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Country Report on Human Rights Practices 2018 - Turkey

EXECUTIVE SUMMARY

Turkey is a constitutional republic with an executive presidential system and a 600-seat legislature. The unicameral parliament (the Grand National Assembly) exercises legislative authority. The most recent presidential and parliamentary elections took place on June 24; Organization for Security and Cooperation in Europe (OSCE) observers expressed concern regarding restrictions on media reporting and campaign environment that restricted the ability of opposition candidates to compete on an equal basis and campaign freely, including the continued detention of a presidential candidate.

Civilian leaders maintained effective control over security forces. The government dismissed thousands of additional police and military personnel on terrorism-related grounds using state of emergency decrees and new antiterror laws as part of its response to the failed coup attempt of July 2016.

The country experienced significant political changes during the year. The two-year-long state of emergency--imposed following the 2016 coup attempt--ended July 19, but had far-reaching effects on the country's society and institutions, restricting the exercise of many fundamental freedoms. New laws and decrees codified some provisions from the state of emergency; subsequent antiterror legislation continued its restrictions on fundamental freedoms and compromised judicial independence and rule of law. By year's end, authorities had dismissed or suspended more than 130,000 civil servants from their jobs, arrested or imprisoned more than 80,000 citizens, and closed more than 1,500 nongovernmental organizations (NGOs) on terrorism-related grounds since the coup attempt, primarily for alleged ties to cleric Fethullah Gulen and his movement, accused by the government of masterminding the coup attempt, and designated by the Turkish government as the “Fethullah Terrorist Organization” (“FETO”).

Human rights issues included reports of arbitrary killing, suspicious deaths of persons in custody; forced disappearances; torture; arbitrary arrest and detention of tens of thousands of persons, including opposition members of parliament, lawyers, journalists, foreign citizens, and three Turkish-national employees of the U.S. Mission to Turkey for purported ties to “terrorist” groups or peaceful legitimate speech; political prisoners, including numerous elected officials and academics; closure of media outlets and criminal prosecution of individuals for criticizing government policies or officials; blocking websites and content; severe restriction of freedoms of assembly and

association; restrictions on freedom of movement; and violence against women, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and members of other minorities.

The government continued to take limited steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses; impunity for such abuses remained a problem. Clashes between security forces and the Kurdistan Workers’ Party (PKK) terrorist organization and its affiliates continued throughout the year, although at a reduced level compared with previous years, and resulted in the injury or death of security forces, PKK terrorists, and an unknown number of civilians. The government did not release information on efforts to investigate or prosecute personnel for any wrongful or inadvertent deaths of civilians linked to counter-PKK security operations.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were credible allegations that the government contributed to civilian deaths in connection with its fight against the terrorist PKK organization in the southeast, although at a markedly reduced level compared with previous years (see section 1.g.).

According to the Human Rights Foundation of Turkey (HRFT), in the first 11 months of the year, 33 civilians, 185 security force members, and 311 PKK militants were killed in eastern and southeastern provinces in PKK-related clashes. According to the Ministry of Interior, as of October 30, security forces had killed 1,451 PKK members. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK in the southeast.

The PKK continued its nationwide campaign of attacks on government security forces and, in some cases, civilians. On March 19, for example, PKK terrorists killed a villager and injured four others in Bitlis Province. On July 31, the wife and infant son of a Turkish soldier were killed in a roadside improvised explosive device (IED) attack in Hakkari Province. On October 4, eight Turkish soldiers were killed in an IED attack that represented the largest single loss of life in one PKK attack in at least two years.

During the year the government maintained tight control of its border with Syria, with the stated objective of restricting the entry of ISIS terrorists moving through the country. The government restricted humanitarian access to only those with urgent humanitarian needs, including medical cases.

There were reports Turkish border guards shot at Syrians and asylum-seekers of other nationalities attempting to cross the border, resulting in civilian killings or injuries. Turkish government statistics indicate that authorities apprehended 20-30,000 irregular

migrants each month during the year. The Armed Conflict Location and Event Data Project, although not on the ground, recorded more than 190 alleged fatalities from January 2017 to June.

There were credible reports that children were among those killed. For example, on March 22, Human Rights Watch (HRW) reported descriptions by nine Syrians of 10 incidents between September 2017 and early March in which Turkish border guards shot at them or others ahead of them as they tried to enter Turkey, killing 14 persons, including five children.

In January Turkish Armed Forces launched Operation Olive Branch in Syria’s Afrin district. International observers, including the United Nations, Amnesty International, and HRW, though not on the ground reported that the Turkish Armed Forces and Turkey-supported armed opposition groups caused civilian casualties and destroyed hospitals and protected sites, such as cultural monuments, during the conduct of the operation. The organizations also reported that Turkish forces may have failed to take necessary precautions in some cases to protect civilians from harm during the early days of the operation. Anecdotal evidence suggested Turkish forces later sought to protect the rights of civilians in areas of Syria under Turkish military control. The government stated that its conduct in the Afrin operation was consistent with international law and that the military took care to avoid civilian casualties throughout the operation. The government’s restrictions on humanitarian assistance and NGO access to Afrin since its seizure of the district early in the year resulted in limited information that would allow for confirmation of government claims.

Within Turkey’s borders, human rights groups documented several suspicious deaths of detainees in official custody, although overall numbers varied. HRFT reported 11 suspicious deaths in prison.

Following the October 2 disappearance of Saudi Arabian journalist Jamal Khashoggi after entering the Consulate General of the Kingdom of Saudi Arabia in Istanbul, the government of Turkey launched an investigation to determine his whereabouts and ultimately the circumstances and cause of his death. On October 19, after Turkish officials alleged a 15-member team of Saudi nationals killed Khashoggi at the consulate, Saudi government officials confirmed Khashoggi’s October 2 murder. On October 23, President Erdogan stated Khashoggi had been murdered in a planned operation and called for the extradition of 18 Saudi nationals considered by the kingdom as potential suspects in the killing (see the *Country Reports on Human Rights* for Saudi Arabia).

b. Disappearance

There continued to be some unconfirmed reports of disappearances during the year, some of which human rights groups alleged were politically motivated. Human rights groups claimed 28 individuals disappeared or were the victims of politically motivated kidnapping attempts. For example, Umit Horzum disappeared in December 2017. In April, 133 days after his disappearance, unknown individuals delivered him to police. Following 11 days in police custody, the court released him on April 27.

The government engaged in a worldwide effort to apprehend suspected members of “FETO”, a term the government applied to the followers of Fethullah Gulen also known as members of the Gulen movement. In July Foreign Minister Mevlut Cavusoglu confirmed that the National Intelligence Organization (MIT) had facilitated the return of more than 100 alleged “FETO” members from 18 countries. In some cases, cooperative governments deported wanted individuals without due process. For example, Turan and Meydan Television reported two Turkish citizens were transferred from Azerbaijan to Turkey without due process in February. Kyivpost.com reported July 16 that on July 12 and 15, MIT brought back from Ukraine two alleged “FETO” members and that a Turkish government official thanked Ukraine’s security services for their assistance. In cooperation with Kosovo authorities, MIT brought six suspects from Kosovo to Turkey in late March.

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but there were reports that some government forces employed these tactics. On February 27, UN special rapporteur on torture, Nils Melzer, expressed serious concerns about the rising allegations of torture and other mistreatment in Turkish police custody. Melzer said he was alarmed by allegations that large numbers of individuals suspected of links to the Gulen movement or PKK were exposed to brutal interrogation techniques aimed at extracting forced confessions or coercing detainees to incriminate others. Reported abuse included severe beatings, electrical shocks, exposure to icy water, sleep deprivation, threats, insults, and sexual assault. The special rapporteur said authorities appeared not to have taken any serious measures to investigate these allegations or to hold perpetrators accountable.

Human rights groups reported in December that torture and mistreatment in police custody occurred at reduced levels compared with 2017, although they contended that victim intimidation may account for reduced reporting. Reports indicated that police also abused detainees outside police station premises. The HRFT reported that, during the first 11 months of the year, it received 538 complaints related to abuse while in custody, 280 of which alleged torture or inhumane treatment. The HRFT also reported intimidation and shaming of detainees by police were common and that victims hesitated to report abuse due to fear of reprisal. Separately, the Human Rights Association reported that, in the first 11 months of the year, it received 2,719 complaints of abuse by security forces, including 284 complaints related to abuse while in detention facilities, 175 complaints of abuse outside detention facilities, and 2,260 complaints of abuse during demonstrations. The government has not released information on whether it undertook investigations into allegations of mistreatment in prison or detention centers during the year.

The government asserted that it followed a “zero tolerance” policy for torture. HRW maintained, however, that it was “not aware of any serious measures that have been taken to investigate credible allegations of torture.” In its *World Report 2018*, HRW stated: “Cases of torture and ill-treatment in police custody were widely reported

through 2017, especially by individuals detained under the antiterror law, marking a reverse in long-standing progress, despite the government’s stated zero tolerance for torture policy. There were widespread reports of police beating detainees, subjecting them to prolonged stress positions and threats of rape, threats to lawyers, and interference with medical examinations.” According to 2017 Ministry of Justice statistics, the government opened 84 criminal cases related to allegations of torture. The government has not released data on its investigations into alleged torture.

The Civil Society Association in the Penal System (CISST) reported complaints of physical violence by prison staff and noted complaints from prisoners in Tarsus and Elazig prisons, who reported inhumane treatment and psychological abuse.

A June report by the Diyarbakir, Van, and Hakkari Bar Associations alleged Turkish soldiers tortured four shepherds in Korgan village, Hakkari Province on May 31. The report asserted that shepherd Nasir Tas suffered severe injuries after soldiers allegedly repeatedly held his head under water.

According to press reports, on June 8, in Istanbul, police detained and beat 22 high school students while they were handcuffed in a police van.

According to media reports, some military conscripts endured severe hazing, physical abuse, and torture that sometimes resulted in suicide. In May soldiers severely beat a Kurdish-speaking soldier in Van province for speaking Kurdish. Fethi Aydemir suffered serious injury to the skull and internal organ damage as a result. In a separate incident in Gaziantep, a soldier was attacked by fellow soldiers for having a photograph of Selahattin Demirtas, jailed former leader of the pro-Kurdish Peoples’ Democratic Party (HDP), on his smartphone.

Prison and Detention Center Conditions

Prison facilities in general met international standards for physical conditions in many respects, with certain exceptions. Overcrowding (particularly following the mass detentions after the 2016 coup attempt) and lack of access to adequate health care remained problems.

Physical Conditions: As of November the HRA estimated a total prison inmate population of 260,144 in government-operated detention facilities with a capacity of 211,766 inmates. Prison overcrowding remained a significant problem.

Children were housed in separate prison facilities, where available; otherwise, children were held in separate sections within separate male and female adult prisons. Pretrial detainees were held in the same facilities with convicted prisoners.

The government has not released data on inmate deaths due to physical conditions or actions of staff members.

Human rights organizations asserted that prisoners frequently lacked adequate access

to potable water, proper heating, ventilation, and lighting.

Although authorities asserted that doctors were assigned to each prison, a Ministry of Justice Prison and Correctional Facilities official reported to parliament in February that there were 271 doctors, of whom only eight were full-time, serving a prison population of 235,888. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The opposition HDP reported in August that there were 1,154 sick prisoners in the country’s prisons; more than 400 of them were in serious condition.

Human rights groups and media reported that, on April 28, prisoner Halime Gulsu died in a Mersin Province prison because she was unable to receive treatment for lupus.

Credible reports suggested that some doctors would not sign their names to medical reports alleging torture due to fear of reprisal, meaning victims were often unable to get medical documentation that would help prove their claims. According to one reported incident in January, an Istanbul University student, Berkay Ustabas, along with two other prisoners were stripped naked by Kirikkale prison authorities and subjected to a “welcome beating” with kicks, punches, and truncheons. According to Ustabas’ lawyer, the prison doctor refused to document the physical signs of abuse.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners whom they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.

Administration: At times authorities investigated credible allegations of abuse and inhumane or degrading conditions, but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. The government did not release data on investigations (both criminal and administrative) of alleged prison violence or mistreatment.

Independent Monitoring: The government allowed prison visits by some observers, including parliamentarians. There were no visits by an international body to the country’s prisons during the year. The Council of Europe’s Committee for the Prevention of Torture (CPT) visited the country in May 2017 and interviewed a large number of prisoners at various sites. As of year’s end, the government had not approved the public release of the CPT report and findings.

The government did not allow NGOs to monitor prisons. The Civil Society Association in the Penal System (CISST) published a report on prison conditions in June, based on information provided by parliamentarians, correspondence with inmates, lawyers, inmates’ family members, and press reports.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government generally did not observe these requirements. The Ministry of Justice reported in September that since July 15, 2016, more than 600,000 persons had been subjected to some type of “criminal procedure” (e.g., questioning, investigation, detention, arrest, judicial control, or a ban on travel). According to media reports, more than 80,000 persons had been detained or arrested under the state of emergency and following its expiration. The Ministry of Justice also reported that, between July 2016 and July 2018, “investigations have been opened into 612,347 persons alleged to be founders, executives, or members of armed organizations.” A majority of these were reportedly detained for alleged ties to the Gulen movement or the PKK, often with little due process or access to the evidence underlying the accusations against them (see section 2.a.).

The courts in some cases applied the law unevenly. For example, an Ankara court acknowledged the parliamentary immunity of HDP parliamentarian Kemal Bulbul and suspended his trial while a different court refused to accept the parliamentary immunity of Republican People’s Party (CHP) parliamentarian Enis Berberoglu and upheld his conviction, although execution of the sentence was suspended pending the completion of his parliamentary tenure in 2023.

Under antiterror legislation adopted by parliament on July 26, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for “individual” offenses and 96 hours for “collective” offenses (see Arrest Procedures and Treatment of Detainees, below).

Role of the Police and Security Apparatus

The National Police, under the control of the Ministry of Interior, are responsible for security in large urban areas. The Jandarma, a paramilitary force also under Interior Ministry control, is responsible for rural areas and specific border sectors where smuggling is common, although the military has overall responsibility for border control and overall external security. There were reports that Turkish border guards shot and killed Syrians fleeing the civil war seeking to enter the country (see section 1.a.). The Jandarma supervised the “security guards” (formerly known as “village guards”), a civilian militia that provide additional local security in the southeast, largely in response to the terrorist threat from the PKK. The MIT reports to the presidency and is responsible for collecting intelligence on existing and potential threats.

Civilian authorities maintained effective control over the National Police, the Jandarma, the military, and the MIT, but government mechanisms to investigate and punish alleged abuse and corruption by state security officials remained inadequate, and impunity remained a problem. MIT members are immune from prosecution. The law grants other security officials involved in fighting terror immunity from prosecution and makes it harder for prosecutors to investigate human rights abuses by requiring that they obtain permission from both military and civilian leadership prior to pursuing prosecution.

The law authorizes the Ombudsman Institution, the National Human Rights and Equality Institution (NHREI), prosecutors’ offices, criminal courts, and parliament’s Human Rights Commission (HRC) to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. Civil courts, however, remained the main recourse to prevent impunity. National and international human rights organizations reported credible evidence of torture and inhumane treatment, asserting that authorities took insufficient action against abuses, particularly of detainees in custody. The government has not released information on its efforts to address abuse through disciplinary action and training. Officials sometimes countersued or intimidated individuals who alleged abuse.

Arrest Procedures and Treatment of Detainees

The law requires that prosecutors issue warrants for arrests, unless the suspect is detained while committing a crime. The period for arraignment may be extended for up to four days. Formal arrest is a measure, separate from detention that means a suspect is to be held in jail until and unless released by a subsequent court order. For crimes that carry potential prison sentences of fewer than three years’ imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may either release the defendant on his or her own recognizance or hold the defendant in custody (arrest) prior to trial if there are specific facts indicating that the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney at any time, it allows prosecutors to deny such access for up to 24 hours. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence for conviction is more than five years’ imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases, authorities provided an attorney if a defendant could not afford one.

Under antiterror legislation adopted by parliament on July 26, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for “individual” offenses and 96 hours for “collective” offenses. These periods may be extended twice with the approval of a judge, amounting to six days for “individual” and 12 days for “collective” offenses. Under the previous state of emergency law, authorities could detain persons without charge for up to 14 days. Human rights organizations raised concerns that police authority to hold individuals for up to 12 days without charge increased the risk of torture. There were numerous accounts of persons, including foreign citizens, waiting beyond 12 days to be formally charged. For example, prominent civil society leader Osman Kavala remained in pretrial detention without an indictment since November 2017 (see section 5).

The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers' access to detainees and prisons--especially those not provided by the state--and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt. The Human Rights Joint Platform (HRJP) reported that the renewed 24-hour attorney access restriction was arbitrarily applied. The HRA reported that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. It also reported that attorneys' access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.

Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. Prior to the 2016 coup attempt, human rights groups alleged that authorities frequently denied detainees access to an attorney in terrorism-related cases until security forces had interrogated their clients.

Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, because of fear of government reprisal, including prosecution. Government intimidation of defense lawyers also at times involved nonterror cases. According to the Freedom House *2018 Freedom in the World* report, “In many cases, lawyers defending those accused of terrorism offenses were arrested themselves.” The HRA reported in July on 78 cases in which authorities pressured or intimidated lawyers. According to an April statement by the Council of Bars and Law Societies of Europe, since 2016, authorities prosecuted 1,539 lawyers, arrested 580, and sentenced 103 to lengthy prison terms.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. Human rights groups alleged that in areas under curfew or in “special security zones,” security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse. In March a report by the Office of UN Commissioner for Human Rights (OHCHR) covering the year 2017 stated that OHCHR had gathered credible information that a number of police officers who refused to participate in arbitrary arrests, torture, and other repressive acts under the state of emergency were dismissed or arrested on charges of supporting terrorism.

Pretrial Detention: An August 2017 state of emergency decree increased from five to seven years the maximum time that a detainee could be held pending trial, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period remained two years with the possibility of three one-year extensions, for a total of five years. HRW reported in July that people continued to be arrested and remanded to pretrial custody on terrorism charges, with at least 50,000 remanded to

pretrial detention since the failed coup attempt. Amnesty International's 2017/2018 publication *The State of the World's Human Rights* reported “arbitrary, lengthy and punitive pretrial detention and fair trial violations continued routinely” in 2017 and 2018.

The trial system does not provide for a speedy trial, and trial hearings were often months apart, despite provisions in the Code of Criminal Procedure for continuous trial. It sometimes took years after indictment before trials began, and appeals could take years more to reach conclusion.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees' lawyers may appeal pretrial detention, although the state of emergency and subsequent antiterror legislation imposed limits on their ability to do so. The country's judicial process allows a system of lateral appeals to Criminal Courts of Peace that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts.

Detainees awaiting or undergoing trial prior to the state of emergency had the right to a review in-person with a lawyer before a judge every 30 days to determine if they should be released pending trial. The state of emergency suspended the requirement for in-person reviews. Under a new law passed on July 26, in-person review occurs once every 90 days with the 30-day reviews replaced by a judge's evaluation of the case file only. Observers noted that this element of the law was contrary to the principle of habeas corpus and increased the risk of abuse, since the detainee would not be seen by a judge on a periodic basis.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal case is proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.

The Office of the UN High Commissioner for Refugees (UNHCR) noted that detention center conditions varied and were often challenging due to limited physical capacity and increased referrals. Refugee-focused human rights groups alleged that authorities prevented migrants placed in detention and return centers from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but there were indications the judiciary remained subject to influence, particularly from the executive branch.

The executive branch also exerts strong influence over the Board of Judges and Prosecutors (HSK), the judicial body that assigns and reassigns judges and prosecutors to the country's courts nationwide, and is responsible for their discipline.

Although the constitution provides tenure for judges, the HSK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges challenges the requirement to remain impartial, and judges’ inclination to give precedence to the state’s interests contributed to inconsistent application of criminal laws. Bar associations, lawyers, and scholars expressed concern regarding application procedures for prosecutors and judges described as highly subjective, which they warned opened the door to political litmus tests in the hiring process.

The judiciary faced a number of challenges that limited judicial independence, including the suspension, detention, or firing of judicial staff accused of affiliation with the Gulen movement.

The government also targeted some defense attorneys representing a number of high-profile clients. For example, a judge ordered the arrest of defense attorney Omer Kavili, who was representing the band Grup Yorum, at an October 5 hearing of the case at Istanbul’s Silivri Criminal Court. At his trial, the judge argued that Kavili was not performing the profession of defense, but was instead portraying his client and himself as victims and seeking vindication through “reverse psychology.” Kavili was released on October 6 following public outcry by opposition parties and bar associations.

The country has an inquisitorial criminal justice system. The system for educating and assigning judges and prosecutors created close connections between the two groups wherein prosecutors and judges studied together at the country’s Justice Academy before HSK assigned them to their first official posts. After appointment, they often lodged together, shared the same office space, worked in the same courtroom for many years, and even exchanged positions during their careers. A July 9 state of emergency decree changing this practice and creating separate training centers for judges and prosecutors had not been implemented as of year’s end.

Constitutional changes approved by referendum in 2017 abolished the country’s military courts, reserving military justice for disciplinary cases only.

Trial Procedures

The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that increasing executive interference with the judiciary and actions taken by the government through state of emergency provisions jeopardized this right.

As written, the law provides defendants a presumption of innocence and the right to be present at their trial, although in a number of high-profile cases, defendants increasingly appeared via video link from prison, rather than in person. Judges may restrict defense lawyers’ access to their clients’ court files for a specific catalogue of crimes (including crimes against state security, organized crime, and sexual assault against children) until the client is indicted.

A single judge or a panel of judges decides all cases. Courtroom proceedings were generally public except for cases involving minors as defendants. The state increasingly used a clause allowing closed courtrooms for hearings and trials related to security matters, such as those related to “crimes against the state.” Court files, which contain indictments, case summaries, judgments, and other court pleadings, were closed except to the parties to a case, making it difficult for the public, including journalists and watchdog groups, to obtain information on the progress or results of a case. In some politically sensitive cases, judges restricted access to Turkish lawyers only, limiting the ability of domestic or international groups to observe some trials.

Defendants have the right to be present at trial and to consult an attorney in a timely manner. Observers and human rights groups noted that in some high-profile cases, these rights were not afforded to defendants.

Defendants have the right to legal representation in criminal cases and, if indigent, to have representation provided at public expense. Defendants or their attorneys could question witnesses for the prosecution, although questions must usually be presented to the judges, who are expected to ask the questions on behalf of counsel. Defendants or their attorneys could, within limits, present witnesses and evidence on their own behalf. Secret witnesses were frequently used, particularly in cases related to national security. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for court-provided language interpretation when needed. Human rights groups alleged interpretation was not always provided free of charge, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

Observers noted the government often failed to establish evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting growing concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous cases, authorities used secret evidence to which defense attorneys and the accused had no access.

In February a Turkish court sentenced U.S. citizen and Turkish dual national Serkan Golge to seven-and-a-half years in prison for membership in a terrorist organization (“FETO”). In September an appeals court reduced the charges to support of a terrorist organization and reduced the sentence to five years’ imprisonment. Authorities arrested Golge in 2016 based on specious evidence including witness testimony that was later recanted. He remained in prison at year’s end while his conviction was under appeal.

In 2016 authorities arrested U.S. citizen Pastor Andrew Brunson on charges of membership in an armed “terrorist” group, espionage, and attempts to overthrow the state. The indictment, issued after 17 months of pretrial detention, referenced “Christianization” activities related to his alleged crimes. On October 12, the Izmir court convicted Pastor Brunson and sentenced him to three years, one month, and 15 days. The court suspended his sentence for time served and lifted his travel ban, thereby allowing him to leave the country.

Political Prisoners and Detainees

The number of political prisoners remained a subject of debate at year's end. In November the Interior Ministry reported that the government had detained 217,971 persons in connection with the 2016 coup attempt. Of those, the courts had convicted 16,684, and another 14,750 were in prison awaiting trial. An exact breakdown of numbers of alleged members or supporters of the PKK, ISIS, and “FETO” was not available at year's end, though in public remarks on December 11, Vice President Fuat Oktay stated that 47,778 individuals remained detained as “FETO” suspects. Some observers considered many of these individuals political prisoners, a charge sharply disputed by the government.

Prosecutors used a broad definition of terrorism and threats to national security, and in some cases, according to defense lawyers and opposition groups, used what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including journalists, opposition politicians (primarily of the pro-Kurdish HDP), activists, and others critical of the government. At year's end, 10 current and former HDP parliamentarians and 46 HDP co-mayors remained imprisoned. Hundreds more HDP officials were also detained throughout the country along with former HDP co-chair and presidential candidate Selahattin Demirtas, who has been imprisoned since 2016. The government also removed from office on national security grounds numerous locally elected opposition politicians in Kurdish-majority areas, subsequently detaining or prosecuting some. According to media reports, the government removed the elected mayors of 99 municipalities from office. These included 94 pro-Kurdish Democratic Regions Party (DBP) or HDP mayors, four Justice and Development Party (AKP) mayors, and one National Movement party (MHP) mayor. The government removed, detained, or arrested the majority for allegedly supporting PKK terrorism. According to January Ministry of Interior statistics, out of 102 HDP or DBP-controlled municipalities, the government had installed trustees in all but four.

Authorities used antiterror laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged Gulen movement members, among others. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling AKP, particularly the HDP or its partner party, the DBP. Authorities used both antiterror laws and state of emergency powers to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of supporting the PKK, and individuals alleged to be associated with the Gulen movement. During the first quarter of the year, the government targeted nearly 1,000 critics of Operation Olive Branch, the country's military operation in northern Syria, with detention and prosecution.

Students, artists, and association members, including 11 senior members of the Turkish Medical Association, faced criminal investigations for alleged terror-related activities, primarily due to their social media posts. The government did not consider those in custody for alleged PKK or “FETO” ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.

Credible reports claimed that some persons jailed on terrorism-related charges were subject to a variety of abuses, including long solitary confinement, severe limitations on outdoor exercise and out-of-cell activity, inability to engage in professional work, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media reports also alleged that visitors to prisoners accused of terrorism-related crimes faced abuse, including limited access to family, strip searches, and degrading treatment by prison guards.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters, although this differed in practice. Citizens and legal entities such as organizations and companies, have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. On constitutional and human rights issues, the law also provides for individuals to appeal their cases directly to the Constitutional Court, theoretically allowing for faster and simpler high-level review of alleged human rights violations within contested court decisions. Critics complained that, despite this mechanism, the large volume of appeals of dismissals under the state of emergency and decreased judicial capacity caused by purges in the judiciary resulted in slow proceedings. Citizens who have exhausted all domestic remedies have the right to apply for redress to the European Court of Human Rights (ECHR).

The Commission of Inquiry on Practices under the State of Emergency, established in January 2017, was designed to adjudicate appeals of wrongfully dismissed civil servants. The commission reported that, as of November, it had received 125,678 applications, adjudicated 42,000 cases, approved 3,000, and rejected 39,000. Critics complained that the appeals process was opaque, slow, and did not respect citizens' rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.

Figures regarding the breadth of state of emergency dismissals released by human rights groups and multiple officials during the course of the year varied. According to the HRJP, since the coup attempt and pursuant to state of emergency decrees, more than 130,000 public employees had been dismissed or suspended; more than 4,000 judges and prosecutors had been dismissed; more than 2,300 private educational institutions--including schools, tutoring academies, and dormitories--had been closed along with 15 private universities and 19 unions and trade confederations; 200 media companies had been shut down; and nearly 1,500 associations or foundations had been closed. Individuals and legal entities affected by the state of emergency decrees were eligible to appeal to the commission of inquiry. Rights groups, legal experts, and international organizations criticized the commission of inquiry for being opaque, slow, and ineffective. An October Amnesty International report stated the commission “is in effect a rubber stamp for the government’s arbitrary dismissals.”

Property Restitution

In multiple parts of the southeast, many citizens continued efforts to appeal the government's expropriations of properties in 2016 to reconstruct areas damaged in government-PKK fighting.

In May the Constitutional Court denied a request from residents of Diyarbakir's Sur District to annul the government's 2016 expropriation order for an “urban renewal” program.

According to the Savings Deposit Insurance Fund of Turkey, as of March 5, the government had seized approximately 1,124 businesses worth an estimated 49.4 billion lira (\$9.4 billion) since the 2016 coup attempt. Real estate confiscated from dissolved legal entities was worth an additional 15 billion lira (\$2.9 billion).

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

While the constitution provides for the “secrecy of private life” and states that individuals have the right to demand protection and correction of their personal information and data, the law provides MIT authority to collect information while limiting the ability of the public or journalists to expose abuses. Oversight of MIT falls within the purview of the presidency, and checks on MIT authorities are limited. MIT may collect data from any entity without a warrant or other judicial process for approval. At the same time, the law establishes criminal penalties for conviction of interfering with MIT activities, including data collection or obtaining or publishing information concerning the agency. The law allows the president to grant MIT and its employees immunity from prosecution.

Police possess broad powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission to follow within 24 hours. Individuals subjected to such searches have the right to file complaints, but judicial permission occurring after a search has already taken place failed to serve as a check against abuse.

Security forces may conduct wiretaps for up to 48 hours without a judge's approval. As a check against potential abuse of this power, the State Inspection Board may conduct annual inspections and present its reports for review to parliament's Security and Intelligence Commission. Information on how often this authority was used was not available. Human rights groups noted that wiretapping without a court order circumvented judicial control and potentially limited citizens' right to privacy. Many citizens asserted that authorities tapped their telephones and accessed their email or social media accounts, perpetuating widespread self-censorship. The Ministry of Interior disclosed that, during a one-week period from July 9 to July 16, it examined 459 social media accounts and took legal action against 266 users who it accused of propagandizing or promoting terror organizations, inciting people to enmity and hostility, or insulting state institutions. Between 2016 and April 2018, authorities investigated more than 45,000 social media accounts and took legal action against 17,000 on charges of “propagandizing for and praising a terror organization,” according

to HRJP. Human rights groups asserted that self-censorship due to fear of official reprisal accounted in part for the relatively low number of complaints they received regarding allegations of torture or mistreatment.

Under the state of emergency and continuing with the implementation of antiterror legislation, the government targeted family members to exert pressure on some wanted suspects. Government measures included cancelling the passports of family members of civil servants suspended or dismissed from state institutions, as well as of those who had fled authorities. In some cases the government cancelled or refused to issue passports for the minor children of individuals outside the country who were wanted for or accused of ties to the Gulen movement. On July 25, the Ministry of Interior announced it would lift travel bans on 155,000 individuals whose family members had alleged connections with “terror organizations.”

Government seizure and closure over the previous two years of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information.

g. Abuses in Internal Conflict

Clashes between security forces and the PKK and its affiliates in the country continued throughout the year, although at a reduced level relative to previous years, and resulted in the injury or deaths of security forces, PKK terrorists, and civilians. The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and also decreed “special security zones” in some areas to facilitate counter-PKK operations, which restricted access of visitors and, in some cases, residents. Residents of these areas reported they sometimes had very little time to leave their homes prior to the launch of counter-PKK security operations. Those who remained faced curfews of varying scope and duration that, at times, restricted their movement and complicated living conditions.

Killings: Estimates of casualties from government-PKK clashes varied considerably and remained a topic of debate at year’s end.

According to the International Crisis Group, from mid-2015 to the end of July, at least 1,098 security force members, 2,218 PKK terrorists, 457 civilians, and 223 youth of unknown affiliation died in PKK-related fighting.

The HRA claimed that in the first 11 months of the year, 185 security officers, 33 civilians, and 311 PKK affiliates were killed during clashes; 323 security officers and 111 civilians were reportedly injured.

The HRA asserted that security officers killed 14 civilians, including seven killed due to armored vehicle crashes and injured in arbitrary killings throughout the country during the same period, including at government checkpoints and in government-PKK violence. Government data on casualty tolls was unavailable.

PKK tactics included assault with conventional weapons, vehicle-borne bombs, IEDs, and targeted killings. At times IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces. For example, on April 3, in Diyarbakir province, a PKK attack left one village guard dead and another six wounded. The HRA reported that, in the first 11 months of the year, IEDs generally attributed to the PKK killed two and injured 22 civilians.

PKK attacks claimed the lives of noncombatant civilians, including through kidnappings. In June the PKK kidnapped and later killed a father and son in Diyarbakir. According to the Diyarbakir governor, a note left by the PKK claiming they had shot and killed the father and son was found on their bodies.

Abductions: The PKK abducted or attempted to abduct both officials and civilians. According to media reports, the PKK abducted at least one security officer and ambulance personnel in Diyarbakir.

Physical Abuse, Punishment, and Torture: Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. A construction worker alleged he was tortured when police arrested him for tobacco smuggling while carrying fake identification in Sanliurfa. Following a complaint by the victim’s lawyer, the prosecutor’s office reportedly launched an investigation, which continued at year’s end.

Child Soldiers: The government alleged the PKK recruited and forcibly abducted children for conscription, while many in the country’s Kurdish community asserted that youth generally joined the terrorist group voluntarily. State-run media outlet, Anadolu Agency, reported in October on several cases of alleged PKK recruitment of children. The report stated that one victim told authorities he was forced to join the group at age 13 and that children as young as 11 were lured by promises of monetary compensation and were taken to PKK training camps in Iraq. Authoritative data on PKK youth recruitment remained unavailable as of year’s end.

Other Conflict-related Abuse: Extensive damage stemming from government/PKK fighting led authorities in 2016 to expropriate certain properties in specific districts of the southeast to facilitate post-conflict reconstruction. Many of these areas remained inaccessible to residents at year’s end due to reconstruction. In Diyarbakir’s Sur District, the government expropriated properties for the stated goal of “post-conflict reconstruction” and had not returned or completed repairs on any of the properties, including the historic and ancient Sur District of Diyarbakir Province, Kursunlu Mosque, Hasirli Mosque, Surp Giragos Armenian Church, Mar Petyun Chaldean Church, Syriac Protestant Church, and the Armenian Catholic Church. Some affected residents filed court challenges seeking permission to remain on expropriated land and receive compensation; many of these cases remained pending at year’s end. In certain cases, courts ruled to award compensation to aggrieved residents, although the latter complained it was insufficient. Overall numbers of those awarded compensation was unavailable at year’s end.

Government actions and adverse security conditions limited journalists’ and international observers’ access to affected areas, which made monitoring and assessing the aftermath of these urban conflicts difficult.

Following the government’s dismissal in 2017 and 2018 of elected mayors largely for alleged support of the PKK, Ministry of Interior-appointed trustee mayors continued to run 99 municipalities, largely in the southeast. This practice primarily affected southern and southeastern cities mayors representing the pro-Kurdish DBP and HDP.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression within certain limits, and the government restricted freedom of expression, including for the press, throughout the year. Multiple articles in the penal code directly restrict press freedom and free speech, for example, through provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that protect public order and criminalize insult. The law provides for punishment of up to three years in prison for conviction of “hate speech” or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law for not including restrictions based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.

Hundreds of incarcerations were widely viewed as related to freedom of expression. In an example of the government’s use of broad definitions of terror to prosecute and intimidate critics, in June, authorities arrested two teenagers who drew a picture of an electric kettle and wrote the name of the pro-Kurdish HDP on a wall in Istanbul’s Gazi neighborhood. The teens were charged with disseminating the propaganda of a terrorist organization. The tea kettle reference came from remarks by jailed HDP presidential candidate Demirtas, who had joked, through social media posts by his lawyers, about tweeting via an electric kettle in his prison cell.

Many in media reported the government’s prosecution of journalists representing major independent newspapers and its jailing of journalists during the preceding two years hindered freedom of speech and that self-censorship was widespread amid fear that criticizing the government could prompt reprisals.

During the year the government opened investigations into thousands of individuals, including politicians, journalists, and minors, for insulting the president, the founder of the Turkish Republic Mustafa Kemal Ataturk, or state institutions. For example, on July 6, authorities detained four students from Ankara’s Middle East Technical University for insulting the president by carrying a banner depicting President Erdogan as different cartoon animals. Critics of the arrests noted that the cartoon had appeared years earlier and had faced a similar challenge in court, but that the court had ruled that it did not meet the threshold for insult. On July 18, President Erdogan directed prosecutors to

start criminal insult proceedings against opposition CHP Chairman Kemal Kilicdaroglu and 72 other CHP parliamentarians after they shared the same cartoon via Twitter in a sign of support for the university students.

Estimates of the number of imprisoned journalists varied. The Media and Law Studies Association in Istanbul attributed the disparity to the varying definitions of “journalist” or “media worker.” While the government only officially recognizes persons who have been issued a yellow press accreditation card--typically limited to reporters, cameramen, and editors--media watchdog groups include distributors, copy editors, layout designers, or other staff of media outlets in their definition. The government also characterized those working for Kurdish language outlets as “terrorists” for their alleged ties to the PKK, regardless of their previous work. Information about and access to Kurdish outlets’ imprisoned staff was therefore limited.

The Committee to Protect Journalists claimed that, as of December, there were at least 73 journalists in prison; the Journalists’ Union of Turkey claimed 142 journalists were in prison as of July 20; Reporters without Borders claimed there were 43 journalists in jail as of December 2017; the NGO Platform for Independent Journalism (P24) reported that there were 176 journalists, editors, or media managers in jail as of October 19, the vast majority for alleged ties to the PKK or Gulen movement. An unknown number of additional journalists were outside the country and did not return due to fear of arrest, according to the Journalists Association. Hundreds more remained out of work after the government as part of its response to the 2016 coup attempt, closed media outlets, mostly in 2016-17, that were allegedly affiliated with the PKK or Gulen movement.

Freedom of Expression: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. At times many who wrote or spoke on sensitive topics or in ways critical of the government risked investigation.

A parliamentary by-law prohibits use of the word “Kurdistan” or other sensitive terms by members of parliament on the floor of parliament, providing for the possible issuance of fines to violators. In January parliament fined Osman Baydemir, a suspended former HDP spokesperson and Sanliurfa parliamentarian, 12,000 lira (\$2,290) after he referred to himself as a “representative of Kurdistan” during a December 2017 discussion in parliament.

Rights groups and free speech advocates reported intensifying government pressure that, in certain cases, resulted in enhanced caution in public reporting.

Press and Media Freedom: Mainstream print media and television stations are largely controlled by progovernment holding companies. According to Reporters Sans Frontieres (RSF), with the sale in March of the large Dogan Media Group to the progovernment Demiroren Group, the government was able to exert power in the administration of 90 percent of the most watched television stations and most read

national dailies. Only a fraction of the holding companies’ profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate.

Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees, although a Kurdish-language radio and television station, Amed Radio-Television, opened following the end of the state of emergency in July.

Government prosecution of independent journalists limited media freedom throughout the year. Examples include 14 persons affiliated with leading independent newspaper *Cumhuriyet* convicted April 28 of aiding terrorist organizations and sentenced to prison terms ranging between three and seven years. The court placed the journalists on probation and banned them from traveling abroad until the appeals process concluded. The cases continued at year’s end. Examples of journalists whose detentions were considered politically motivated included four journalists and editors who had worked for the now-closed, Gulen-linked *Zaman* newspaper. Authorities arrested the four in 2016 and they remained in detention on terrorism and coup-related charges. Examples of convictions condemned by international human rights organizations included six journalists sentenced to aggravated life prison terms February 16 for alleged links to the unsuccessful 2016 coup attempt. Courts convicted an additional six journalists associated with the shuttered *Zaman* newspaper of terrorism-related charges July 6 and sentenced them to between eight and more than 10 years imprisonment.

On July 12, police in Diyarbakir raided the offices of Kurdish publication *JinNews* and confiscated the new organization’s computers. On June 28, Istanbul police also raided the office of the Sendika.org news website as part of an investigation into Editor in Chief Ali Ergin Demirhan, who was briefly detained on May 28 on charges of promoting “terrorist propaganda” in a column titled, “We Can Stop Dictatorship.”

In several cases the government barred journalists from travelling outside the country. In December 2017 the government imposed a travel ban on journalist Mesale Tolu, a dual German-Turkish national, when she was charged with membership in a terror organization. In August authorities lifted the travel ban pending the outcome of her trial. Many other journalists remained unable to travel abroad due to travel bans.

Violence and Harassment: Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack.

The government routinely filed terrorism-related charges against an individual or publication in response to reporting on sensitive topics, particularly PKK terrorism and the Gulen movement (also see National Security). Human rights groups and journalists said the government did this to target and intimidate journalists and the public. On June 20, journalist and editor in chief of the *Cagdas Ses* news website, Ece Sevin Ozturk, was arrested and charged with aiding a terrorist organization after the conservative progovernment newspaper *Yeni Safak* alleged that she had ties to “FETO.”

Journalists reported that media outlets fired some individuals for being too controversial or adversarial with the government due to fear of jeopardizing other business interests.

Journalists currently or formerly affiliated with pro-Kurdish outlets faced significant government pressure including incarceration. The government routinely denied press accreditation to Turkish citizens working for international outlets for any association (including volunteer work) with Kurdish-language outlets.

Censorship or Content Restrictions: Government and political leaders increased direct censorship of news media, online media, and books. In November the Interior Ministry reported that authorities investigated 631,233 digital materials, monitored 110,000 social media publications, and detained 7,000 individuals for social media posts.

In August, following a steep drop in the value of the lira, the government promised sanctions against “disturbing” comments or social media posts about the economy, effectively criminalizing criticism of the government’s handling of the economy and the crisis. On September 27, media reported that HDP official Idris Ilhan was arrested for “terror propaganda” and “opposition to the capital markets law” after he tweeted on August 13 that “the dollar is up because we are going down.” On September 18, online publication T24 reported that the General Directorate for Security announced that it had initiated 346 investigations on August 12 alone in connection with posts about foreign currency rates.

On February 6, following a request by the Information and Communication Technologies Authority (BTK), an Ankara court blocked access to hundreds of websites linked to opponents of Operation Olive Branch including organizations, journalists, and news outlets, as well as some YouTube and Instagram accounts, for allegedly “promoting terrorism, inciting people to crime, and disturbing public security and order.”

While the law does not prohibit particular books or publications, publishing houses were required to submit books and periodicals to prosecutors for screening at the time of publication. The Turkish Publishers Association (TPA) reported that the country’s largest bookstore chain, D&R, removed some books from their shelves and did not carry books by some opposition political figures.

The TPA reported publishers often exercised self-censorship, avoiding works with controversial content (including government criticism, erotic content, or pro-Kurdish content) that might draw legal action. The TPA reported that publishers faced publication bans and heavy fines if they failed to comply in cases in which a court ordered the correction of offensive content. Publishers were also subject to book promotion restrictions. In some cases, prosecutors considered the possession of some Kurdish language, pro-Kurdish, or Gulenist books to be credible evidence of membership in a terror organization. In other cases, authorities directly banned books because of objectionable content. For example, in May courts banned at least nine Kurdish books written in Turkish, citing counterterrorism. Avesta, the Kurdish publishing company, stated the books included a biography of Kurdish leader Mustafa Barzani and

Yezidi religious books. In October police confiscated copies of an Avesta book on Sheikh Ubeydullah and the Kurdish Uprising of 1880 at the Batman Book Fair and detained the publishing company’s staff.

Some journalists said their firms fired them or asked them to censor their reporting if it appeared critical of the government. These pressures contributed to an atmosphere of self-censorship in which media reporting became increasingly standardized along progovernment lines. Failure to comply typically resulted in a dismissal, with media groups citing “financial reasons” as a blanket cause for termination.

Some writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. Authorities investigated or continued court cases against a myriad of publications and publishers on these grounds during the year. For example, authorities charged Sebla Kucuk with “spreading the propaganda of a terrorist organization” after she published translations of Reuters reports and transcriptions from the court hearings of Turkish banker Mehmet Hakan Atilla and Iranian gold trader Reza Zarrab, who were on trial in the United States for charges related to an Iranian sanctions evasion scheme.

In 2017 the government issued an emergency decree removing the Supreme Board of Election’s authority to fine or halt private radio and television broadcast outlets that violated the principle of equality, which required that broadcasters give equal access to the country’s major political parties. The board’s authority remained curtailed during the year. Critics charged that the move benefited the ruling AKP political party generally, and impacted coverage of the June elections.

The Radio and Television Supreme Council continued the practice of fining broadcasters whose content it considered “contrary to the national and moral values of society.”

Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism (see section 2.a., Freedom of Expression, Including for the Press). The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one sixth if committed publicly and by one-third if committed by media outlets.

Authorities charged citizens, including minors, with insulting the country’s leaders and denigrating “Turkishness.” For example, on May 29, President Erdogan filed a criminal complaint against CHP candidate Muharrem Ince for allegedly “insulting the president” in claims he made during a campaign rally.

Lawmakers, mostly from the pro-Kurdish HDP, were also targeted in a significant number of insult-related cases. At year’s end, 6,000 HDP lawmakers, executives, and party members were in prison for a variety of charges related to terrorism and political speech.

While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the government did not apply the law equally and that AKP members and government officials were rarely prosecuted.

The Ministry of Justice reported that in 2017 it launched 20,000 investigations related to insulting the president. Comprehensive government figures for the year were unavailable at year’s end, but according to media reports, from 2014 through 2017, government authorities filed more than 68,000 insult-related lawsuits against individuals or organizations.

National Security: Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security. Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization--generally either the PKK or the Gulen movement, or early in the year in connection with opposition to Operation Olive Branch.

In one example, prominent columnist Ahmet Altan remained in prison at year’s end, convicted along with his brother, economist Mehmet Altan, on terror-related charges in February for allegedly sending coded messages to the 2016 coup plotters during a panel discussion on a television program. On June 27, a court released Mehmet Altan, with a travel ban and judicial monitoring as conditions as the trial continued. Many observers viewed their prosecution as an effort to intimidate or silence prominent opposition voices.

Foreign journalists were also prosecuted. For example, in October 2017, a court convicted *Wall Street Journal* correspondent Ayla Albayrak of terrorist propaganda based on a story she wrote on government-PKK clashes, and was sentenced in absentia to two years and one month in prison. Her case remained under appeal at year’s end.

Nongovernmental Impact: The PKK used a variety of pressure tactics that limited freedom of speech and other constitutional rights in the southeast. In the aftermath of curfews first enacted in 2016 in response to PKK violence, some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces.

Internet Freedom

During the year internet freedom did not improve. The government did not block new sites as frequently in the past, but it continued to restrict access to the internet and did not unblock selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence that the government monitored private online communications using nontransparent legal authority.

The Freedom House report *Freedom on the Net 2017: Manipulating Social Media to Undermine Democracy* highlighted increasing efforts by authorities to control use of virtual private networks and the use of government-employed “armies of opinion shapers” to spread progovernment views online.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including: insulting the founder of the Turkish Republic, Mustafa Kemal Atatürk or insulting the president. The government may also block sites to protect national security and public order. For example, authorities have blocked Wikipedia and other news and information sites that have content criticizing government policies.

The government-operated BTK is empowered to demand that internet service providers (ISPs) remove content or block websites with four hours’ notice. The regulatory body must refer the matter to a judge within 24 hours, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months to two years in prison or fines ranging from 50,000 to 500,000 lira (\$9,500 to \$95,000) for conviction of failing to comply with a judicial order. Under a decree published in the official gazette on July 9, the president appoints the BTK president, vice president, and members of the authority.

The law also allows persons who believe a website has violated their personal rights to ask the regulatory body to order the ISP to remove the offensive content. Government ministers may also order websites blocked, and the regulatory authority is legally compelled to comply within four hours, followed by a court order within 24 hours.

The state of emergency allowed the government expanded powers to restrict internet freedom with reduced parliamentary and judicial oversight. The law provides that government authorities may access internet user records to “protect national security, public order, health, and decency” or to prevent a crime. The law also establishes an ISP union of all internet providers that are responsible for implementing website takedown orders. The judicial system is responsible for informing content providers of ordered blocks. Content providers, including Twitter and Facebook, were required to obtain an operating certificate for the country.

Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals accused of insulting them.

Internet access providers, including internet cafes, are required to use BTK approved filtering tools. Additional internet restrictions operated in government and university buildings. According to the internet freedom NGO Engelliweb, the government blocked at least 54,400 websites during the year. Of those, 51,600 were blocked through a BTK decision and 875 by court order.

In April 2017 the BTK banned Wikipedia from operating in the country due to two terrorism-related articles, pursuant to a law that allows filtering on national security grounds. The BTK also demanded the removal of “offensive content” and that Wikipedia

open an office in the country. The organization appealed the decision, which the Constitutional Court upheld on May 5. Wikipedia remained inaccessible in the country without the use of virtual private networks. The government stated the ban would remain in place as long as Wikipedia does not remove content that links the country with support to the terrorist group ISIS.

According to Twitter’s internal transparency report, during the first six months of the year, the company received 8,988 court orders and other legal requests from authorities to remove content, more than double compared to the previous six months. According to digital news source *The Daily Dot*, at year’s end, Twitter had blocked media-related accounts in the country at the government’s request.

In July Russia’s state-controlled Sputnik news agency shut down its Kurdish language website, reportedly in response to a request from Turkish authorities.

Academic Freedom and Cultural Events

During the year the government continued to limit academic freedom, restrict freedom of speech in academic institutions, and censor cultural events.

The president appointed rectors to state and foundation-run universities, leading critics to assert that the appointments compromised the independence of the institutions. Hundreds of additional professors lost their jobs or faced charges due to political speech during the year. The Council of Higher Education reported that, as of July 31, 7,257 academics from more than 100 universities had been dismissed since the 2016 attempted coup under state of emergency decrees. Of those, 5,705 were suspended for allegedly aiding a terrorist organization. Many of those dismissed were prohibited from travelling abroad, as were their spouses and children. During the first half of the year, rectors required the permission of the chairman of the Council of Higher Education to travel abroad. That requirement was lifted in July. Other administrators and some professors were also required to seek permission from supervisors for foreign travel. Throughout the year, courts issued sentences for 28 academics, known as the Academics for Peace, for “terrorist propaganda” after they were among the more than 1,100 signatories of a 2016 petition condemning state violence against Kurds in the southeast and calling for peace. Among them, an Istanbul court sentenced prominent physician and chairwoman of the Human Rights Foundation of Turkey, Sebnen Financi, on December 19 to two years and eight months in prison for “spreading terrorist propaganda.”

Some academics and event organizers stated their employers monitored their work and that they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-censorship. Human rights organizations and student groups criticized legal and Higher Education Board-imposed constraints that limited university autonomy in staffing, teaching, and research policies.

State of emergency and antiterror measures also affected arts and culture. In May press outlets reported that state broadcaster TRT had banned 208 songs from the airwaves over the previous two years. TRT defended the practice, stating it was respecting the law which forbids the broadcast of content encouraging people to smoke or drink or that conveys “terrorist propaganda.” On May 23, authorities arrested rapper Ezhel on charges of inciting drug use in some of his songs; following a month of pretrial arrest, the court acquitted and released him on June 19. In January Ankara and Istanbul authorities banned actor Baris Atay’s play, *Only Dictator*, indefinitely citing security concerns.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one’s face during a protest. The law permits police to use tinted water in water cannons, potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into “protective custody” without a prosecutor’s authorization if there is reasonable suspicion that they are a threat to themselves or to public order. The state of emergency and subsequent antiterror law gave governorates enhanced authority to ban protests and public gatherings, a ban widely enacted during the year.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, sometimes using excessive force. At times the government used its authority to detain persons before protests were held on the premise that they might cause civil disruption.

Throughout the year at the hearings of detained former HDP co-chair Demirtas, the Ankara governorate or court security personnel banned gatherings, marches, and sit-in protests outside the court. Domestic and international observers were also banned from observing the trial hearings.

The government also selectively restricted meetings to designated sites or dates, particularly limiting access to Istanbul’s Taksim Square and Ankara’s Kizilay Square, and set up roadblocks to prevent protesters from gathering there. Although police removed barriers around the human rights monument in Ankara’s Kizilay Square in July, a mobile police presence remained. The government banned many demonstrations outright if they touched on sensitive subjects.

On August 25, Istanbul police began preventing the vigil of the Saturday Mothers--a group who since the 1990s had gathered to commemorate the disappearances of relatives following their detention by Turkish security forces in the 1980s and 1990s and call for accountability. Interior Minister Suleyman Soylu said the group was exploiting the concept of motherhood to mask support for terrorism.

In January police prevented HDP lawmaker Ziya Pir, Democratic Regions Party (DBP) co-chair Mehmet Arslan, Democratic Society Congress (DTK) co-chair Leyla Birlik, and other party members from holding a press conference opposing Operation Olive Branch in front of the HDP Diyarbakir provincial headquarters.

Security forces at times responded with excessive force to protests, resulting in injuries, detentions, and arrests. The government generally supported security forces' actions. The HRA and HRFT jointly reported that, in the first 11 months of the year, police intervened in 785 demonstrations, detaining 3,697 people and arresting 118 individuals. Year-end figures for those injured in clashes with authorities during demonstrations were not available. Human rights NGOs asserted that the government's failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests. On June 27, for example, police in Ankara broke a facial bone of a protester in Ankara while detaining her.

On May 1 (Labor Day), authorities restricted rallies in parts of Istanbul and other cities if they were not government sanctioned. In Istanbul, 50 persons participating in the celebrations were detained while authorities closed Taksim Square, the traditional venue for the celebrations. Police roughly arrested protesters who sought to defy the ban on demonstrations by marching towards the square.

On April 25, Istanbul police briefly detained three human rights activists for using the word “genocide” in their statements and on their banners in an April 24 Armenian Remembrance Day commemoration organized by the HRA in Istanbul's Sultanahmet Square. Police reportedly told the organizers that the term “genocide” was not permitted, and they did not allow the ceremony to be held.

Pro-Kurdish demonstrations of many kinds faced violent police responses throughout the year. For example, police tear gassed and sprayed pressurized water at supporters of the pro-Kurdish HDP celebrating the party's elections performance in June after the demonstrators began throwing stones at police vehicles.

Local authorities issued indefinite bans on LGBTI events in several parts of the country, including for film festivals and other public activities in Ankara and parts of Istanbul. Adana's governor banned a planned LGBTI pride march in June, and Ankara's governor extended a ban on LGBTI events through the end of October 2019.

Freedom of Association

While the law provides for freedom of association, the government continued to restrict this right during the year. Under the state of emergency and using provisions of the antiterror law, the government shut down associations and foundations for alleged

threats to national security. The government did not release data on the number of NGOs it closed during the year. According to the HRJP, the government closed nearly 1,500 nongovernmental associations or foundations for alleged threats to national security. Other NGOs reported different statistics, based on different data collection methods. Observers widely reported that the appeals process for institutions seeking redress was opaque and ineffective (see section 1.e.).

By law, persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. Human rights and civil society organizations, groups promoting LGBTI rights, and women’s groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. Bar association representatives reported that police sometimes attended civil society organizational meetings and recorded them, interpreting it as a means of intimidation.

In January authorities detained at least 25 members of the conservative Furkan Foundation and closed all of its branches in Adana in connection with the group’s criticism of Operation Olive Branch. In July 2017 authorities detained eight leading human rights activists, including Amnesty International’s Turkey director, and two foreign trainers during a workshop on digital security and stress management that President Erdogan claimed was a “continuation” of the 2016 failed coup attempt. Most were charged with supporting a terrorist organization. All were released from pretrial detention in October 2017, but those arrested still faced charges and prison time at year’s end.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).
(<http://www.state.gov/religiousfreedomreport/>)

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights. The government restricted foreign travel for hundreds of thousands of citizens accused of links to the Gulen movement or the failed 2016 coup attempt. On July 25, authorities lifted the foreign travel bans of 155,000 individuals, although it remained unclear how many more remained unable to travel. Curfews imposed by local authorities in response to counter-PKK operations and the country’s military operation in northern Syria also restricted freedom of movement. Authorities in Sirnak province, on the country’s border with Syria and Iraq, designated 12 areas as “temporary security zones” through February 12.

The government also limited freedom of movement for the 3.6 million persons from Syria as well as for the approximately 370,000 persons from Iraq, Afghanistan, and other countries who were present in the country.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to conditional refugees, returning refugees, stateless persons, and temporary and international protection status holders.

Abuse of Migrants, Refugees, and Stateless Persons: Between January and December, authorities apprehended 268,003 irregular migrants attempting to enter Turkey, according to Turkish General Staff and Ministry of Interior data. Multiple sources reported that authorities denied entry to undocumented Iraqis and Syrians during the year. There were reports Turkish border guards intercepted, or summarily deported, Syrians seeking asylum back to Syria. For example, on March 22, HRW reported Turkish forces “routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkey-Syria border since at least December 2017 and summarily deported them to the war-ravaged Idlib governorate in Syria.” Turkish border guards also reportedly killed or injured Syrian asylum-seekers at the border (see Section 1.a.).

The country’s borders with Syria and Iraq have remained closed to all but urgent humanitarian cases since late 2015. Of the 19 border crossing points between Syria and Turkey, only three were open for limited civilian access. The rest were for military or military and humanitarian assistance only. Since November 2017 some provinces along the border with Syria had limited registration of asylum seekers to newborn babies and urgent protection cases only, limiting their ability to gain access to social services, including education and medical care.

Incidents of societal violence directed against refugees and persons in refugee-like conditions increased during the year. In June in the Bornova district of Izmir Province, tensions between local residents and Syrian refugees erupted into violence that continued for three days. Workplace exploitation, child labor, and early marriage also remained significant problems among refugees. Human rights groups alleged conditions in detention and removal centers sometimes limited migrants’ rights to communication with and access to family members, interpreters, and lawyers (also see Refoulement).

UNHCR conducted a number of visits to temporary reception centers in Duzici/Osmaniye and Kayseri, where migrants readmitted from Greece were referred on a temporary basis, but did not have regular, unfettered access. In most cases, these migrants did not have access to legal counsel or interpretation, leaving them vulnerable to refoulement.

UNHCR reported there were LGBTI asylum seekers and conditional refugees in the country, most from Iran. According to human rights groups, these refugees faced discrimination and hostility from both authorities and the local population due to their status as members of the LGBTI community. Commercial sexual exploitation also remained a significant problem in the LGBTI refugee community.

In-country Movement: The constitution provides that only a judge may limit citizens’ freedom to travel and only in connection with a criminal investigation or prosecution. The state of emergency allowed the government to limit citizens’ internal movement without a court order. The new antiterror law allows severe restrictions to be imposed on freedom of movement, such as granting governors the power to limit movement, including entering or leaving provinces, for up to 15 days.

Freedom of movement remained a problem in parts of the east and southeast, where continuing PKK activity led authorities to block roads and set up checkpoints, temporarily restricting movement at times. The government instituted special security zones, restricting the access of civilians, and established curfews in parts of several provinces in response to PKK terrorist attacks or activity (see section 1.g.).

Conditional refugees and Syrians under temporary protection also experienced restrictions on their freedom of movement (see Protection of Refugees).

Foreign Travel: The government placed restrictions on foreign travel for tens of thousands of citizens accused of links to the Gulen movement or the failed coup attempt. The government applied travel restrictions to those accused of affiliation with terrorist groups or Gulen movement, as well as to their extended family members. Authorities also restricted foreign citizens with dual Turkish citizenship from leaving the country. The government maintained that these travel restrictions were necessary and justified to preserve security.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on re-entry into the country if they chose to travel to a third country or return temporarily to Syria. The government issued individual exit permissions for Syrians under temporary protection departing the country for family reunification, health treatment, or permanent resettlement, and required an individual exception for all other reasons. The government sometimes denied exit permission to Syrians under temporary protection for reasons that were unclear.

Until September non-Syrian conditional refugees accepted by a third country for resettlement through a UNHCR process also needed to obtain exit permission before leaving the country. In September the government assumed full control of the national asylum system for international protection cases and became the referring authority for all resettlement cases.

Internally Displaced Persons (IDPs)

The renewal of conflict between the government and the PKK in the southeast in 2015 resulted in hundreds of thousands of IDPs. In some cases those displaced joined IDPs remaining from the conflict between security forces and the PKK between 1984 and the early 2000s. A reduction in urban clashes and government reconstruction efforts during the year permitted some IDPs to return to their homes. Overall numbers remained unclear at year’s end.

The law allows persons who suffered material losses due to terrorist acts, including those by the PKK or by security forces in response to terrorist acts, to apply to the government’s damage determination commissions for compensation. The government reported that, between 2004 and June, it had distributed more than 1 billion lira (\$190 million) to more than 70,000 victims of displacement due to past PKK terrorism in Sirnak province.

Protection of Refugees

The government took steps during the year to increase services provided to almost four million refugees in the country. A 2016 agreement between the government and the EU continued to hold down irregular migration from Turkey to Europe via the Aegean Sea. As of November 23, the government reported a total of 32,000 interceptions of individuals attempting to leave Turkey via the Aegean. Fewer individuals than in 2017 attempted to leave Turkey through a more dangerous route to Romania via the Black Sea and Evros River through the Greek border.

Refoulement: During the year UNHCR reported 27 cases of possible refoulement of persons of various nationalities, including Iraqis, Afghans, Iranians, and Syrians. Reports of detention of larger numbers of individuals, including Syrians and Iraqis, were also received. Authorities generally offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 UN Refugee convention, although there were some unconfirmed cases of possible refoulement and tens of thousands of deportations may have taken place during the year. According to media reports, between January and October, more than 26,000 Afghans and more than 5,000 irregular migrants were deported.

Access to Asylum: The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but it limits rights granted in the 1951 convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While non-European asylum seekers were not considered refugees by law, the government granted temporary protection status to Syrians while maintaining conditional/subsidiary refugee status and providing international protection for other asylum seekers. Individuals recognized by the government for temporary protection (Syrians) or conditional/subsidiary refugee status (all other non-Europeans, for example, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily until they could obtain third country resettlement.

The law provides regulatory guidelines for foreigners’ entry into, stay in, and exit from the country, and for protection of asylum seekers. The law does not impose a strict time limit to apply for asylum, requiring only that asylum seekers do so “within a reasonable time” after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status.

UNHCR stopped registering persons of concern on September 10 as the Ministry of Interior Directorate General for Migration Management (DGMM) assumed full control of the national asylum system, including those under international protection. It reported that approximately 370,932 persons of concern were registered with UNHCR as of

September 7, including 142,728 who were Iraqi nationals, 171,519 Afghan nationals, 39,220 Iranian nationals, and 5,757 Somali nationals. As of December 13, there were 3,611,834 Syrians registered for temporary protection; as of December 13, there were 143,803 Syrians and Iraqis residing in government-run camps, according to DGMM statistics.

UNHCR reported it had intermittent and unpredictable access to detention and removal centers where non-Syrians returned to the country from Greece were detained. UNHCR expressed doubts that all readmitted persons had access to the asylum procedure and reported that the access of readmitted persons to information, interpretation services, and legal assistance was problematic.

Freedom of Movement: Authorities assigned “conditional refugees” to one of 62 “satellite cities,” where they are supposed to receive services from local authorities under the responsibility of provincial governorates. These refugees were required to check in with local authorities on either a weekly or biweekly basis and needed permission from local authorities to travel to cities other than their assigned city, including for meetings with UNHCR or resettlement-country representatives. Syrians under temporary protection were also restricted from traveling outside of provinces listed on their registration cards without permission. Syrians and non-Syrians could request permission to travel or to transfer their registration through the DGMM. Certain provinces did not accept travel permission requests or transfer of registration from Syrians under temporary protection. Syrians living in camps required permission from camp authorities to leave the camps.

Employment: The law allows both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they have been registered in the province they wish to work in for six months. Applying for a work permit was the responsibility of the employer, and the procedure was so burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence, the vast majority of both conditional refugees and Syrians under temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages and exposure to unsafe work conditions.

Access to Basic Services: The government provided free access to the public medical system to Syrians registered for temporary protection and subsidized medical care to other conditional refugees. The government also expanded access to education for more than 640,000 of one million school-age Syrian children. Many encountered challenges overcoming the language barrier or meeting transportation or other costs, or both.

As of November 1, the Ministry of National Education reported that 64 percent or 640,000 school-age Syrian children in the country were in school, a significant increase from prior years. An estimated 36 percent remained out of school during the 2018-19 school year. According to UNICEF, more than 350,000 refugee children received monthly cash assistance for education through a joint program with UNICEF funded by international donors.

Provincial governments, working with local NGOs, were responsible for meeting the basic needs of refugees and other asylum seekers assigned to satellite cities in their jurisdictions, as well as of the Syrians present in their districts. Basic services were dependent on local officials’ interpretation of the law and their resources. Governors had significant discretion in working with asylum seekers and NGOs, and the assistance provided by local officials to refugees and persons in situations similar to those of refugees varied widely.

Durable Solutions: The law does not provide for durable solutions within the country for Syrians under temporary protection or for conditional refugees, but it allows them to stay until resettled to a foreign country or able to return to their country of origin. The government granted citizenship to some Syrian refugees on a limited basis. As of September authorities had granted approximately 60,000 Syrians citizenship since 2010, according to the Interior Ministry’s General Directorate of Population and Citizenship Affairs.

Temporary Protection: The government offered temporary protection to Syrian refugees who did not qualify as refugees due to the European-origin limitation in the law. Authorities required Syrian asylum seekers to register with the DGMM to legalize their temporary stay in the country. In some provinces, after November 2017, DGMM no longer processed new registrations beyond new babies and highly vulnerable Syrians. Syrians who registered with the government were able to receive an identification card, which qualified them for assistance provided through the governorates, including free health care. During the year administration of the camps was handed from the emergency authority to the DGMM, and the DGMM completed the closure of six camps and relocation of approximately 60,000 residents. Remaining residents of the camps received significantly more assistance, including shelter, education, and food support.

Syrians who officially entered the country with passports could receive one-year residence permits upon registration with the government. Figures for the year were not available as of year’s end.

Stateless Persons

Government figures for stateless persons for the year were not available as of year’s end. The government provided documentation for children born to conditional refugees and Syrians under temporary protection, although statelessness remained an increasing concern for these children, who could receive neither Turkish citizenship nor documentation from their parents’ home country. According to public statements by the Interior Minister, as of December there were more than 380,000 babies born to Syrian mothers in the country since the beginning of the Syrian conflict in 2011.

Section 3. Freedom to Participate in the Political Process

Although the constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot, the government restricted equal competition and placed restrictions on the fundamental freedoms of assembly and expression. The government restricted the activities of some opposition political parties and leaders, including through police detention. Several parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016. During the year, the state of emergency impacted the ability of many, particularly among the opposition, to conduct political activities, such as organizing protests or political campaign events and sharing critical messages on social media. The government also replaced democratically elected mayors in 104 cities with state “trustees” when the former were accused of affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the pro-Kurdish HDP and its partner party, the DBP.

Elections and Political Participation

Recent Elections: The country held early parliamentary and presidential elections, which had been originally scheduled for late 2019, on June 24. The elections completed a constitutional amendment process that began with the April 2017 national referendum, the passing of which initiated the country’s official transition from a parliamentary system to a presidential one.

The campaign and election both occurred under a state of emergency that had been in place since 2016 and which granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. Most candidates were generally able to campaign ahead of the June 24 elections--however the HDP’s candidate remained in prison during the campaign and the candidate for the IYI (“Good”) Party faced a de facto media embargo. Despite the ability to campaign, the OSCE’s Election Observation Mission noted the elections were held in an environment heavily tilted in favor of the president and the ruling party, noting “the incumbent president and his party enjoyed a notable advantage in the campaign, which was also reflected in excessive coverage by public and government-affiliated private media.”

Media coverage of the candidates overwhelmingly favored the president and ruling party. For example, according to a member of the Radio and Television Supreme Council, Turkey’s state agency for monitoring, regulating, and sanctioning broadcasts, between May 14-30, state-run TRT broadcast 67 hours of coverage about President Erdogan, seven hours about CHP candidate Muharrem Ince, 12 minutes about IYI candidate Meral Aksener, eight minutes about Felicity Party candidate Temel Karamanoglu, and zero minutes to HDP candidate Selahattin Demirtas. Many opposition parties relied instead on social media to connect with supporters.

The period between the April announcement of early elections and the vote saw a number of attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Violence most commonly targeted the HDP and its campaigners. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. A number of

opposition candidates for parliament continue to face legal charges in connection with such claims, and the HDP’s presidential candidate, Selahattin Demirtas, was in detention during the campaign. His trials remained ongoing at year’s end. The OSCE noted that key amendments were adopted within months of the early elections, without consultation, and were perceived as favoring the ruling party.

There were allegations of electoral irregularities primarily in eastern Turkey, where the population was majority Kurdish.

Political Parties and Political Participation: The campaign for the presidential and parliamentary elections was marked by frequent violence against political parties and campaigners, with each party noting specific instances of unlawful interference in legitimate political activities. Victims were primarily members of the opposition political parties, and the HDP, the IYI Party, and the Saadet Party (Felicity Party) were most commonly subjected to harassment, intimidation, and violence.

One day after President Erdogan gave a speech in which he accused the opposition CHP presidential candidate of supporting the PKK, a man attacked a CHP women’s auxiliary member while she distributed campaign literature, shouting “PKK supporters cannot come here.” The victim filed a police report and the alleged assailant was detained.

In some cases, government officials also directly interfered in the activities of opposition parties. Istanbul municipal power workers allegedly cut the power at the site of an IYI party campaign rally. Witnesses reported that adjacent buildings had power, and only the location of the rally did not. In addition, city garbage trucks in Gaziantep parked to block access to a separate IYI party rally before city officials ordered an evacuation for unspecified “security reasons.”

A small number of attacks targeted the ruling AKP during the campaign. On May 14, unidentified individuals fired a weapon at an AKP election office in Ankara. The office was vacant at the time of the shooting, and no one was injured.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, although Kurdish politicians representing the HDP and the DBP remained under disproportionate government pressure relative to other politicians. The number of women in politics and the judiciary remained disproportionately low. As of year’s end, there were 104 women in the 600-member parliament. Parties did not nominate women to electable parliamentary candidates lists in 33 of the country’s 81 provinces. Prior to the June 24 election, Prime Minister Binali Yildirim’s cabinet included two female ministers. Following the election, President Erdogan appointed two female ministers and one woman to the Council of State.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. There was no established pattern or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases.

During the year the government prosecuted law enforcement officers, judges, and prosecutors who initiated corruption-related investigations or cases against government officials, alleging the defendants did so at the behest of “FETO.” Journalists accused of publicizing the corruption allegations also faced criminal charges. There were no reports that senior government officials faced official investigations for alleged corruption.

Corruption: During the year *Cumhuriyet* journalist Cigdem Toker was accused of defamation for two articles concerning a greenhouse and a mining company. In the articles, Toker reported on an allegedly corrupt trade agreement between the country and Russia that involved three Turkish agriculture firms. The two companies sought a total of three million lira (\$570,000) from Toker for alleged moral damages. RSF director Erol Onderoglu criticized the lawsuit as an intimidation tactic aimed against financial investigative journalism in the country.

Financial Disclosure: The law requires certain high-level government officials to provide a full financial disclosure, including a list of physical property, every five years. Officials generally complied with this requirement. The Presidency State Inspection Board is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. Parliament, with the support of 301 parliamentarians, may establish investigative commissions to examine corruption allegations concerning the president, vice president(s) and ministers. The mechanism was not used during the year. A parliamentary super majority (400 deputies) may vote to send corruption-related cases to the Constitutional Court for further action.

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

A limited number of domestic and international human rights groups operated throughout the country, although many faced increasing government pressure during the year. Some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations. Human rights groups reported the government was sometimes unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights abuses occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

Human rights groups reported continued and intense government pressure. In *Weathering the Storm: Defending Human Rights in Turkey's Climate of Fear*, Amnesty International reported on April 28 that the government used the state of emergency to engage in a sustained and escalating crackdown against civil society by arresting human rights defenders, shutting down organizations (see section 2.b.), and creating a climate of fear.

On November 16, Istanbul police briefly detained 13 prominent civil society figures and academics associated with jailed philanthropist and civil society leader Osman Kavala and his organization, Anadolu Kultur, in an investigation into Kavala's role in “attempting to overthrow the government” during the 2013 Gezi protests.

The pretrial detention of philanthropist and civil society leader Osman Kavala, without charge since November 2017, continued at year's end. On August 15, following 13 months of pretrial detention, authorities released from prison pending trial Taner Kilic, the founder and chair of Amnesty International Turkey.

Local and international human rights groups criticized the detentions as politically motivated and lacking evidentiary justification.

HRA reported that as of November 30, its members faced more than 500 legal cases, mostly related to terror and insult charges. HRA also reported that executives of their provincial branches in Malatya, Bitlis, and Tunceli were in prison. HRFT reported its founders and members were facing 30 separate investigations and criminal cases. The harassment, detention, and arrest of many leaders and members of human rights organizations resulted in some organizations' closing offices and curtailing activities and some human rights defenders self-censoring.

International and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty renewing their official registrations with the government, obtaining program approvals, and obtaining residency permits for their staff. Some noted that documentation requirements were unclear. The government did not renew the registrations of Norwegian Refugee Council, Catholic Relief Services, International Medical Corps, People in Need, and other international NGOs during the year.

Government Human Rights Bodies: During the year the government continued to staff its human rights monitoring body, the NHREI. According to press reports, on August 13, the NHREI's president, Suleyman Arslan, stated that the institution had received 613 applications for assistance in response to alleged human rights abuses in the first six months of the year. Critics claimed the institution was ineffective and unrepresentative.

The Ombudsman Institution operated under parliament but as an independent complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under state of emergency decrees did not fall within its purview. According to online data, in the first six months of the year, the office received 8,584 applications for assistance, the majority of which dealt with public personnel issues. As of July approximately 10,000 cases had been resolved.

The Ministry of Justice’s Human Rights Department served as its lead on human rights issues, coordinating its work with the ministry’s Victims’ Rights Department.

Parliament’s HRC functioned as a national monitoring mechanism. Commission members maintained dialogue with NGOs on human rights issues, although activists claimed the commission’s ability to influence government action was limited.

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

Women

Rape and Domestic Violence: The law prohibits sexual assault, including rape and spousal rape, with penalties of two to 10 years’ imprisonment for conviction of attempted sexual violation and at least 12 years’ imprisonment for conviction of rape or sexual violation. In some cases, the government did not effectively or fully enforce these laws or protect victims. The law prohibits violence against women, but some human rights organizations claimed the government did not effectively enforce it. On February 28, Gamse Kuru was murdered by her ex-husband, after authorities failed to provide her protection. In 2017 Kuru applied for protection from the state, but her request was denied. Following repeated threats, she applied again and the court granted her protection on the same day she was murdered.

The law covers all women and requires police and local authorities to grant various levels of protection and support services to survivors of violence or those at risk of violence. It also requires government services, such as shelter and temporary financial support, for victims and provides for family courts to impose sanctions on perpetrators.

The law provides for the establishment of violence-prevention and monitoring centers to offer economic, psychological, legal, and social assistance. Women’s NGOs asserted there were not enough shelters to meet the needs of the increasing numbers of women applying for assistance and that shelter staff did not provide adequate care and services. Some NGOs noted the lack of services was more acute for women in certain categories, such as elderly and LGBTI women as well as women with older children.

The government operated a nationwide domestic violence hotline. NGOs asserted that the quality of services provided in calls was inadequate for victims of domestic violence. Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. According to public opinion polling conducted annually by Kadir Has University’s Gender and Women’s Studies Research Center, violence continued to be the biggest concern for women in the country with 61 percent of respondents citing the issue. Spousal rape is a criminal offense, and the law also provides criminal penalties for conviction of crimes such as assault, wrongful imprisonment, or threats. Despite these measures, the number of killings and other forms of violence against women remained high. According to We will Stop Femicide Association’s November report, 363 women were murdered between January and November.

Courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. For example, on September 19, Gonul Demir was murdered by her husband despite a restraining order. A women’s rights NGO alleged that capacity constraints as a result of the government’s response to the failed coup in 2016 kept some authorities “too busy” to address complaints of violence against women. Women’s associations also charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

Courts in some cases gave reduced sentences to some men found guilty of committing violence against women, citing good behavior during the trial or “provocation” by women as an extenuating circumstance of the crime. For example, in April, an Istanbul court reduced the aggravated life imprisonment sentence for Abdullah Melih Baris to life in prison with possibility of parole due to his good conduct at his hearings. Courts had convicted Baris in 2016 of murdering his girlfriend, Nurcan Arslan. We will Stop the Femicide Association announced that in the first 11 months of the year, courts finalized/reached a verdict in 24 femicide cases. In 10 cases, the court ordered reduced sentences due to the suspect’s “good conduct” or because there had been “severe provocation” to justify the crime.

Other Harmful Traditional Practices: So-called honor killings of women remained a problem. Human rights activists and academics alleged that the practice continued across the country. In the eastern province of Igdir, a woman was killed by her two brothers in October. Authorities arrested the suspects and charged them with “voluntary manslaughter by killing a sibling with the intention of honor.”

Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that courts often reduced actual sentences due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the “misbehavior” of the victim.

Sexual Harassment: The law provides for up to five years’ imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer. Women’s rights activists reported that authorities rarely enforced these laws.

Gender equality organizations indicated that incidents of verbal harassment and physical intimidation of women in public occur with regularity, and cited a permissive social environment in which harassers feel emboldened as the cause.

Some women’s rights NGOs asserted that weak legal enforcement of existing laws designed to protect women and light sentencing of violent perpetrators of crimes against women contributed to a climate of permissiveness for potential offenders. State of emergency provisions in 2017 increased the number of crimes, including crimes involving threats to women, which may be resolved through mediation instead of the court system. Critics complained the move lowered the severity of potential criminal punishments of perpetrators of violence against women, undermining women’s safety and potentially enabling impunity.

Coercion in Population Control: There were no reports of coerced abortion or forced sterilization.

Discrimination: While women enjoy the same rights as men by law, societal and official discrimination were widespread. Women faced discrimination in employment (see section 7.d.).

The constitution permits measures, including positive discrimination, to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of employers for several months for any female employee older than the age of 18. Laws introduced as a gender justice initiative provided for maternity leave, breastfeeding time during work hours, flexibility in work hours, and required childcare by large employers. However, rights organizations, contended that these changes in the legal framework discouraged employers from hiring women and negatively impacted their promotion potential.

Children

Birth Registration: There was universal birth registration, and births were generally registered promptly. A child receives citizenship from his or her parents, not through birth in the country. Only one parent needs to be a citizen to convey citizenship to a child. In special cases in which a child born in the country cannot receive citizenship from any other country due to the status of his or her parents, the child is legally entitled to receive citizenship.

Education: Human rights NGOs and others expressed concern that the law on compulsory education continued to allow some female students to be kept at home and married early. Ministry of National Education statistics cited in June by the Children’s Rights Commission of the Istanbul Bar Association for 2017 indicated that 97.4 percent of students who said they could not continue education were girls. The Education Reform Initiative, an NGO focusing on education, reported in its *Education Monitoring Report for 2017-18* that the government took important positive steps to expand girls’ access to education, including by providing conditional cash transfers to incentivize poor families to continue education for their daughters. According to European Statistics Office data, drop-out rates in Turkey were 34 percent for girls and 31 percent for boys in 2017, an improving trend.

The Organization for Economic Co-operation and Development, in its *Education at a Glance* report for the year, identified gaps between girls’ and boys’ access to education and reported that nearly 40 percent of women between the ages of 15 and 29 neither continued their education nor joined the labor market.

Child Abuse: Child abuse was a problem. The law authorizes police and local officials to grant various levels of protection and support services to victims of violence or to those at risk of violence. It requires the government to provide services to victims, such as shelter and temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence.

By law, if the victim of abuse is between 12 and 18, molestation results in a three-to-eight-year prison sentence, sexual abuse in an eight-to-15-year sentence, and rape in a sentence of at least 16 years. If the victim is younger than 12, molestation results in a minimum five-year prison sentence, sexual abuse in a minimum 10-year sentence, and rape in a minimum 18-year sentence.

Government authorities increased attention on the problem of child abuse. According to a May 27 report by the Acibadem Crime and Violence Research Center, *Child Abuse in Turkey Report-2*, the documented number of child sexual abuse victims increased by 33 percent between 2011 and 2016. According to the report, between 2011 and 2016, 21,068 applications were made to children monitoring centers. In 2016 alone, 2,487 girls and 1,124 boys younger than the age of 12 faced sexual abuse. The women’s NGO We Will Stop Femicides reported that, in just the month of July, there were 433 reported cases of child sexual abuse. According to Ministry of Justice statistics, there were 16,348 child sex abuse cases filed in 2017.

Early and Forced Marriage: The law defines 18 as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. The law acknowledges civil and religious marriages, but the latter were not always registered with the state.

NGOs reported that children as young as 12 were at times married in unofficial religious ceremonies, particularly in poor and rural regions and among the Syrian population living in the country. Early and forced marriage was particularly prevalent in the southeast, and women’s rights activists reported the problem remained serious.

Separately, women’s rights groups stated that forced marriages and bride kidnapping persisted, particularly in rural areas, although it was not as widespread as in previous years.

Sexual Exploitation of Children: The constitution requires the state to take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. The penalty for conviction of encouraging or facilitating child prostitution is up to 10 years’ imprisonment; if violence or pressure is involved, a judge may double the sentence.

The age of consent for sex is 18. In 2016 the Constitutional Court annulled a provision in the criminal code that punished all acts involving children younger than the age of 15 as “sexual abuse.” The law prohibits producing or disseminating child pornography and stipulates a prison sentence of up to two years as well as a fine for violations.

Incest involving children remained a problem, although prosecutions remained minimal. The law provides prison sentences of up to five years for incest.

Many women’s and migrant rights NGOs reported that displaced children, mostly Syrian, remained vulnerable to economic and sexual abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>).

Anti-Semitism

According to the Chief Rabbinate in Istanbul, there were approximately 14,000 Jews living in the country. Some emigrated due to anti-Semitism.

Jewish citizens expressed concern regarding anti-Semitism and security threats in the country. Anti-Semitic rhetoric continued in print media and on social media throughout the year. According to a 2017 Hrant Dink Foundation report on hate speech, there were 1,251 published instances of anti-Jewish rhetoric in the press depicting Jews as violent, conspiratorial, and enemies of the country. The Middle East Media Research Institute documented a significant number of anti-Jewish social media posts in Turkish during May praising Hitler, promoting violence against Jews and the State of Israel, and espousing the involvement of Jews in conspiracies to undermine the country.

The government took a number of positive steps to combat anti-Semitism during the year. On January 25, Ankara University hosted an event to commemorate Holocaust Remembrance Day in collaboration with the Ministry of Foreign Affairs, which also issued a written statement commemorating the event. In September and December, President Erdogan sent the Jewish Community a public message celebrating Rosh Hashanah and Hanukkah that highlighted religious diversity as part of the country's wealth.

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities. NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively. In July the Disabled Rights Platform reported that disabled persons continued to face major obstacles in the country.

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. The government, nonetheless, made little progress implementing the law, and access in most cities remained extremely limited.

The Ministry of Labor, Social Services, and Family is responsible for protecting persons with disabilities. The ministry maintained social service centers assisting marginalized individuals, including persons with disabilities. The majority of children with disabilities were “mainstreamed” in public schools and there were special education centers for students whose disability precluded them from participating in regular public schools.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to education. The Education Reform Initiative’s Education Monitoring Report for 2017-2018 reported that according to Ministry of National Education statistics on primary, middle and high schools, a total of 349,896 students with disabilities were in school, with 255,169 studying in regular schools and the remainder in either state-run or privately owned special education schools. A Ministry of Labor, Social Services, and Family program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children.

National/Racial/Ethnic Minorities

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 national or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to exercise their linguistic, religious, and cultural rights fully.

More than 15 million citizens were estimated to be of Kurdish origin and spoke Kurdish dialects. Security force efforts against the PKK disproportionately affected Kurdish communities in rural areas throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with government security operations aimed at clearing areas of PKK terrorists (see section 1.g.).

Kurdish and pro-Kurdish civil society organizations and political parties reported increasing problems exercising freedoms of assembly and association (see section 2.b.). Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017, after the coup attempt remained closed. On December 10, the HRA reported that 2,854 persons including military, police, village guards, PKK members, and civilians, had lost their lives during government-PKK clashes in the southeast since 2016.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally used in their daily lives, on the condition that schools were subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish-language courses, and two universities had Kurdish language departments, although several instructors in these departments were among the thousands of university personnel fired under official decrees, leaving the programs unstaffed. The law also allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language; this right was not protected in practice.

The law restricts the use of languages other than Turkish in government and public services. For example, in August, the Adana Metropolitan Municipality removed Arabic signage on the grounds it did not comply with official regulations.

Although the government officially allows the use of Kurdish in private education and in public discourse, it did not extend permission for Kurdish-language instruction to public education.

Romani communities reported being subjected to disproportionate police violence and housing loss due to urban transformation projects that extended into their traditional areas of residence. The Romani community also faced problems with access to education, housing, health care, and employment. Roma reported difficulty in taking advantage of government offers to subsidize rent on apartments due to discriminatory rental practices. According to Member of Parliament Ozcan Purcu, despite positive changes in perceptions, 96 percent of Roma were unemployed, although many worked in jobs in the informal economy. In line with a national Romani strategy adopted by the cabinet in 2016, the government carried out a number of pilot projects to enhance social inclusion of Romani citizens, including vocational courses offered by the government’s employment agency, IsKur. Roma advocates complained that there was little concrete advancement for Roma. They also complained that, under the state of emergency, NGOs that offered literacy courses to Roma either were shut down or faced severe restrictions.

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

While the law does not explicitly criminalize LGBTI status or conduct, provisions of law concerning “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” sometimes served as a basis for abuse by police and discrimination by employers.

Numerous LGBTI organizations reported a heightened sense of vulnerability under the state of emergency, as well as growing restrictions on their freedom of speech, assembly, and association. During the year the Ankara governor’s office continued its indefinite 2017 ban on all public LGBTI events in the province, citing public safety concerns. In addition to prohibiting the annual pride march, the ban also prevented a

screening of the film “Pride” at the Ankara Bar Association’s training center on May 29. The Constitutional Court rejected a request by LGBTI groups for an injunction on the ban without rendering a decision on the case itself. Based on the court’s action, LGBTI organizations appealed the case to the ECHR.

The criminal code does not include specific protections based on sexual orientation or gender identity. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law’s failure to include protections based on gender identity and noted it was sometimes used to restrict freedom of speech rather than to protect minorities. LGBTI definitions were not included in the law, but authorities reported a general “gender” concept in the constitution provides for protections for LGBTI individuals. KAOS-GL, a domestic NGO focused on LGBTI rights, maintained that due to the law’s failure to recognize the existence of LGBTI individuals, authorities did not provide them social protection.

KAOS-GL reported that some LGBTI individuals were unable to access health services or faced discrimination. LGBTI individuals reported they felt the need to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTI community.

As of March 2018, individuals were no longer required to undergo compulsory sterilization as a legal precondition to legal recognition of their gender identity.

During the year LGBTI individuals experienced discrimination, intimidation, and violent crimes. Human rights attorneys reported that police and prosecutors frequently failed to pursue cases of violence against transgender persons aggressively. Police often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. Judges routinely applied the law to reduce the sentences of persons who killed LGBTI individuals. Courts of appeal upheld these verdicts based, in part, on the “immoral nature” of the victim. LGBTI advocates reported that police detained transgender individuals engaged in sex work to extract payoffs and that courts and prosecutors created an environment of impunity for attacks on transgender persons involved in sex work.

Violence against LGBTI individuals continued throughout the year. On July 13, a 24-year-old transgender woman was killed in Samsun in an act of bias-motivated violence. Authorities arrested and sentenced him to prison.

On May 30, a refugee transgender woman was attacked by a group of men in Yalova. LGBTI activists stated it was the fourth attack in one week in that city.

For the fourth year in a row, the governor’s office banned Istanbul’s pride march, citing public safety concerns. Despite the ban and heavy police presence, several hundred activists and supporters took part in the event. Police used tear gas and rubber bullets

to break up crowds and prevent participants from entering areas in and around Taksim Square, detaining 11 participants. Organizers did not hold a transgender march during the year due to security concerns.

Additional pride marches took place in Mersin, where approximately 100 persons participated despite an official ban, and Izmir, where more than 2,000 marched on June 11. The Adana governor’s office banned the city’s first pride march based on concerns about social sensitivities and public safety.

Some LGBTI groups reported harassment by police, government, and university authorities. University groups in cities across the country complained that rectors had denied them permission to organize. LGBTI organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines.

KAOS-GL reported in its *2017 Hate Crime Report* that out of 117 cases of violence reported to the organization, only 19 were reported to the police and only seven resulted in a court hearing.

HIV and AIDS Social Stigma

Many persons with HIV/AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. The Positive Living Association noted that the country lacked laws protecting persons with HIV/AIDS from discrimination and that there were legal obstacles to anonymous HIV testing. Due to pervasive social stigma against persons with HIV/AIDS, many individuals feared the results of HIV tests would be used against them and avoided testing.

Other Societal Violence or Discrimination

Armenians, Alevis, and other Christians remained the subject of hate speech and discrimination. The term “Armenian” remained a common slur. Attacks on Christian and Jewish places of worship were rare, but on April 29, vandals scrawled nationalist graffiti and dumped trash outside an Armenian church in Istanbul. Government authorities, including Interior Minister Suleyman Soylu, condemned the attack and opened an investigation, resulting in the detention of a suspect. Between March 16 and 24, courts reportedly arrested 16 members of the Pir Sultan Abdal Culture Association (PSDAK), the largest Alevi organization in the country, who were accused of “aiding a terrorist organization.” PSDAK stated that all indictments of its members failed to associate them with any violence and claimed that they were arrested due to their religious activities.

According to the Hrant Dink Foundation’s Media Watch on Hate Speech Report, an analysis of national and local newspapers between January and April, found 3,076 instances of published hate speech that targeted national, ethnic, and religious groups. The most targeted groups were Armenians, Jews, Greeks, and Syrians.

Atheists also remained the subject of intimidation in progovernment media, albeit at a lower level relative to other religious minorities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, but it places significant restrictions on these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity or payment of a fine equal to one year's salary.

Certain public employees, such as senior officials, magistrates, members of the armed forces, and police, cannot form unions. The law provides for the right to strike but prohibits strikes by public workers engaged in safeguarding life and property and by workers in the coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education. For example, authorities in Ankara prohibited protesters, mostly women, affiliated with the 2014 Soma mining disaster that left 301 workers dead, from completing a march protesting the acquittals and lenient sentences for the executives of the mining company. Employees in some of these sectors were able to bargain collectively but were obligated to resolve disputes through binding arbitration rather than strikes.

The law allows the government to deny the right to strike in any situation it determines represents a threat to public health or national security. In May employees of the Soda Sanayii chemical company were suspended for 60 days for striking. According to May press reports, under the state of emergency, authorities banned seven strikes and suspended 15, affecting nearly 200,000 workers. The government maintained a number of restrictions on the right of association and collective bargaining. The law requires unions to notify government officials prior to meetings or rallies, which must be held in officially designated areas and allow government representatives to attend their conventions and record the proceedings. A minimum of seven workers is required to establish a trade union without prior approval. To become a bargaining agent, a union must represent 40 percent of the employees at a given work site and 1 percent of all workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties or working for or being involved in the operation of any profit-making enterprise. Nonunionized workers, such as migrants and domestic servants, were not covered by collective bargaining laws.

The government did not enforce laws on collective bargaining and freedom of association effectively in many instances, and penalties (generally monetary fines) were insufficient to deter violations. Labor courts functioned effectively and relatively efficiently. Appeals, however, could often last for years. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate the individual, the employer generally paid compensation to the employee along with a fine.

Under the state of emergency, dismissed public-sector employees did not have access to adequate recourse to appeal their dismissals (see section 1.e.). The closure of foundations, universities, hospitals, associations, newspapers, television channels, publishing houses, and distributors under state of emergency decrees left employees jobless, without their salaries and severance payments, as part of the seizure of assets by the government. The International Labor Organization found in June that the government had unfairly dismissed or arrested worker representatives in addition to tens of thousands of public sector workers. In a July report, the Confederation of Revolutionary Workers Unions (DISK) asserted that government actions under the state of emergency violated a range of labor rights and reported that 19 unions and confederations were shut down under the state of emergency.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of some unions to conduct public and other activities. Police were frequently present at union meetings and conventions, and some unions reported that local authorities declined to grant permission for public activities, such as marches and press conferences. Under the state of emergency, the government disallowed a variety of public events by unions and other groups in numerous parts of the country. Authorities again restricted traditional May 1 Labor Day rallies in parts of the country. In Istanbul, police detained 52 persons participating in a May Day rally and placed a security lockdown on the city, including restricting access to the city's main shopping street, which was the scene of past protest marches.

Workers at the site of Istanbul's new airport organized a rally on September 14 to protest unsafe working conditions, unpaid wages, and unsanitary living conditions. Official government statistics state 27 workers lost their lives on the project while some union reports alleged the number was much higher. Police broke up the rally and conducted raids on worker housing leading to the detention of approximately 500 workers. While most were released, at year's end 31 remained in detention and an additional 19 under judicial control facing charges of destruction of property, disrupting the freedom to work, violating the law on public assemblies, and possession of weapons. HRW also reported in a statement that some workers who joined the demonstration were subsequently fired and that the construction site continued to be heavily policed.

According to DISK, under the state of emergency, the government banned seven strikes that it deemed threats to national security and suspended 15 strikes. In August the Constitutional Court ruled that a cabinet decree banning a 2015 strike violated the constitution.

Employers used threats, violence, and layoffs in unionized workplaces. Unions stated that antiunion discrimination occurred regularly across sectors. Service sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity. Many employers hired workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights. Chiefly female employees in the Flormar cosmetic

company called for a boycott of the company's products and as of December, had maintained an eight-month strike protesting the firing of 132 women who complained of low pay and poor safety conditions.

b. Prohibition of Forced or Compulsory Labor

The law generally prohibits all forms of forced or compulsory labor, but the government enforced such laws unevenly. Penalties (generally monetary fines) were insufficient to deter violations. Forced labor generally did not occur, although some local and refugee families required their children to work on the streets and in the agricultural or industrial sectors to supplement family income (see section 7.c.).

Women, refugees, and migrants were vulnerable to trafficking. Traffickers used psychological coercion, threats, and debt bondage to compel victims into sex trafficking. Although government efforts to prevent trafficking continued with mixed effect, it made improvements in identifying trafficking victims nationwide. Penalties for conviction of trafficking violations range from eight to 12 years imprisonment and were sufficiently stringent compared with other serious crimes. The government did not make data on the number of arrests and convictions related to trafficking publicly available.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law allows children to perform light work that does not interfere with their school attendance from age 14 and establishes 15 as the minimum age for regular employment. The law prohibits children younger than 16 from performing arduous or dangerous work. The government prohibited children younger than 18 from working in certain professions or under hazardous conditions.

The government did not effectively enforce child labor laws, but made efforts to address the issue. On February 24, First Lady Emine Erdogan and more than half a dozen ministers attended a ceremony to launch the “Year to Combat Child Labor” initiative. Both ministers and the heads of some of the country's largest unions signed a declaration pledging to prevent the use of child labor and implement the government's new child labor strategy, the *National Program on the Elimination of Child Labor (2017-2023)*. Resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private agricultural enterprises employing 50 or fewer workers, resulting in enterprises vulnerable to child labor exploitation.

Illicit child labor persisted, including in its worst forms, driven in part by large numbers of Syrian children working in the country. Child labor primarily took place in seasonal agriculture, street work (e.g., begging), and small or medium industry (e.g., textiles, footwear, and garments), although overall numbers remained unclear, according to a

wide range of experts, academics, and UN agencies engaged on the issue. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were also a significant problem among Syrian, Afghan, and Iraqi refugee children. The government implemented a work permit system for registered adult Syrian refugees, but many lacked access to legal employment; some refugee children consequently worked to help support their families, in some cases under exploitative conditions. According to the Ministry of Labor, Social Services, and Family data, in the first five months of the year, 23 workplaces were fined for violating the prohibition of child labor rules.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation/views. Penalties, generally monetary fines, were insufficient to prevent violations.

Women faced discrimination in employment and generally were underrepresented in managerial-level positions in business, government, and civil society. According to the Turkish Statistics Institute, women’s employment in 2016 was 28 percent, corresponding to 8.4 million women. According to the World Economic Forum’s *Global Gender Gap Report 2017*, 33.8 percent of women participated in the labor force.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce consists of persons with disabilities; in the public sector, the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment of persons with disabilities.

LGBTI individuals faced particular discrimination in employment. Some statutes criminalize the vague practice of “unchastity.” Some employers used these provisions to discriminate against LGBTI individuals in the labor market, although overall numbers remained unclear.

e. Acceptable Conditions of Work

The national minimum wage was greater than the estimated national poverty level.

The law establishes a 45-hour workweek with a weekly rest day. Overtime is limited to three hours per day and 270 hours a year. The law mandates paid holiday/leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The Labor Ministry’s Labor Inspectorate effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime. According to the unions, the government-set occupational safety and health (OSH) standards were not always up to date or appropriate for specific industries.

The government did not effectively enforce laws related to minimum wage, working hours, and OSH in all sectors. The law did not cover workers in the informal economy that included an estimated 25 percent of the gross domestic product and more than one-quarter of the workforce. Penalties came in the form of monetary fines but were not adequate to deter violations.

OSH remained a major challenge, particularly in the construction and mining industries, where accidents were common and regulations inconsistently enforced despite government efforts to improve OSH conditions. The Assembly for Worker Health and Safety reported at least 1,640 workplace deaths during the first 10 months of the year. In many sectors, workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment, and authorities did not effectively protect vulnerable employees. Overall numbers of labor inspectors remained insufficient to enforce compliance with labor laws across the country. During the year police detained several hundred airport workers protesting safety conditions (see section 7.a.).

Unions reported that OSH laws and regulations did not sufficiently protect contract workers or unregistered workers. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors, including seasonal agriculture, industry, and construction.

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