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Country Information and Guidance

Turkey: Kurdish ethnicity

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Guidance

Updated: 12 February 2016

1. Introduction

1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm by state or non state actors due to the person's Kurdish ethnicity.

1.1.2 For guidance on claims made on the basis of membership or association with the Partiya Karkerên Kurdistanê or Kurdish Workers' Party (PKK) see separate country information and guidance on Turkey: Membership or association with the PKK.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For information on assessing credibility, see sections 4 and 5 of the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Assessment of risk

2.2.1 Kurds are estimated to be the largest ethnic minority group in Turkey representing 17% of the total population (see Demography). A significant proportion of Kurdish people have integrated fully into Turkish society (see History).

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Treatment by the state

2.2.2 Kurds have historically experienced discrimination in Turkey. The main way in which the Turkish state has discriminated against Kurds has been in use of language and education. Until recently, the use of minority languages was forbidden by law but these restrictions have now been eased so as to allow Kurdish and other minority languages to be used in education in private schools - though not yet in state schools - in broadcasting and in election campaigning (see Kurdish Language). The Kurdish new year holiday of Newroz is generally freely and peacefully celebrated with rallies in cities nationwide (see Newroz celebrations).

2.2.3 There have been a small number of reports of ill-treatment by the authorities which primarily concern the police using excessive force in responding to demonstrations involving Kurds, but such heavy-handedness is not confined to Kurds alone. Kurdish civil society organizations and political parties continued to experience problems exercising the freedoms of assembly and association (see Police).

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Treatment by non-state actors

2.2.4 Hate rhetoric by some of the Turkish media has been reported, as have incidents of societal violence. The numbers of such incidents are however relatively small compared to the size of the Kurdish population in Turkey (see Societal violence).

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Conclusion

2.2.5 Even when taken cumulatively the discrimination faced by Kurds does not in general amount to them being subject to action on the part either of the populace or the authorities which would amount to persecution within the terms of the Refugee Convention or otherwise inhuman or degrading treatment. Each case must be assessed on its own merits, taking full account of the particular circumstances and profile of the person and any past persecution.

2.2.6 For guidance on assessing risk, see section 6 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.3 Protection

2.3.1 The Turkish Penal Code was amended in March 2014 to include measures to prevent crimes based on 'hatred and discrimination' and the penalty for hate offences was also increased. However, the amendment did not include hate offences based on ethnic origin, amongst other categories (see Anti-discrimination legislation).

2.3.2 Avenues of complaint exist for persons to lodge complaints against police officers they accuse of ill-treatment (see country information and guidance on Turkey: Background). However, obstacles remain to securing justice for victims of serious human rights abuses by police, military, and state officials, creating what has been described as a culture of impunity (see Police).

2.3.3 Where the person's fear is of ill treatment/persecution at the hands of non-state agents - or rogue state agents - then effective state protection is likely to be available.

2.3.4 Decision makers need to consider each case on its facts, taking full account of the particular circumstances and profile of the person and any past persecution. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.

2.3.5 For further information on assessing the availability or not of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Internal relocation

2.4.1 There are Kurdish communities throughout Turkey and Turkish citizens are free to move throughout the country. It is mandatory for Turkish citizens to possess a national identity card (Nefus) and this is required in order to work, access health and social services, register to vote, access Turkish courts, obtain a passport or driver's license, register for school and university, own property and/or a vehicle, and to obtain phone, internet, and home utilities (see country information and guidance on Turkey: Background including actors of protection and internal relocation).

2.4.2 Where a Kurd does encounter local hostility they should be able to avoid this by moving elsewhere in Turkey, but only if the risk is not present there and if it would not be unduly harsh to expect them to do so.

2.4.3 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.

2.4.4 For further guidance on internal relocation, see section 8.2 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Certification

2.5.1 Where a claim based solely on Kurdish ethnicity falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.5.2 For further information on certification, see the Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy summary

3.1.1 Even when taken cumulatively the discrimination faced by Kurds does not in general amount to them being subject to action on the part either of the populace or the authorities which would amount to persecution within the terms of the Refugee Convention or otherwise inhuman or degrading treatment.

3.1.2 Where a person does establish a well founded fear of persecution or serious harm by non- state agents - or rogue state agents - then effective state protection is likely to be available. Internal relocation to avoid any risk is also likely to be an available option.

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Country Information

Updated: 12 February 2016

4. Background

4.1 Demography

4.1.1 The CIA World Factbook estimated the population of Turkey to be about 79,414,269.[1] The majority of the population is [ethnically] Turkish (80%), but there are also 26 other ethnic groups, Kurdish being the largest (estimated at 17% of the total population). Other ethnic groups include Arab, Georgian, Greek, Armenian, Circassian, Syrian, Laz and Chechen.[2] More than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects.[3]

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4.2 Legal and constitutional framework

4.2.1 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that:

'The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other ethnic or religious minorities--including Alevis, Assyrians, Protestants, Roman Catholics, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz--were not permitted to exercise their linguistic, religious, and cultural rights fully.' [4]

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4.3 History

4.3.1 The News Historian website's article on the 'History of the Kurds' dated 8 January 2015 stated that: 'Historically the Kurds led nomadic lives in the plains and highlands around south-western Armenia, north-western Iran, northern Iraq, north-east Syria and south-east Turkey. Their society was built around sheep and goat herding. Despite the lack of a permanent state, a strong Kurd cultural identity exists, one fostered through centuries of tradition and shared history.

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[1] US Central Intelligence Agency. The World Factbook; Turkey; People and society, updated 26 August 2015 https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html Date accessed: 28 August 2015.
[2] IHS Jane's 360. 'Security Assessment;' Turkey; Demography, dated 24 April 2015. Available by subscription only. Date accessed: 20 July 2015.
[3] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.
[4] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

'Throughout the nineteenth and early twentieth century the Kurd's traditional nomadic existence came under threat as borders of neighbouring states became more rigidly established in traditional Kurdish mountain territories, putting pressure on the Kurds to integrate into other societies.

'At the start of the twentieth century Kurdish nationalists became more determined, and began agitating for a state of their own. Since the 1890s Kurdish newspapers and political clubs existed in what is now Turkey, highlighting a growing cultural autonomy. The defeat of the Ottoman Empire in World War One presented a great opportunity for the establishment of Kurdistan, and the Treaty of Sevres of 1920 made provision for the Kurdish state. Three years later however, the borders of Turkey were drawn in the Treaty of Lausanne and Kurdistan was not included. The Kurds were thus left with minority status in the states of the Middle East.

'In the 1920s and 1930s Kurdish uprisings in eastern Turkey were met with brutal government suppression. Over the following decades attempts were made to outlaw the Kurdish language and prevent Kurds wearing their traditional clothes in the country's major cities. In 1978 Abdullah Ocalan founded the Kurdistan Worker's Party (PKK), an organisation dedicated to the creation of an independent Kurdistan. Throughout the 1980s and 1990s the PKK engaged in acts of guerrilla warfare and terrorism against the Turkish government in the Eastern provinces, until Ocalan was captured in 1999. In 2002 the Turkish government legalised broadcasts in the Kurdish language, as part of the attempt to gain membership to the European Union, but tensions and skirmishes have continued.'[5]

4.3.2 A Foreign Policy Research paper in 2001 stated:

'In fact, a great number of Kurds, especially those that willingly or forcibly migrated to western Turkey, integrated successfully into Turkish society and adopted the values, and social organization of the republic. Kurds today are active in all spheres of social and political life, and are even present in the ranks of the Nationalist Movement Party (Milliyetc¸i Hareket Partisi—MHP), which is often characterized in the West as fascist and anti-Kurdish. This remarkable level of assimilation can be attributed in part to the policies of the state, but clearly the ethno-linguistic heterogeneity of the Kurdish population was an additional factor…

'Kurds in Turkey have three options: to reject Turkish identity altogether, to accept it in its civic version while retaining their Kurdish ethnic identity (which amounts to integration), or to accept Turkish identity in both its civic and ethnic forms (which amounts to assimilation). A 1993 poll showed that over 13 percent of Istanbul's population claimed Kurdish roots, while 3.9 percent considered themselves Kurds, and 3.7 percent identified themselves as "Turks with Kurdish parents." Apparently, the remainder considered themselves simply "Turks." Even accounting for the less-than-ideal polling conditions at the height of the conflict (including state restrictions on

[5] News Historian. 'History of the Kurds,' dated 8 January 2015. http://www.newhistorian.com/history-kurds/2654/ Date accessed: 21 July 2015.

expressions of Kurdish identity), this outcome clearly shows that a significant number of Kurdish people have integrated into Turkish society.'[6]

4.3.3 Minority Rights Group International stated the following in a report dated 2 July 2015:

'Turkey's Kurdish community, besides being the largest minority in the country, is also one of the most discriminated against. Historically, Kurds are concentrated in the eastern and south-western parts of the country. Their situation deteriorated further following the outbreak of fighting in 1984 between the government and the Kurdish Workers' Party (PKK), an armed opposition group fighting for self-determination. Increasing violence on both sides resulted in the displacement of millions of civilians.

'A major factor in Turkey's rapid urbanization in recent decades, especially the main cities in south-eastern Turkey, was the policy of village destruction, which was central to Turkey's internal conflict against the PKK. By 1994, at least 3,000 villages had been deliberately destroyed as part of this campaign. The European Court of Human Rights gave judgment in a number of cases and established that Turkey had destroyed many villages as part of a military strategy. In this context, urban centres such as Diyarbakır experienced rapid growth, tripling in size during the 1990s even as many residents themselves moved elsewhere in Turkey or abroad to escape the violence.

'Though there is no consensus on how many exactly were displaced, reliable estimates range between 1 and 3 million. This legacy of displacement persists today, with the Internal Displacement Monitoring Centre (IDMC) estimating there to be at least 953,700 Kurdish internally displaced persons (IDPs) in Turkey as of December 2014 – the majority of them those who were originally uprooted by fighting between 1986 and 1995. IDMC reports that most have had to survive without external support, either in urban areas in relative proximity to their home villages or in cities in other regions of the country, often in low quality housing.

'Though the government has reportedly undertaken periodic attempts to support return, through village rehabilitation and compensation for those displaced, as well as payments to those affected by the 2013 conflict, IDMC reports that as of 2009 only 187,000 IDPs had returned. However, the political will to implement these changes has been questioned given that conditions in former villages often make return unfeasible, with little in the way of basic services or livelihood options. Some areas still reportedly contained landmines. With hundreds of thousands of refugees from neighbouring Syria now settled in the country, the prospects of a speedy resolution are even slimmer.

'Those who have migrated out of the main Kurdish-populated areas to western Turkish cities face other challenges. A 2012 study for the Immigration and Refugee Board of Canada included interviews with local

[6] Foreign Policy Research Institute. 'The Land of Many Crossroads; The Kurdish Question in Turkish Politics' by Svante E. Cornell. 2001 http://old.silkroadstudies.org/new/docs/publications/TURKEY_KURDS.pdf Date accessed: 21 August 2015.

researchers who described the “atmosphere of pressure” and the “nationalist backlash” that the Kurdish minority often experienced when in western Turkish cities. This poses significant challenges for their long-term integration and well-being. A large portion of Istanbul's Kurdish population, for example, having been displaced during the conflict, were forced to move to the periphery of the city to live in areas with low rents or weak regulations where they could settle illegally. Many today are still living in neighbourhoods such as Karayollari, a spatially segregated neighbourhood that continues to struggle with high levels of unemployment and crime.

‘Kurdish communities in Istanbul are facing new challenges, including gentrification. In one high-profile case, Kurds and Roma residents were evicted from informal settlements in Karayollari in order to make way for Avrupa Konutlari, an up-scale gated community comprising numerous high-rise buildings around a large swimming pool and aimed at middle-class commuters. Kurds living nearby have told journalists that they see the buildings as a provocation, while some admit that they welcome the job opportunities which the construction industry provides.

‘At the same time, some commentators have highlighted that internal migration, even in difficult circumstances, can contribute to cohesion and also bring benefits to Kurds and other marginalized groups in terms of greater life opportunities. Though studies on displaced households have highlighted the continued longing for return among many of those displaced more than two decades ago, it is likely that others will remain in their new locations. As the country attempts to move towards lasting peace, support for those wishing to return and more targeted urban strategies to encourage the development and inclusion of Kurdish communities in urban areas will be essential.’[7]

4.3.4 According to the Foreign Policy Research Institute in a report from October 2014:

‘A restive Kurdish population has been the biggest challenge to the homogenous Turkish identity the modern Republic has sought to establish. Both Özal, himself of partial Kurdish extraction, and Erdoğan extended more political and social rights to Turkey’s Kurds than they previously enjoyed. Under Erdoğan, the Kurds enjoy greater freedom to use their own language and organize as Kurds. And in the aftermath of America’s second war in Iraq, the Turkish government forged ties with Iraq’s Kurdish Regional Government (KRG) and started peace talks with the Kurdistan Worker’s Party (PKK), with which the Turkish state had been fighting since the 1980’s. A peace deal with the PKK would involve even greater Kurdish freedoms in exchange for PKK disarmament and demobilization.

‘And then two strands of Turkish policy collided. Just as the PKK talks had reportedly reached discussions about disarmament, the Islamic State of Iraq and the Levant (ISIL) exploded out of Syria into Iraq, seizing much of the

[7] Minority Rights Group International. ‘State of the World's Minorities and Indigenous Peoples 2015’; ‘Case study: Little change, two decades on, for Turkey's displaced Kurds,’ dated 2 July 2015 (pages 210 – 211). http://www.minorityrights.org/13061/attachments/_MRG-state-of-the-worlds-minorities-2015-FULL-TEXT.pdf Date accessed: 28 August 2015.

country's north and west, threatening the KRG, among others. ISIL also advanced on Kobane, one of three main Syrian Kurdish enclaves that had enjoyed relative autonomy for the last two years.'[8]

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5. Treatment of Kurds

5.1 Language

5.1.1 Human Rights Watch noted in a September 2014 report that 'Over several years there have been important steps to acknowledge Kurdish language and cultural rights, including easing restrictions on mother-tongue education in private schools, though not yet in state schools, on broadcasting in Kurdish and other minority languages, and on election campaigning in Kurdish and other minority languages.'[9] Despite improvements, the Atlantic noted in an article dated 18 August 2015 that, 'To this day, many Kurdish children don't have access to Kurdish-language education.'[10]

5.1.2 In its 'Freedom in the World Report' 2015, published in March 2015, Freedom House similarly reported that 'In recent years the state has enhanced the rights of Kurds through numerous reforms, including a 2013 law allowing private education in Kurdish that led to three private Kurdish-language schools opening in southeastern Turkey in 2014.'[11]

5.1.3 According to Jane's Sentinel Security Assessment, published in April 2015:

'The Kurdish language is not officially recognised in Turkey. In 2006, the government allowed private channels to begin to broadcast in Kurdish for a maximum of four hours a week provided that they carried Turkish subtitles. In January 2009, the government went one step further and launched a Kurdish-language television channel on the state-owned Turkish Radio and Television (TRT). However, the content of Kurdish-language broadcasting on both state-owned and private channels remains tightly controlled. Kurdish has three main dialects, the northern of which is spoken in Turkey, though some say that the word dialect may be misleading, such are the differences between the forms. The form most commonly spoken in Turkey is known as Kurmanji, and it is written in the Latin alphabet, unlike in Iran and Iraq, for example. Most Mediaeval Kurdish literature is in Kurmanji.'[12]

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[8] Foreign Policy Research Institute. 'Turkey's Competing Strategic Cultures – Now and into the Future,' dated October 2014. http://www.fpri.org/geopoliticus/2014/10/turkeys-competing-strategic-cultures-part-4-now-and-future-0 Date accessed: 28 August 2015.

[9] Human Rights Watch. 'Turkey's Human Rights Rollback- Recommendations for Reform,' dated 29 September 2014 http://www.hrw.org/report/2014/09/29/turkeys-human-rights-rollback/recommendations-reform Date accessed: 21 July 2015.

[10] The Atlantic. 'All Our Young People Have Gone to the Mountains,' dated 18 August 2015. http://www.theatlantic.com/international/archive/2015/08/turkey-kurds-pkk-syria/401624/ Date accessed: 28 August 2015.

[11] Freedom House. 'Freedom in the World 2015;' Turkey, dated 10 March 2015 (Section F: Rule of Law). https://freedomhouse.org/report/freedom-world/2015/turkey#.Va0AvvmMOmw Date accessed: 20 July 2015.

[12] IHS Jane's. 'Sentinel Security Assessment;' Turkey; Demography, dated 24 April 2015. Available by subscription only. Date accessed: 20 July 2015.

5.1.4 The US State Department's 2014 country report, published in June 2015, noted that 'official censure or harassment of Kurds who publicly spoke Kurdish or asserted their ethnic identity decreased markedly. In both law and practice, the government took steps toward accepting the Kurdish language in private education, the judiciary, state-owned media, and public services.'[13]

5.1.5 In its 2014 Progress Report on Turkey (which covered the period from October 2013 to September 2014), the European Commission reported positive developments regarding using mother tongues and a steady and welcome normalisation of the use of Kurdish in public.[14]

5.1.6 In its national report of October 2014 to the Working Group on the Universal Periodic Review, the Turkish government stated that:

'Following the amendment of the relevant law, public schools began to offer elective courses on "Living Languages and Dialects" as of 2012–2013 academic year. Accordingly, upon request, Kurdish (Kurmanji and Zazaki), Circassion (Adige and Abkhaz) and Laz language classes are available in public schools. In the past two academic years, 23,697 fifth graders and 19,896 sixth graders in total enrolled at these language classes.

'It became possible to conduct academic research on different languages and dialects used by the Turkish citizens, to open elective courses and to set up departments/institutes. Within this framework, programs of Kurdish Language and Literature, Armenian Language and Literature, Zazaki Language and Literature, Georgian Language and Literature and Syriac Language and Literature are offered in various universities.

'In accordance with the Democratization Package of 30 September 2013, amendments were made so as to permit education in private schools in languages and dialects traditionally used by Turkish citizens.

'Education institutions owned by non-Muslim minority groups are governed by the Law on Private Education Institutions (2007). At these schools, education is offered in the relevant minority's language, except for the courses of Turkish language and Turkish culture. Students who are members of a non-Muslim minority group can alternatively choose any general state or private school without any restrictions.'[15]

5.1.7 The European Commission reported in its 2014 Progress Report on Turkey, which covered the period from October 2013 to September 2014, that: 'In March [2014], legislation was adopted to implement the democratisation package announced in September 2013. This legislation allowed, among

[13] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

[14] European Commission. '2014 Progress Report on Turkey', dated 8 October 2014 (Chapter 23: Judiciary and fundamental rights, page 16). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 30 July 2015.

[15] UN Human Rights Council. 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Turkey,' dated 30 October 2014, A/HRC/WG.6/21/TUR/1. (paragraphs 93 – 96). http://www.refworld.org/country,,UNHRC,,TUR,,54c108254,0.html Date accessed: 28 August 2014.

other things, the provision of private education in the languages and dialects traditionally used in daily life. Use of non-Turkish letters, such as X, Q and W used in Kurdish, was permitted.

'The teaching of elective courses in Kurdish language in public schools continued and in the course of 2012/2013 academic year 18 847 students were enrolled. In September the Ministry of National Education has appointed 17 teachers of Kurdish language as permanent staff.

'…Work by the state Turkish Language Institution to prepare a Kurdish-Turkish and Turkish-Kurdish dictionary continued.'[16]

5.1.8 The Wall Street Journal reported on 12 September 2014 that: 'As part of the peace talks, Kurdish private education became legal in March. Until then, only elective language courses for teaching Kurdish were allowed in Turkish schools.

'But Kurdish-language education in public schools would require the Turkish constitution to be amended. As it stands, Turkish is the country's only official language to be used in schools and public offices, and the debate over changing the provision is ruffling the feathers of Turkish nationalists.'[17]

5.1.9 The European Commission's 2014 Progress Report on Turkey did however note that the government had not taken forward its January 2013 plans to legalise the provision of public services in languages other than Turkish - notably, Kurdish - as recommended by the Council of Europe.[18]

5.1.10 The 2014 US State Department Human Rights report for Turkey, published in June 2015, stated that:

'The print media was privately owned and active. Hundreds of private newspapers spanning the political spectrum published in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. Conglomerates or holding companies, many of which had interests before the government on a range of business matters--including billions of dollars in government construction, energy, or communications contracts--owned an increasing share of media outlets. Only a fraction of these companies' profits came from media revenue, and other commercial interests may have impeded media independence and encouraged a climate of self-censorship. The concentration of media ownership influenced the content of reporting and limited the scope of public debate.

'The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations that operated on local, regional, and national levels. In addition privately owned television

[16] European Commission. '2014 Progress Report on Turkey', dated 8 October 2014 (Chapter 23: Judiciary and fundamental rights, page 62). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 30 July 2015.

[17] The Wall Street Journal. 'Kurdish Education Gets Off to a Rocky Start in Turkey,' dated 12 September 2014. http://blogs.wsj.com/middleeast/2014/09/12/kurdish-education-gets-off-to-a-troubled-start-in-turkey/ Date accessed: 29 August 2014.

[18] European Commission. '2014 Progress Report on Turkey (covering the period October 2013 to September 2014),' dated 8 October 2014 (page 11). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf

channels operated on cable networks, and the RTUK granted licenses for 245 television channels, 139 cable television channels, and 1,022 radio stations. The wide availability of satellite dishes and cable television allowed the public access to foreign broadcasts, including several Kurdish-language private channels.

'The RTUK allowed radio and television stations to broadcast in Uighur, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year.'[19]

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5.2 Political participation

5.2.1 Freedom House in its Freedom in the World Report 2015, published in March 2015, noted that:

'Turkey has a competitive multiparty system, but parties can still be disbanded for endorsing policies that are not in agreement with constitutional parameters. This rule has been applied in the past to Islamist and Kurdish-oriented parties. Since 2009 no such bans have been enforced, and Kurdish-oriented parties have competed in various elections, but some members of these parties have been arrested in a law enforcement campaign against the Union of Communities of Kurdistan (KCK), which the government describes as a terrorist organization and the PKK's urban arm. In May 2014, a mayor from a district in Diyarbakır in the southeast was sentenced to prison for ties to the PKK. In the 2014 presidential campaign, Erdoğan made critical remarks about the Kurdish heritage of the HDP's [Kurdish People's Democracy Party] candidate as well as the Alevi faith of the CHP [Republican People's Party] leader.'[20]

5.2.2 The 2014 US Department of State report, published in June 2015, noted that, 'Kurdish civil society organizations and political parties continued to experience problems exercising the freedoms of assembly and association.'[21]

5.2.3 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that:

'A law adopted in March [2014] as part of the September 2013 democratisation package made changes to the legal framework in relation to elections and political parties. It permitted political campaigning in languages other than Turkish, legalised party co-chairmanship and eased the rules governing the local organisation of political parties. The expansion of the

[19] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 2a. Press Freedoms). http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.
[20] Freedom House. 'Freedom in the World 2015;' Turkey, dated 10 March 2015 (Overview: Political Rights). https://freedomhouse.org/report/freedom-world/2015/turkey#.Va0AvvmMOmw Date accessed: 28 August 2015.
[21] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons) http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 28 August 2015.

scope of funding to political parties that attain more than 3 % of votes in parliamentary elections (as opposed to the currently in force two-tire [sic] regime with 7 % and 10 % threshold) will apply following the next such elections. However, the new rules will not apply where MPs are elected as independent and subsequently form a political group in parliament, which is currently the case of the pro-Kurdish BDP/HDP.'[22]

5.2.4 Human Rights Watch noted in a September 2014 report that: 'The government has pledged to lower the so-called 10 percent election threshold that blocks parties who fail to obtain at least 10 percent of the vote, from taking up their seats in parliament. In practice, candidates of minority parties are forced to run as independent candidates who form a party group once elected.'[23]

5.2.5 In June 2015 Today's Zaman reported that the Justice and Development Party (AKP) lost its majority in Parliament for the first time since 2002. [24] The Jamestown Foundation website reported that the general election in Turkey on June 7 radically changed the country's political landscape. The ruling Justice and Development Party (AKP) lost its absolute majority, winning only 258 of the 276 seats it needed, and the pro-Kurdish Peoples' Democratic Party (HDP) has now entered the parliament.[25] On 21 August it was announced that after failed efforts to form a coalition government fresh Parliamentary elections would be held on 1 November 2015.[26]

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5.3 Societal violence and hate speech

5.3.1 The 2014 US State Department report, published in June 2015, stated that 'According to the HRF [the nongovernmental organisation, Human Rights Foundation] as of October 15 [2014], 11 persons had lost their lives and 82 were injured in hate crimes directed towards Kurds, Alevis, Romas, Armenians, Jews, and transgender individuals.'[27]

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[22] European Commission. 'Progress Report on Turkey (covering the period October 2013 to September 2014),' dated 8 October 2014 (page 7). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 19 November 2015.

[23] Human Rights Watch. 'Turkey's Human Rights Rollback- Recommendations for Reform,' dated 29 September 2014 http://www.hrw.org/report/2014/09/29/turkeys-human-rights-rollback/recommendations-reform Date accessed: 28 August 2015.

[24] Today's Zaman. 'Turkey's 2015 election results,' dated 11 June 2015. http://www.todayszaman.com/blog/oguzhan-tekin/turkeys-2015-election-results_384983.html Date accessed: 28 July 2015.

[25] Jamestown Foundation. 'The Turkish Election and Responses in the South Caucasus,' dated 18 June 2015. Eurasia Daily Monitor Volume: 12 Issue: 115 http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=44055&tx_ttnews%5BbackPid%5D=390&cHash=63cf14efa0256efb59af6ba1af670c05#.VbdOGvmMOmw Date accessed: 28 July 2015.

[26] BBC News. 'Turkey snap election called after coalition talks fail,' dated 21 August 2015. http://www.bbc.co.uk/news/world-europe-34018497 Date accessed: 21 August 2015.

[27] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 6. National/Racial/Ethnic Minorities). http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

5.3.2 The European Commission's 2014 Progress Report on Turkey also noted that 'Hate rhetoric by some media targeted Christians, Armenians, Jews and to a lesser extent other non-Muslims and Kurds.'[28]

5.3.3 Following unrest in October 2014, the BBC noted in a report dated 30 October 2014 that the media united in portraying Kurdish protesters as the common enemy. The BBC reported that: 'Media coverage of recent protests by Turkey's Kurds has highlighted the growing use of discriminatory language towards minorities, with some newspapers accusing some Kurds of treason.

'….Pro- and anti-government papers used strongly-worded headlines to malign the protesters. Pro-government daily Yeni Safak said the protesters were the "Enemies of Turkey", while the Star headlined a story: "Blackmail for Kobane".

'Sozcu, a newspaper known for its strong anti-government and nationalistic line, accused the outlawed Kurdistan Workers' Party (PKK) of fomenting the riots. It ran the headlines: "The fire of treason" and "The PKK that bowed before Islamic State, burnt, destroyed and went berserk".

'Another anti-government paper, Bugun, said: "The fire of Kobane burnt Turkey, PKK supporters turn cities into war zones."

'Ersan Arsan, a professor of journalism and a columnist with the pro-Kurdish paper Evrensel, says the language used by the press is "racist" and aimed at dividing Turks and Kurds.'[29]

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5.4 Anti-discrimination legislation

5.4.1 Human Rights Watch noted in a submission dated 19 December 2014 that 'Turkey has yet to adopt international law relating to the protection of minority rights and national minorities or to lift its reservations to some conventions.'[30]

5.4.2 On 11 May 2015, European Members of Parliament urged Turkey to respect democratic rules and principles. A press release stated: 'We call for comprehensive anti-discrimination legislation, including the prohibition of discrimination and hate speech on the grounds of ethnicity, religion, sexual orientation, gender or gender identity.'[31]

[28] European Commission. '2014 Progress Report on Turkey (covering the period October 2013 to September 2014),' dated 8 October 2014 (page 61). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 29 August 2015.
[29] BBC. 'Hate Speech on the rise in Turkish media,' dated 30 October 2014. http://www.bbc.co.uk/monitoring/hate-speech-on-the-rise-in-turkish-media Date accessed: 28 August 2014.
[30] Human Rights Watch. 'Turkey: UPR Submission 2014,' dated 19 December 2014. https://www.hrw.org/news/2014/12/19/turkey-upr-submission-2014 Date accessed: 29 August 2015.
[31] European Parliament News. 'Turkey must put democracy and fundamental rights first, foreign affairs MEPs say,' dated 11 May 2015. http://www.europarl.europa.eu/news/en/news-room/content/20150511IPR54742/html/Turkey-must-put-democracy-and-fundamental-rights-first-foreign-affairs-MEPs-say Date accessed: 29 August 2015.

5.4.3 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that:

'In March [2014], the Criminal Code was amended to refer to "hatred and discrimination." The amendment increased the penalty for hate offences including those based on language, race, nationality, colour, gender, disability, political view, philosophical belief, religion or sect. The amendment did not however include hate offences based on ethnic origin, sexual orientation or gender identity.'[32]

5.4.4 The European Commission's Progress Report further stated:

'The Turkish Criminal Code regulates anti-discrimination, listing language, race, colour, gender, disability, political opinion, philosophical belief, religion, sect and similar reasons as bases on which discrimination is not permitted. It was amended to refer to hate crimes and to increase penalties for discrimination. Refusing to sell or rent a movable or immovable property to a particular person, while this has been offered to the public, is considered discrimination and has become a crime. However, discrimination on the basis of ethnic origin, sexual orientation and gender identity were not listed in the March [2014] revision of the Criminal Code. This affects especially important minorities as Roma and Kurds that are the most disadvantaged groups....

'A draft law on the establishment of an Anti-discrimination and Equality Board remained pending at the Prime Ministry.'[33]

5.4.5 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that:

'The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not enforce these prohibitions effectively. Government officials used discriminatory language toward opposition groups such as protesters, women, Alevis, Kurds, and other minorities. The constitution allows measures 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.

'On March 3 [2014], the parliament approved a law known as the Democratization Package that introduced an article on hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Perpetrators of these acts may be punished by up to three years in prison. While observers considered the legislation a positive step, they noted its categories did not match OSCE's recommendations because ethnic identity,

[32] European Commission. '2014 Progress Report on Turkey', dated 8 October 2014 (Chapter 23: Judiciary and fundamental rights, page 60).
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
Date accessed: 30 July 2015.

[33] European Commission. '2014 Progress Report on Turkey', dated 8 October 2014 (Chapter 23: Judiciary and fundamental rights, pages 58 – 59).
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
Date accessed: 30 July 2015.

sexual orientation, sexual identity, age, and profession were not included. Consequently civil society organizations asserted the grounds for punishing discrimination and hate in the law remained too limited and excluded major offences that may be motivated by discrimination and/or hate, especially failing to protect the most vulnerable groups, including women, persons with disabilities, LGBT individuals, Roma, and religious minorities.'[34]

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5.5 Newroz celebrations

5.5.1 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that Kurdish Newroz celebrations took place peacefully. No action was taken in response to speeches made in Kurdish, signalling the further normalisation of the use of Kurdish in public.[35]

5.5.2 The US State Department report covering 2014 and published in June 2015 also noted that 'For a second year, rallies in cities nationwide freely celebrated the Kurdish new year holiday of Newroz. The HRA noted that no police-imposed restrictions or interventions were observed during the event; the HRF reported that 36 persons were detained and 30 persons were injured during Newroz.'[36]

5.5.3 However, the Ekurd Daily reported that Turkish police attacked Newroz celebrators in Batman province in the March 2015 celebrations.[37] The Kurdish Daily News also recorded violent attacks in the Van province.[38]

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5.6 Police treatment of Kurds and anti-terrorism laws

5.6.1 In its national report of October 2014 to the Working Group on the Universal Periodic Review, the Turkish government stated that courses on human rights have become mandatory in the curricula of the Police.[39]

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[34] United States Department of State. 'Country Reports on Human Rights Practices;' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons) http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

[35] European Commission. '2014 Progress Report on Turkey (covering the period October 2013 to September 2014),' dated 8 October 2014 (page 53). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 28 August 2015.

[36] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 2 b. Freedom of Assembly). http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

[37] Ekurd Daily. 'Clash erupts in southeast Turkey during Newroz celebrations,' dated 17 March 2015. http://national.bgnnews.com/clash-erupts-in-southeast-turkey-during-newroz-celebrations-haberi/4459 Date accessed: 28 August 2015.

[38] Kurdish Daily News. 'Turkish police attack Kurds during Newroz celebrations in Van,' dated 21 March 2015. http://kurdishdailynews.org/2015/03/21/turkish-police-attack-kurds-during-newroz-celebrations-in-van/ Date accessed: 28 August 2015.

[39] UN Human Rights Council. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Turkey, dated 30 October 2014, A/HRC/WG.6/21/TUR/1

5.6.2 The US State Department Human Rights report, which covered 2014 and was published in June 2015, stated: 'In June [2014] in Adana, police allegedly fired a tear gas canister that killed a 15-year-old Kurdish boy during a protest of the deaths of two persons in Diyarbakir in a rally against the continued construction of military outposts in the Southeast. Another teenager was killed during similar protests in Mersin Province in June [2014]; the boy's body was found five days later in a river.

'In October [2014] security forces responded aggressively to protests, predominantly by Kurdish citizens of Turkey, throughout the Southeast in response to the government's perceived inaction to an ISIL attack on the largely Kurdish town of Kobani, Syria. During the week of October 6 [2014], at least 40 civilians were killed during two days of protests and associated violence. According to the HRF, security forces killed 15 persons, while clashes between various Kurdish groups resulted in 31 deaths. As a result of the protests, authorities imposed curfews and travel restrictions in various predominately Kurdish populated provinces, such as Diyarbakir and Mardin. On November 13, the justice minister announced that authorities had opened 73 investigations into the Kobani protests and had detained 894 persons and arrested 386 in October [2014].'[40]

5.6.3 The same source also reported that:

'Kurdish civil society organizations and political parties continued to experience problems exercising the freedoms of assembly and association. When large groups of Kurds rallied, they were usually met with a large police presence, which often led to skirmishes. This was particularly true during the October [2014] protests throughout the Southeast over perceived government inaction to prevent the potential fall of the predominantly Kurdish town of Kobani, Syria, to ISIL forces.' [41]

5.6.4 Human Rights Watch, in a report dated 29 September 2014, found that: 'Significant obstacles remain to securing justice for victims of serious human rights abuses by police, military, and state officials, creating what amounts to a culture of impunity.

'…Stronger efforts to combat impunity are also vital to safeguard the Kurdish peace process. Despite thousands of killings and disappearances of Kurds by state officials in the 1990s, only a handful of trials of officials have taken place.'[42]

(paragraph 156). http://www.refworld.org/country,,UNHRC,,TUR,,54c108254,0.html Date accessed: 28 August 2015.

[40] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 2 b. Freedom of Assembly). http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

[41] United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 6. National/Racial/Ethnic Minorities) http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

[42] Human Rights Watch. 'Turkey's Human Rights Rollback - Recommendations for Reform,' dated 29 September 2014 http://www.hrw.org/report/2014/09/29/turkeys-human-rights-rollback/recommendations-reform Date accessed: 29 August 2015.

5.6.5 The US Department of State's Human Rights report for Turkey published in June 2015 reported that:

'The HRA [Human Rights Association] asserted there were hundreds of political prisoners from across the political spectrum, including journalists, political party officials, and academics. The government stated that those persons were charged with being members of, or assisting, terrorist organizations. Despite new limits on the use of the antiterror law provided by the Fourth and Fifth Judicial Packages, prosecutors continued to use a broad definition of terrorism and threats to national security. The law still does not distinguish between persons who incited violence, those who are alleged to have supported the use of violence but did not use it themselves, and those who rejected violence but sympathized with some or all of the philosophical goals of various political movements.'[43]

5.6.6 Human Rights Watch noted in a report dated 29 September 2014 that there has been misuse of the anti terror legislation: 'Human Rights Watch has extensively documented the problem of arbitrary and abusive terrorism trials of mainly Kurdish political activists, journalists, lawyers, and students and a pattern of violation of fair trial standards. Authorities in Turkey have prosecuted activities such as joining protests, nonviolent political association, and journalistic activities.'[44]

5.6.7 For further information about the police see the country information and guidance on Turkey: Background.

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[43] United States Department of State. 'Country Reports on Human Rights Practices;' Turkey, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 20 July 2015.

[44] Human Rights Watch. 'Turkey's Human Rights Rollback- Recommendations for Reform,' dated 29 September 2014 http://www.hrw.org/report/2014/09/29/turkeys-human-rights-rollback/recommendations-reform Date accessed: 29 August 2015.

Version Control and Contacts

Contacts

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Clearance

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