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Freedom in the World 2013 - Turkey

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2013 Scores

Status: Partly Free
Freedom Rating: 3.5
Civil Liberties: 4
Political Rights: 3

Ratings Change

Turkey's civil liberties rating declined from 3 to 4 due to the pretrial detention of thousands of individuals – including Kurdish activists, journalists, union leaders, students, and military officers – in campaigns that many believe to be politically motivated.

Overview

In September 2012 the courts delivered the first verdicts in a series of cases against military officers for alleged coup plots. The conduct of the trials, together with mass arrests of Kurdish activists in other cases, prompted widespread concern about the government's commitment to civil liberties and the rule of law. Meanwhile, the country struggled to cope with over 100,000 refugees fleeing the Syrian civil war, and a cross-border exchange of fire between Syrian and Turkish forces in September sparked fears of wider regional conflict.

The Republic of Turkey was formally established in 1923 following the end of World War I and the breakup of the Ottoman Empire. Its founder and first president was the military hero Mustafa Kemal, later dubbed Atatürk (Father of the Turks). He abolished both the Ottoman sultanate and the Muslim caliphate and declared Turkey a secular state. He also embraced numerous modernizing and Western-oriented reforms, including European-style education, the Latin alphabet for written

Turkish, gender equality, and Western legal codes. Under Atatürk, however, Turkey was a nondemocratic one-party state.

Atatürk died in November 1938. Turkey remained neutral in World War II until February 1945, when it joined the Allies. In 1952, Turkey joined NATO to secure protection from the Soviet Union, and in 1964 it concluded an Association Agreement with the European Economic Community, the precursor to the European Union (EU). However, Turkey's domestic politics were often unstable, and the military forced out civilian governments on four occasions between 1960 and 1997. After a coup in 1980, the military government drafted a constitution that severely restricted civil liberties and political freedoms. It was ratified by referendum in November 1982.

In the 1990s and early 2000s, Turkey experienced a series of weak coalition governments, economic difficulties, corruption scandals, and continued fighting, mostly in the southeast, between the military and the separatist Kurdistan Workers' Party (PKK). In November 2002 parliamentary elections, the Justice and Development Party (AKP) won a sweeping victory. The AKP had roots in the Islamic-oriented Welfare (Refah) Party, which had been removed from power due to military pressure in 1997 and subsequently banned for antisecular activities. However, the AKP presented itself as a modern, Western-oriented party. Its leader, Recep Tayyip Erdoğan, was banned from politics in 1998 for allegedly inciting religious intolerance while serving as mayor of Istanbul. Once in power, the AKP amended the constitution to allow Erdoğan to become prime minister.

In its first years in government, the AKP oversaw numerous reforms linked to Turkey's bid to join the EU, including a ban on capital punishment, greater rights for free expression, greater cultural rights for the Kurdish minority, and limits on the powers of the military. Accession talks with the EU officially began in October 2005, but difficulties, including disputes with Cyprus and skepticism among some EU leaders and citizens about Turkish membership, slowed the process. Turkish popular support for EU membership also declined, and the momentum for reform began to flag.

In 2007, staunch secularist Ahmet Necdet Sezer completed his term as president, and despite objections from the military and the secularist opposition Republican People's Party (CHP), the AKP nominated its own Abdullah Gül to succeed him. The military tacitly threatened to intervene if Gül's nomination were approved by parliament, and AKP opponents mounted street demonstrations. Erdoğan called early parliamentary elections for July 2007 to overcome parliamentary opposition. The AKP handily won the voting, allowing Gül to be elected president.

However, partisan disputes continued. In 2008, AKP opponents brought a case before the Constitutional Court to ban the AKP for violating principles of secularism, but the court rejected the move by one vote in July. For its part, the AKP launched an investigation into alleged coup plots by a secretive group called Ergenekon, which was accused of conspiring to stage terrorist attacks and thus provoke political intervention by the military. Numerous military and police officers, academics, publishers, and journalists were indicted in connection with the Ergenekon case. However, critics argued that the AKP was using unsubstantiated charges to suppress its political opponents. Trials began in October 2008.

In September 2010, the government called a referendum on constitutional amendments to further curtail the power of the military and judiciary and to make it more difficult to ban political parties. In addition to the attempt to ban the AKP, the largely Kurdish Democratic Society Party (DTP) in

December 2009 had become the most recent of several Kurdish parties to be banned for alleged links to separatist activity. The constitutional reforms were largely supported by the EU, but critics expressed fears that they amounted to a power grab by the AKP. The proposed amendments passed with 58 percent of the vote.

The AKP's 2009-10 "Kurdish initiative," which included clandestine talks with some officials from the PKK, produced no major breakthroughs. In February 2011 the PKK ended its latest cease-fire, and armed clashes between the group and Turkish forces over the next two years killed hundreds of soldiers, police, militants, and civilians. At the same time, the government accelerated its actions against the Union of Communities of Kurdistan (KCK), which authorities described as the PKK's urban arm. Special courts, using antiterrorism laws, rendered convictions in dozens of cases against alleged KCK members.

In June 2011 parliamentary elections, the AKP won nearly 50 percent of the vote and garnered 326 of 550 available seats. The CHP placed second with 135 seats, followed by the Nationalist Action Party (MHP) with 53 and independents backed by the largely Kurdish Peace and Democracy Party (BDP) with 36. Erdoğan was reconfirmed as prime minister, and he made writing a new constitution a top priority. In October 2011, a multiparty Constitution Reconciliation Commission was created to draft a new charter. However, tensions among the various parties on issues such as the Kurdish question, redefining secularism, and possibly adopting a presidential system of government, as well as stipulations that the proposed changes must be supported by all parties, dimmed hopes for progress on the document.

Meanwhile, arrests in the Ergenekon and other coup-related cases continued. By mid-2011, over 600 people had been charged. In July 2011, the arrest of 250 officers in the "Sledgehammer" case, involving an alleged 2003 coup plot, prompted the resignation of Turkey's military chief of staff and the heads of the army, navy, and air force. In the first half of 2012, several former military officials were indicted in connection with coup plots, including cases stretching back to 1980 and 1997. A special security court handed down prison sentences against 331 officers in the Sledgehammer case in September 2012. While some observers hailed the case as a breakthrough for civilian oversight of the military, others expressed concern about the rule of law and warned that the government was using the coup trials and KCK arrests to silence legitimate critics.

The civil war that had begun in Syria in 2011 continued throughout 2012, by which time over 100,000 refugees had entered Turkey, creating a humanitarian crisis. The Turkish government backs the Syrian rebels and is concerned about ties between Syrian Kurds and the PKK. A bout of cross-border shelling between Syrian and Turkish forces in September 2012 sparked fears of a wider regional conflict.

Political Rights and Civil Liberties

Turkey is an electoral democracy. Its 550-seat unicameral parliament, the Grand National Assembly, is elected every four years. Starting in 2014, the president will be elected by popular vote for a once-renewable, five-year term, replacing the existing system of election by parliament. The prime minister is head of government; the president has powers including a legislative veto and authority to appoint judges and prosecutors. The June 2011 parliamentary elections were widely judged to have been free and fair, although 12 candidates from the BDP were barred from running, and eight winning candidates – six from the BDP and two from the CHP – were in pretrial detention

at the time of the elections. Both the BDP and CHP boycotted the opening of parliament. The 2011 elections were notable for featuring the first legal campaigning in Kurdish.

A party must win at least 10 percent of the nationwide vote to secure parliamentary representation. This is the highest electoral threshold in Europe. Political parties can be disbanded for endorsing policies not in agreement with constitutional parameters. The rule has frequently been applied to Islamist and pro-Kurdish parties. As of July 2012, more than 1,000 officials from the BDP, including over 300 elected mayors, remained jailed or in detention in the KCK cases for alleged links to the PKK. In May 2012, Leyla Zana, a BDP lawmaker who had previously spent 10 years in prison, was sentenced to another 10 years for ties to the PKK.

AKP-led reforms have increased civilian oversight of the military, but restrictions persist in areas such as supervision of defense expenditures. Constitutional amendments in 2010 limited the jurisdiction of military courts to military personnel and removed provisions that prevented the prosecution of leaders of the 1980 military coup. Trials against military officers continued throughout 2012. İlker Başbuğ, a former chief of the general staff, was put on trial in March; former president Kenan Evran, leader of the 1980 coup, went on trial in April; and in September a court handed down prison sentences against 325 officers allegedly connected to the Sledgehammer coup plot. Many observers expressed concern about the frequent use of lengthy pretrial detention and catch-all indictments and alleged that the trials and convictions rested on flimsy or doctored evidence.

Turkey struggles with corruption in government and in daily life. The AKP government has adopted some anticorruption measures, including a reform package in June 2012 that focuses on bribery and political financing. However, reports by international organizations still note only limited progress in this area. Prime Minister Recep Tayyip Erdoğan has been accused of involvement in a number of scandals related to economic cronyism and nepotism. Turkey was ranked 54 out of 176 countries surveyed in Transparency International's 2012 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. A June 2012 reform package reduced prison sentences and pretrial detention for certain offenses, but observers noted that the changes failed to satisfy concerns expressed by the EU and the Council of Europe. Ahmet Şik and Nedim Şener, two journalists arrested in March 2011 in connection with the Ergenekon case, were released in March 2012. However, an October 2012 report from the Committee to Protect Journalists (CPJ) noted that more journalists were incarcerated in Turkey than in any other country. According to CPJ, by the end of 2012, 49 journalists were behind bars, compared to 8 a year earlier. Most were Kurdish and charged under antiterrorism laws in the KCK cases. The harsh legal environment has also encouraged self-censorship, and in 2012 some journalists who were critical of the government lost their jobs.

Nearly all media organizations are owned by giant holding companies with ties to political parties, contributing to self-censorship. Kurdish-language publications and television broadcasts are now permitted, but they can be temporarily shut down by authorities. Such was the case with the newspaper *Özgür Gündem* in March 2012 and *Demokratik Vatan* in May. The internet is subject to the same censorship policies that apply to other media. An internet filtration system was introduced in November 2011, with optional settings designed to protect minors. A September 2012 report from European Digital Rights noted an increase in prosecutions of people who share "illegal

content" on social-networking sites. That month, a man was sentenced to a year in prison for insulting President Abdullah Gül on Facebook.

The constitution protects freedom of religion, but the state's official secularism has led to restrictions on the Muslim majority and others. Observant men may be dismissed from the military, and women are officially barred from wearing headscarves in public universities and government offices. The AKP has lobbied against the headscarf ban, and enforcement of this provision has become more lax in many universities. Three non-Muslim groups – Jews, Orthodox Christians, and Armenian Christians – are officially recognized. However, disputes over property, prohibitions on training of clergy, and interference in the internal governance of their religious organizations remain concerns. In an address to the parliament in February 2012, Ecumenical Patriarch Bartholomew I of the Orthodox Church advocated new constitutional protections for non-Muslims.

The Alevis, a non-Sunni Muslim group, lack protected status. Historically they have been targets of violence and discrimination, and their houses of worship – known as cemevis – do not receive state support, as mosques do. The government made overtures to the Alevi community in 2010, but in August 2012 Erdoğan suggested that true Muslims only pray in mosques.

Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics such as the Kurds, the definition of World War I-era massacres of Armenians as genocide, and the legacy of Atatürk. Scholars linked to the Kurdish issue have been subject to increased intimidation and in some cases detention. Notable examples include the October 2011 arrests of publisher and Nobel Peace Prize nominee Ragıp Zarakolu and political science professor Bürşa Ersanlı, a member of the constitutional commission of the BDP. Both were released on bail pending their trials, which began in July 2012. Separately, more than 3,000 students were reportedly in prison as of September, and several were convicted and sentenced; many had been charged with terrorism offenses after organizing to call for free higher education.

Freedoms of association and assembly are protected in the constitution, and Turkey has an active civil society. Many prior restrictions on public demonstrations have been relaxed, and in April 2012 activities related to the "Armenian Genocide Commemoration Day" proceeded peacefully. However, clashes with police still occur. Police used tear gas and water cannons to disperse protests over a religious education bill in May. In October, the government banned celebrations of Republic Day, citing security concerns. Police subsequently clashed with secularists who went ahead with a rally in Ankara, and Erdoğan labeled the protesters "terrorist hooligans." Members of human rights groups have received death threats and continue to face prosecution on various charges, including membership in the KCK.

Laws to protect labor unions are in place, but union activity remains limited in practice. Regulations for the recognition of legal strikes are onerous, and penalties for participating in illegal strikes are severe. Union officials were arrested on multiple occasions in 2012, including 69 leaders from the Confederation of Public Service Workers (KESK) who were rounded up in June in an anti-KCK operation.

The constitution stipulates an independent judiciary, and in June 2012 the government passed a long-awaited measure to establish an ombudsman. In practice, however, the government can influence judges through appointments, promotions, and financing. Critics of the government are concerned about pressure put on judges, particularly in cases involving alleged coup plots and

journalists. Defense lawyers in KCK cases have themselves been placed under investigation. 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 government has enacted laws and introduced training to prevent torture, but reports of mistreatment are widespread. Prison conditions can be harsh. Overcrowding is common, access to medical care is uneven, and laws and oversight are inadequate. In March 2012, hundreds of minors reportedly had to be moved out of a prison in Adana after allegations of physical and sexual abuse.

In February 2011 the PKK ended a six-month unilateral cease-fire, and armed clashes between the group and the Turkish military in 2011 and 2012 killed hundreds of soldiers, police, militants, and civilians. An investigation continues into the December 2011 killing of 34 civilians by the Turkish military near the village of Uludere along the border with Iraq.

The Kurdish question remains a key challenge for Turkey's democracy. Many past restrictions on the Kurdish language have been lifted, and in June 2012 the Ministry of Education approved a curriculum that would allow some teaching of Kurdish. However, use of Kurdish in the provision of public services remains prohibited. In the wake of renewed violence by the PKK, the government has stepped up anti-KCK operations, invoking antiterrorism laws to arrest large numbers of individuals who are critical of government policy. According to one estimate, in 2012, 7,748 people had been detained and 3,895 arrested in anti-KCK actions. Trials were ongoing at year's end.

Homosexual activity is not prohibited, but LGBT (lesbian, gay, bisexual, and transgender) people are subject to widespread discrimination, police harassment, and occasional violence. In September 2012 the AKP rejected a proposal to protect the rights of LGBT people in the constitution.

Property rights are generally respected in Turkey, with notable exceptions. Tens of thousands of Kurds were driven from their homes in the southeast during the 1990s, though some have returned or received financial compensation under a program set up in 2004. Non-Muslim religious communities that lack a corporate legal identity have difficulty owning property or regaining property previously seized by the state. Of the 117 judgments against Turkey by the European Court of Human Rights in 2012, 20 percent involved property rights.

The constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 124 out of 135 countries surveyed in its 2012 Global Gender Gap Index. Only about a third of working-age women participate in the labor force, the lowest rate in Europe. Women hold just 78 seats in the parliament, up from 48 after the 2007 elections. Reports of domestic abuse have increased in recent years, and so-called honor crimes continue to occur. A March 2012 report found that 42 percent of Turkish women have been subjected to physical or sexual violence. That month the government passed a law forcing husbands who are deemed abusive by the courts to wear monitoring devices, and in August the Ministry of Family and Social Policies announced its 2012-15 Action Plan to Combat Violence Against Women. However, critics complain that the government seems more committed to "family integrity" than women's rights. In May, Prime Minister Erdoğan called for a ban on abortion and limits on caesarean births; the government backed away from formally introducing the controversial measures by year's end.

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