 2010. Government transparency has improved under a 2004 law on access to information. Turkey was ranked 56 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

The right to free expression is guaranteed in the constitution, but legal impediments to press freedom remain. A 2006 antiterrorism law reintroduced jail sentences for journalists, and Article 301 of the penal code allows journalists and others to be imprisoned for discussing subjects such as the division of Cyprus and the 1915 mass killings of Armenians by Turks, which many consider to have been genocide. Defendants have been charged under the same article for crimes such as insulting the armed services and denigrating "the Turkish nation"; very few have been convicted, but the trials are time-consuming and expensive. In 2008, a court overturned a government ban on reporting about Ergenekon, but one journalist was facing 12 separate cases and 97 years of imprisonment at the end of 2010 over a series of Ergenekon-related articles he wrote that February. Journalists have been among those implicated in the Ergenekon case. In June 2010, as a result of an article on PKK activity in Iraq, a journalist with a Kurdish biweekly was sentenced to 15 months – and his publication was fined – for

making propaganda for a terrorist organization. In August, the European Court of Human Rights ruled that Turkey was guilty of violating the right to life, freedom of expression, and effective remedy for its handling of the case of prominent ethnic Armenian journalist Hrant Dink, who was murdered in 2007 after facing repeated accusations under Article 301 and reporting death threats to the police.

Nearly all media organizations are owned by giant holding companies with interests in other sectors, contributing to self-censorship. In 2009, the Dogan holding company, which owns many media outlets, was ordered to pay crippling fines for tax evasion in what was widely described as a politicized case stemming from Dogan's criticism of AK and its members. The internet is subject to the same censorship policies that apply to other media, and a 2007 law allows the state to block access to websites deemed to insult Atatürk or whose content includes criminal activities. This law has been used to block access to the video-sharing website YouTube – from 2008 through October 2010 – as well as several other websites. Kurdish-language publications and television broadcasts are now permitted. However, Kurdish newspapers in particular often face closure or website blocking.

The constitution protects freedom of religion, but the state's official secularism has led to considerable restrictions on the Muslim majority and others. Observant men are dismissed from the military, and women are barred from wearing headscarves in public universities and government offices. However, in practice, universities and sometimes individual professors make their own decisions as to whether students can wear headscarves.

Three non-Muslim groups – Jews, Orthodox Christians, and Armenian Christians – are officially recognized, and attitudes toward them are generally tolerant, although they are not integrated into the Turkish establishment. Other groups, including non-Sunni Muslims like the Alevis, lack legal status, and Christian minorities have sometimes faced hostility.

The government does not regularly restrict academic freedom, but self-censorship on sensitive topics is common.

Freedoms of association and assembly are protected in the constitution. Prior restrictions on public demonstrations have been relaxed, but violent clashes with police still occur. While a 2004 law on associations has improved the freedom of civil society groups, legislation passed in 2005 allows the state to restrict groups that might oppose its interests. Members of local human rights groups have received death threats and sometimes face prosecution. Nevertheless, civil society is active on the Turkish political scene.

Laws to protect labor unions are in place, but union activity remains limited in practice. Under the 2010 constitutional amendments, workers are entitled to enroll in more than one trade union in a single sector, and state employees for the first time are granted the right to collective bargaining. The quality of enforcement of these measures remains to be seen.

The constitution envisions an independent judiciary. The government in practice can influence judges through appointments, promotions, and financing, though much of the court system is still controlled by strict secularists who oppose the current government. In October 2010, seven members of the Supreme Board of Judges and Prosecutors resigned, claiming that the Ministry of Justice had not allowed them to work since August; the ministry said it was preparing a new structure in line with the constitutional amendments. A 2009 scandal revealed official wiretapping of judges, leading to accusations of political interference. In September 2010, a former police chief was arrested for ties to an outlawed group called the Revolutionary Headquarters, for whom he allegedly conducted wiretaps; as a result of the investigation, it was revealed that more than 70,000 telephones were currently being wiretapped by court order. The court system in general is undermined by procedural delays, with some trials lasting so long as to become a financial burden for the defense.

The current government has enacted laws and introduced training to prevent torture, including a policy involving surprise inspections of police stations announced in 2008. However, Amnesty International has accused the Heavy Penal Courts of accepting evidence extracted under torture. In the first half of 2010, the Turkish Human Rights Presidency, which is part of the prime minister's office, received 3,461 complaints, mostly related to health and patient rights, the right to fair trial, and torture. Prison conditions can be harsh, with overcrowding and practices such as extended isolation in some facilities.

In 2009, serious peace negotiations began with the PKK, and the government announced a major initiative to improve democracy and minority rights. After protests erupted over the banning of the DTP in December of that year, the initiative was shelved. Two bombings in Istanbul in 2010 were attributed to the PKK, and bombings by various other radical groups are not infrequent. The PKK declared a ceasefire ahead of the September 2010 referendum, and extended it through year's end.

The state claims that all Turkish citizens are treated equally, but because recognized minorities are limited to the three defined by religion, other minorities and Kurds in particular have faced restrictions on language, culture, and freedom of expression. The situation has improved with EU-related reforms. In October 2010, the Diyarbakir city council voted to restore Kurdish names to villages in the region. However, some municipal officials in the southeast have faced criminal proceedings for communicating in Kurdish. Alleged collaboration with the PKK is still used as an excuse to arrest Kurds who challenge the government. Also in October 2010, 151 suspects, including 12 mayors from the BDP, were put on trial for alleged ties to a group called the Kurdistan Communities Union (KCK), an urban extension of the PKK. The court rejected a request by the defendants for permission to present their defense in Kurdish; while the law grants the right to such a defense, the judge argued that the defendants were sufficiently fluent in Turkish.

Gay and transgender people in Turkey face widespread discrimination and in some cases violence. Istanbul's largest gay and transgender organization, Lambda, won an appeal against its closure in 2009, but a prominent transgender human rights activist was stabbed to death soon thereafter. In May 2010, five transgender rights activists were stopped in their car and then beaten by police; they were charged with resisting the police, but the charges were later dropped for lack of evidence. Advocates for the disabled have criticized lack of implementation of a law designed to reduce discrimination. Amnesty International in 2009 criticized Turkey's asylum policy, which does not recognize non-Europeans as refugees.

Property rights are generally respected in Turkey, with the exception of the southeast, where tens of thousands of Kurds as well as thousands of Assyrians were driven from their homes during the 1990s. Increasing numbers have returned under a 2004 program, and some families have received financial compensation, but progress has been slow. Local paramilitary "village guards" have been criticized for obstructing the return of displaced families through intimidation and violence.

The amended constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 126 out of 134 countries surveyed in its 2010 Global Gender Gap Index. Women hold just 50 seats in the 550-seat parliament, though that is nearly double the figure before the 2007 elections. Domestic abuse is reportedly common, and so-called honor crimes continue to occur. Suicide among women has been linked to familial pressure, as stricter laws have made honor killings less permissible; penal code revisions in 2004 included increased penalties for crimes against women and the elimination of sentence reductions in cases of honor killing and rape. In 2009 the government introduced a policy whereby police officers responding to calls for help regarding domestic abuse would be held legally responsible should any subsequent abuse occur.

*\* Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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