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Turkey

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Turkey, with a population of approximately 72.6 million, is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single chamber parliament, the Turkish Grand National Assembly. In the 2002 parliamentary elections, considered generally free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one party government. Civilian authorities generally maintained effective control of the security forces.

During the year the government faced the major challenges of increasing the legal accountability of government security forces, reducing restrictions on free speech, and modernizing societal attitudes with respect to antiquated practices such as "honor killings" of women. Although an overhaul of the criminal code has helped reduce torture and improve due process for defendants, the government struggled to achieve full implementation of new laws. The number of arrests and prosecutions of security forces who committed unlawful killings was low compared with the number of incidents, and convictions remained rare. Members of the security forces occasionally tortured, beat, and otherwise abused persons. Prison conditions remained poor, with problems of overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law. The executive branch at times undermined independence of the judiciary, and the overly close relationship of judges and prosecutors continued to hinder the right to a fair trial. Excessively long trials, lasting several years, were a problem. The government limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the Penal Code prohibiting insults to the government, the state, "Turkish identity," or the institution and symbols of the republic. Non-Muslim religious groups continued to face restrictions on practicing their religion openly, owning property, and training leaders. Violence against women, including so-called honor killings and rape, continued to be a widespread problem. Child marriage was a problem. Police corruption at all levels contributed to trafficking in women and children to and within the country for the purpose of sexual exploitation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed a number of persons during the year.

The Human Rights Foundation (HRF) reported that, in late March and early April, the police and military killed 14 persons, including five children, when they fired into crowds of demonstrators during rioting in the southeastern city of Diyarbakir (see section 2.b.).

According to the HRF, security forces caused three deaths when they raided houses during the first eight months of the year.

According to the HRF, police and Jandarma killed 9 persons during the year when they did not obey warnings by security forces to stop their vehicles.

In February 2005 demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist Kurdistan Workers Party (PKK); however, interior ministry inspectors determined that police did not shoot Gonultas, and no court case was opened against the police. Prosecutors opened a case against nine members of the now-dissolved pro-Kurdish Democratic People's Party (DEHAP) for their role in a statement protesting the shooting. The DEHAP officials were charged with being members of an illegal organization; their trial was ongoing at year's end.

In July 2005 army private Murat Polat died from wounds he received when he was allegedly beaten by fellow soldiers

at Adana military prison. Prosecutors indicted 29 soldiers for torture and severe torture in connection with this and several other cases, but concluded that jurisdiction lay in the military courts. When a military court concluded that it did not have jurisdiction, the case went to the military court of appeals, where it remained at year's end.

In November 2005 assailants threw a bomb into a store in Semdinli, Hakkari Province, killing Mehmet Zahir Korkmaz. Over the following days, demonstrators clashed with police in a number of violent protests against the alleged Jandarma role in the bombing; five protesters were killed and dozens injured in the disturbances. Prosecutors opened two cases in connection with the incident. In the first, the Van prosecutor charged two Jandarma officials, Ali Kaya and Ozcan Ildenizand, and an alleged informant, Veysel Ates. On June 19, the Van Heavy Penal Court Number 3 convicted the two noncommissioned officers and sentenced them to 39½ years in prison. On November 10, the same court sentenced the informant to 39 years and 10 months in prison. The case was on appeal at year's end. In the second case, the Hakkari prosecutor charged another suspect, Army Sergeant Tanju Cavus. The trial was transferred for security reasons to the Malatya Heavy Penal Court, where it was ongoing at year's end.

In a connected case, the Van prosecutor charged the bookstore owner, alleging that he was a PKK member and participated in the bomb plot. The case continued at year's end.

In November 2005 the Diyarbakir prosecutor charged three suspects in connection with the July 2005 killing of Hikmet Fidan, a former DEHAP vice chairman. The indictment alleged that the defendants turned Fidan over to the PKK, whose leaders ordered Fidan's killing because he criticized the PKK. By midyear all lawyers representing the Fidan family withdrew from the case due to alleged pressure from the PKK. At year's end there were no new developments in the case.

The Hakkari court's acquittal of 12 defendants in November 2005, including former members of the security forces, who had been charged with extrajudicial killings, bombings, extortion, and other crimes was under appeal at year's end.

DNA analysis confirmed that the 11 corpses discovered near the town of Kulp, Diyarbakir Province, in late 2004, belonged to the villagers who disappeared after detention in 1993. The Kulp public prosecutor concluded that the military had jurisdiction and therefore transferred the case to a military prosecutor. The military began an investigation and asked relatives of the missing villagers to send their video footage of the mass grave. The investigation was ongoing at year's end.

The trial of four police officers charged with the 2004 unlawful killing of Ahmet Kaymaz and his son Ugur was ongoing at year's end. The brother of Ahmet Kaymaz publicly stated that the police carried out an extrajudicial execution. The HRF reported that the four defendants were reassigned and back on duty. Proceedings continued in the trial of three police officers charged in connection with the shooting of Siar Perincek in Adana in 2004.

The October 2005 conviction of Jandarma official Murat Sener on charges on using excessive force in the 2004 killing of Fevzi Can was under appeal at year's end.

According to the government, one person died while in police custody. The death was recorded as a suicide.

According to the HRF, landmines and unattended explosives killed eight civilians and injured 38, including 28 children, during the year. Both security forces and the PKK used landmines.

According to the government, 32 civilians, 93 members of the security forces, and 118 terrorists were killed in armed clashes through October. The Human Rights Association's (HRA) Diyarbakir office reported that 294 persons died in such clashes and 303 were injured during the year. Most of the clashes occurred in the southeast.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons.

Incidents of torture and abuse declined during the year but remained a problem. There was a decline in the severe ill-treatment that prisoners encountered in prior years, but incidents of ill-treatment during police/gendarmerie custody continued, according to the Council of Europe's September 6 report on the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Courts rarely convicted security officials accused of torture and tended to issue light sentences when they did convict (see section 1.d.).

According to the HRF, there were 338 cases of torture or abuse reported at its five national treatment centers during the year. Of these, 227 cases involved torture or abuse inflicted during the year; the rest involved incidents that occurred previously. HRF stated that there were 10,449 credible reports of torture or abuse from 1990 to 2005. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because they feared retaliation or believed that complaining was futile.

The CPT and domestic human rights observers reported that, because detention periods have been reduced to 24 hours, with prosecutorial discretion to extend the period to 48 hours, security officials for the most part eliminated more severe methods of torture and abuse, such as electric shocks, high-pressure cold water hoses, rape, beatings on the soles of the feet and genitalia, hanging by the arms, and burns. Instead, security officials mainly used methods that did not leave physical signs, including repeated slapping, exposure to cold, stripping and blindfolding, food and sleep deprivation, threats to detainees or family members, dripping water on the head, isolation, and mock executions.

Human rights activists, attorneys, and physicians who treated victims said that because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and ill treatment in detention as those arrested for political offenses such as speaking out against the government, although they were less likely to report abuse. Observers believed that security officials usually tortured political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured ordinary suspects to obtain confessions.

On December 28, the justice ministry initiated an investigation into allegations that wardens at the Sincan Children's and Youth Prison inmates beat four inmates between 19 and 21 years of age on the soles, a practice known as "falaka." Nadir Cinar, Ozgur Karakaya, Ilker Sahin, and Cenar Altunc, who were in jail for demonstrating in support of an attorney who was on a hunger strike, told their attorney on December 22 that the wardens were beating their feet with sticks and pipes and cursing at them. The Ankara chief prosecutor confirmed the marks on the youths' bodies and ordered the boys to be taken to the Forensic Medicine Institute. At year's end prosecutors were investigating the matter.

On October 24, Habip A and Mehmet K were detained by law enforcement officers in Konya for smuggling cigarettes. A group of masked police officers then beat Habip and extinguished cigarettes on his body, according to Habip's and Mehmet's original attorney. Habip filed an official complaint with the local prosecutor's office against the physician in charge at Konya Numune Hospital, who prepared a report that certified that Habip's wounds were due to an accident. The two complainants selected a new attorney, who had not yet filed a case at year's end. The complaint had not been ruled on at year's end. The government did not initiate an investigation into the incident.

A state hospital in Van province issued reports stating there were no signs of torture in the case of five men who had claimed they were tortured during detention in July 2005. The men's attorney then obtained a private health report that stated one of the men--Abdulakir Akgul--was tortured, but that there were no longer marks of torture on the four others. The attorney filed a criminal complaint against the state doctors and local Jandarma; the local prosecutor decided to not pursue the case. The lawyer appealed to the Van Regional Administrative Court, where the case remained at year's end. In February the Ordu public prosecutor's office issued a decision that it would not prosecute any police officers in connection with the allegation that Ordu police beat, squeezed the testicles of, and threatened three juveniles in October 2005.

In October 2005 broadcast media outlets aired footage of employees abusing children at the Malatya State Orphanage. Images included employees beating children, who were naked and sitting in a bathtub. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. Authorities charged nine officials--the provincial director for social services, the orphanage director, two civil servants, and five orphanage employees--with torture. None of the defendants have been relieved of their duties; however, the orphanage employees were transferred to another facility. Forty of the children were taken to an Istanbul facility for four months, and then returned to the Malatya Orphanage. The trial and investigation continued at year's end.

There was no updated information on the allegations that in December 2005 police tortured Orhan Kara, Velat Haci Ali, Idban Kaplan, Seref Inanc, and Nezir Ayan while in detention in Silopi, Sirnak Province.

There were no developments in the reported 2004 cases of torture of Mehmet Nurettin Basci, Mehmet Gazi Aydin, Sezai Karakus, or several persons detained by police during a raid of the Yeniden Ozlem publishing house.

Police harassed, beat, and abused demonstrators (see section 2.b.).

Prison and Detention Center Conditions

Prison conditions generally improved but facilities remained inadequate. Underfunding, overcrowding, and insufficient staff training were problems.

According to the medical association, there were insufficient doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Observers reported that detainees and convicts occasionally were held together. Occasionally inmates convicted for nonviolent, speech related offenses were held in high-security prisons.

The government permitted prison visits by representatives of some international organizations, such as the CPT; however, domestic nongovernmental organizations (NGOs) did not have access to prisons. Domestic human rights organizations and activists reported that Prison Monitoring Boards, composed of government officials and private individuals, were ineffective. The CPT visited in 2004 and conducted ongoing consultations with the government.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government at times did not observe these prohibitions.

Role of the Police and Security Apparatus

The Turkish National Police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military has overall responsibility for border control.

In June 2005 the government established judicial police, who were to take direction from prosecutors during investigations; however, human rights groups reported that in practice the judicial police continued to report to the Ministry of Interior.

A civil defense force known as the village guards was less professional and disciplined than other security forces and was concentrated in the southeast. The village guards were accused repeatedly of drug trafficking, rape, corruption, theft, and other human rights abuses. Inadequate oversight and compensation contributed to this problem, and in many cases Jandarma allegedly protected village guards from prosecution. Although the security forces were generally considered effective, the village guards, Jandarma, and police special forces were viewed as those most responsible for abuses. Corruption and impunity from prosecution were serious problems.

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders (see section 1.e.). When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in occasional cases, promoted them during their trials, which often took years.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. According to the government, the armed forces emphasized human rights in training for officers and noncommissioned officers.

During the first nine months of the year, 715 administrative or judicial cases were opened against security personnel and other public officials on torture, maltreatment, or excessive use of force charges. The decision of "acquittal" or "no need to punish" was reached in all 85 maltreatment or torture cases. Out of 630 "excessive use of force" cases, 10 resulted in prison sentences, one resulted in a temporary suspension, 598 resulted in acquittal or no need to punish, and 21 remained ongoing.

Arrest and Detention

Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law provides that indigent detainees be provided a public attorney at government expense.

Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees improved during the year, but varied widely across the country. Numerous bar association representatives and human rights

organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney. The HRA observed an increase in the percentage of detainees consulting with attorneys but maintained that the numerous detainees did not exercise this right.

Human rights observers noted that in most cases where a defendant could not afford an attorney, one was provided; however, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. Provincial bar associations reported that they faced increasing difficulties providing such attorneys because the government was behind on compensation payments for such work. The Izmir Bar Association reported that the government owed it between \$5.6 and \$9.2 million (\$8-13 million lira).

HRA claimed police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Detainees were generally allowed prompt access to family members; however, human rights organizations reported that since October, they have been hindered from helping families find out whether a relative has been detained because the government began to refuse to release such information to the organizations.

During the year police routinely detained demonstrators (see section 2.b.). Police detained several members of the former DEHAP on various occasions (see section 3). Police continued to detain and harass members of human rights organizations and monitors (see section 4). Police continued to detain persons on suspicion of links to Turkish Hizballah.

Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years. Approximately half of the prison inmates held during the year were convicts; the other half were either awaiting trial or held during trial proceedings.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption.

The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government and several high-ranking military officers on several occasions issued announcements or directives about threats to the government, which could be interpreted as general directions to the judiciary.

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The minister of justice serves as chairman of the seven-member high council, and the justice ministry undersecretary also serves on the council. The high council selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The high council is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the high council controls the careers of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms. During the year the high council, allegedly under pressure from the military, prohibited Van prosecutor Ferhat Sarikaya from practicing law after he prepared an indictment in the Semdinli case (see section 1.a.). After the high council denied Sarikaya's request for review of the decision, he filed a formal objection. On November 9, the high council rejected the objection, effectively finalizing Sarikaya's expulsion from the profession.

The Ministry of Justice did not guarantee the independence of the judiciary in numerous freedom of expression cases, according to the Turkish Publishers' Association. Prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting Turkishness or Atatürk, but ignored complaints that regarded many categories of human rights (see section 2.a.).

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the high council. Once appointed, they are housed together, frequently share the same office space, and often work in the same courtroom for over five years.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation's highest court; and three other high courts. The high court of appeals hears appeals for criminal cases, the council of state hears appeals of administrative cases or cases between government entities, and the audit court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In 2004 parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court's caseload and allow the judiciary to operate more efficiently.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the

Constitutional Court. However, the court cannot consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament. Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel.

Administrative and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions of security force personnel for human rights abuses. Under the law, courts could not convict unless a defendant attended at least one trial session. Police defendants occasionally failed to attend hearings in order to avoid conviction; prosecuting attorneys claimed courts failed to make serious attempts to locate such defendants, even in cases where the defendants received salary or pension checks at their home address.

During courtroom proceedings criminal defendants faced numerous violations of their right to a fair trial, according to an Amnesty International (AI) September 6 report. The report found that courts frequently refused to hear defense witnesses, despite a new law allowing the defense to call its own witnesses; courts and prosecutors often refused to consider new exculpatory evidence; pretrial and trial periods frequently lasted for many years due in part to a severe backlog of cases; often courts did not allow defendants to take part in pretrial hearings; and frequently courts failed to provide defendants with qualified interpreters.

According to the September AI report, defendants in cases that were transferred from state security courts, abolished in June 2004, to heavy penal courts often faced the same judges and prosecutors who presided over their cases when they were before the state security courts. The report also found that these judges frequently failed to investigate or take into account allegations that confessions were brought about by torture, and allegations of long periods of "unofficial" detention with no access to legal counsel. The report noted that defendants in these cases were being sentenced on the basis of evidence extracted under torture or other ill-treatment.

Trial Procedures

There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court, and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal.

International human rights organizations and the European Union (EU) stated that the courtroom structure and rules of criminal procedure gave an unfair advantage to the prosecution. Prosecutors enter the courtroom through the same door as the judge; defense attorneys enter through a separate door. Prosecutors sit at an elevated desk that is at the same level as that of the judge; the defense sits at floor level. During the trial, the prosecutor may himself call any witness desired, whereas the defense must request that the judge call a witness. Judges decide whether to ask and how to phrase defense counsel's questions, but ask all of the prosecution's questions in the exact form presented.

The law provides for the right to a speedy trial; however, at times trials lasted for years (see section 1.d.). Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. In several cases, such delays extended beyond the statute of limitations, causing the trial to end without a verdict.

The law prohibits the use of evidence obtained by torture in court; however, prosecutors in some instances failed to pursue torture allegations, and exclusion of evidence occurred only after a separate case on the legality of the evidence was resolved. In practice a trial based on a confession allegedly coerced under torture could proceed, and even conclude, before the court had examined the merits of the torture allegations.

Despite the May 2005 European Court of Human Rights (ECHR) ruling that imprisoned PKK leader Abdullah Ocalan did not receive a fair trial during the proceedings that led to his 1999 conviction, the Ankara Heavy Penal Court, on May 5, denied Ocalan's attorneys' retrial request. On appeal, the Istanbul Heavy Penal Court upheld the lower court's decision.

Political Prisoners and Detainees

There were no reports of political detainees; however, the HRA estimated that there were several thousand political prisoners, including leftists, rightists, and Islamists. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, 2,071 convicts were being held in prison on terrorism charges through October.

International humanitarian organizations were allowed access to "political" prisoners, provided they could obtain permission from the Ministry of Justice. While the CPT was generally granted such permission, other organizations were rarely granted such permission.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered.

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

The law prohibits such actions, and the government generally respected these provisions in practice.

Security forces caused three deaths when they raided several houses during the first eight months of the year, according to the HRF.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in occasional cases. The government intimidated journalists into practicing self censorship.

The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the Penal Code prohibiting insults to the government, the state, "Turkish identity," Ataturk, or the institutions and symbols of the republic. Other laws, such as the Antiterror Law and laws governing the press and elections, also restrict speech.

Individuals could not criticize the state or government publicly without fear of reprisal, and the government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, the question of Turks of Kurdish origin as "minorities", and the history of the Turkish-Armenian conflict after World War I; however, persons who wrote or spoke out on such topics, particularly the Armenian issue, risked prosecution. The Turkish Publishers Association (TPA) reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy.

According to the government, there were no journalists held on speech violations during the year; however, the government reported that at year's end there were 26 arrestees or convicts who claimed to be journalists. The government reported that some could not demonstrate they were journalists and some were in prison for crimes not related to their work as journalists.

Democratic Society Party (DTP) Mayor of Batman Huseyin Kalkan faced up to 7 1/2 years under the Antiterror Law for his remarks in the Los Angeles Times on May 30. In the story, Kalkan stated, "Unless the status quo changes, Kurds will further approach northern Iraq and want to split up and merge with them." He added, "The PKK wants to lay down arms but it is [tried to be] portrayed as a bandit. Eighty percent of the population in my town think like those in the mountains. Abdullah Ocalan is a public leader." Upon reading the interview, two Turkish citizens filed an e-mail crime complaint with the Izmir Police. The Izmir prosecutor forwarded the case to Diyarbakir for prosecution. The case was pending at year's end.

On February 22, a court acquitted Aynur Saydam of insulting Prime Minister Erdogan. Erdogan filed a lawsuit in October 2005 against Saydam for insulting him by holding up a banner during an appearance at Bahcesehir University. The banner featured a statement criticizing Erdogan's support for a conference on the fate of the Armenians in the final days of the Ottoman Empire.

Trial proceedings in the case against six juveniles charged with attempting to burn the national flag during celebrations of Nevruz (the Kurdish New Year) in March 2005 continued at year's end.

In December 2005 an Ankara court began the trial of 12 officials of the pro-Kurdish party Hak-Par for speaking Kurdish at a party convention and distributing Kurdish-language invitations to the convention. During the trial the prosecutor asked the judge to assist in opening a case to close down Hak-Par. The judge did not rule on that request by year's end.

The appeal of the December 2005 conviction of DEHAP official Ahmet Dagtekin for illegal speech for using Kurdish language and symbolism during a 2004 campaign event was ongoing at year's end.

Proceedings continued in the appeal of Genc Party leader Gem Uzan's 2004 conviction for insulting Prime Minister Erdogan in a speech.

In October 2005 a Sanliurfa court sentenced local DEHAP official Resit Yardimci to a six-month prison term and fined him \$1,214 (1,640 lira) for greeting the audience in Kurdish during a 2003 party convention. The court of appeals rejected the lower court's reasoning and remanded the case. The case continued in the lower court at year's end.

The country has an active print media independent of state control. There are hundreds of private newspapers that span the political spectrum.

The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 229 local, 15 regional, and 16 national officially registered television stations and 1,062 local, 108 regional, and 30 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used media as a tool to build pressure against government policies.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Authorities, in a few instances, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government.

Authorities continued to prosecute publishers and editors of newspapers for their discussion of sensitive subjects.

In October 2005 an Istanbul court convicted Hrant Dink, publisher of the Armenian community newspaper Agos, of denigrating Turkish identity in an article on Turkish-Armenian relations. The court sentenced Dink to a six-month prison term but suspended the sentence. The court ruled for conviction although a panel of three legal experts the court appointed to review the article unanimously determined that it did not violate the law. On appeal, both the conviction and suspended sentence were upheld. In December 2005 an Istanbul prosecutor opened a separate case against Dink and three other Agos employees on the grounds that their criticism of the October 2005 court decision constituted an attempt to "influence the judiciary." The case continued at year's end. In September an Istanbul prosecutor charged Dink again, following a statement he made to the Reuters news agency, in which he reportedly said that the killing of Armenians during the Ottoman Empire constituted genocide. The case was ongoing at year's end.

In December 2005 an Istanbul prosecutor charged five newspaper columnists with insulting the judiciary and trying to influence the judicial process for their coverage of the court battle over the legality of holding an Istanbul conference on the 1915 massacre of Armenians in the Ottoman Empire. In April an Istanbul court dismissed charges against four of the journalists on the procedural ground that the relevant statute of limitations had passed since their respective articles were originally published. The trial of the fifth columnist, Murat Belge, was ongoing at year's end.

The December 2005 convictions of writer Zulkuf Kisanak for "denigrating the Republic of Turkey" and journalist Aziz Ozer on similar charges were under appeal at year's end.

The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. RTUK regulations limited minority-language news broadcasts to 45 minutes per day; however, RTUK ended time restrictions for minority-language cultural shows or films. Previously such broadcasting was limited to 45 minutes per day and four hours per week for television broadcasting, and 60 minutes per day and five hours per week for radio. RTUK maintained that its regulations require non Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. The state-owned TRT broadcasting company provided limited national programming in Kurdish and three other minority languages.

On April 19, the radio officials of Radyo Imaç were acquitted of making unauthorized broadcasts; the station resumed broadcasting in late November. Radyo Imaç officials claimed the station was closed for playing Kurdish music.

Trial proceedings continued at year's end in Istanbul in the 2004 case against journalist Mehmet Ali Birand and three attorneys for imprisoned PKK leader Abdullah Ocalan in connection with a CNN Turk broadcast, during which Birand interviewed the attorneys.

The TPA reported a decrease in recent years in the number of court decisions banning books; however, books, writers, and publishers were still prosecuted on grounds of defamation, denigration, obscenity, separatism, subversion, fundamentalism, and blasphemy. Printing houses are required to submit books and periodicals to prosecutors at the time the materials are published. According to the TPA, prosecutors investigated and in several cases pressed charges against printing houses for late submission of materials deemed problematic. As a result, the TPA reported, publishers often avoided works with controversial content. According to the TPA's June report, from 2000 to 2005,

authorities opened court cases against 47 authors and 49 books and compilations involving 22 publishers. According to the Ministry of Interior, 290 books were banned and confiscated between 2000 and 2006. The TPA reported that the government lifted the ban on 49 and kept it on 241.

On June 26, an Istanbul prosecutor charged Fatih Tas, the owner of Aram Publishing House, and two translators in connection with Aram's publishing a translation of the Noam Chomsky and Edward S. Herman book, *Manufacturing Consent: The Political Economy of Mass Media*, for "insulting Turkishness" and "inciting enmity and animosity among people." The trial began on October 17 and was ongoing at year's end.

The separate trial against Tas and two translators in 2005 for publishing a Turkish translation of the book, *Spoils of War: The Human Cost of America's Arms Trade*, which prosecutors alleged insulted the Turkish identity and Atatürk was ongoing at year's end.

In July an Istanbul prosecutor indicted novelist Elif Shafak for insulting Turkish identity in her novel *The Father and the Bastard*. In her novel, characters discuss the Armenian "genocide." At the September 21 trial, the court dismissed the case for lack of evidence. In its October 4 written verdict, the court concluded that comments by a character in a fictitious book were a form of free expression not subject to prosecution.

In September 2005 an Istanbul prosecutor charged novelist Orhan Pamuk with "insulting Turkish identity" in statements he made during a 2004 interview with a foreign publication. Pamuk was quoted as saying that one million Armenians and 30,000 Kurds had been killed in the country. After a domestic periodical published a translation of the interview, prosecutors charged Pamuk for violating New Turkish Penal Code Article 301, which went into effect in June 2005, three months prior to Pamuk's statements. The court determined that it had to apply the law in effect when the act was committed, not Article 301. The old law required that the minister of justice approve prosecution of the case. On January 22, the justice ministry refused to issue an approval, saying that it had no authority to open a case against Pamuk under the new Penal Code. The following day, the trial court ruled that it could not continue the case, and charges were dropped.

An Istanbul prosecutor initiated two cases in May 2005 against Ragıp Zarakolu, owner of Belge Publishing, for publishing translations of two books dealing with Turkish-Armenian relations. The indictment, brought pursuant to Penal Code Article 301, alleged that the publications were insulting to the state. Trials in both cases continued at year's end.

Authorities occasionally censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source at issue. The TPA reported that the most serious problem during the year was a large increase in complaints filed by ideologically motivated attorneys, and then accepted by the courts, on grounds such as insulting Turkishness or the memory of Atatürk. During the year prosecutors initiated court proceeding against 77 journalists, 22 publishing houses, 41 writers, five translators, and 43 books. Twelve of these cases ended in acquittals, nine in convictions, four in "nonsuit," and 18 were pending at year's end. Prosecutors charged 65 persons during the year under Penal Code Article 301, which criminalizes insulting "Turkishness."

According to TPA, the governments, courts, and private litigants were together responsible for "abusing the civil law system" during the year through an increase in defamation cases. Courts sentenced defendants to pay financial compensation for defamation in cases filed by politicians, including Prime Minister Erdoğan, journalists, and private businessmen.

Prime Minister Erdoğan, through his attorneys, filed 59 cases on the grounds of defamation, of which 28 were pending at year's end. Among the 31 cases decided, 21 rulings were in favor and 10 against Erdoğan.

On May 3, an Ankara court convicted İsmail Yıldız, president of the Political, Economic, Social Research and Strategy Center, and ordered him to pay \$6,179 (8,860 lira) for insulting Prime Minister Erdoğan, Finance Minister Unalitan, and Transportation Minister Yıldırım. Yıldız published two articles critical of these officials on the Internet. Yıldız's appeal was pending at year's end.

Erdoğan sued political cartoonist Mehmet Cagcag for his cartoon in the July 7 edition of *Leman* magazine that depicted Erdoğan as a tick and had the subtitle "Tick Has Been Making Turkey Suffer." The case continued at year's end.

The government arrested and deported Michael Dickinson, a British cartoonist and lecturer, after he depicted Prime Minister Erdoğan as a foreign president's dog in a political cartoon.

Turkish courts ruled on a number of cases that Prime Minister Erdoğan filed in 2005. In May 2005 an Ankara court convicted Musa Kart of the daily *Cumhuriyet* for a cartoon portraying Erdoğan as a cat. The court ordered Kart to pay \$3,800 (5,132 lira). On April 19, the court of appeals unanimously overturned the lower court decision. In October an Istanbul court fined Mehmet Fethi Dorduncu \$6,300 (9,000 lira) for insulting Erdoğan and for insulting the government,

because he put a note in a museum welcome book that called Erdogan and the government "servants, nonbelievers, thieves, and treacherous." On December 8, an appellate court overturned a lower court decision that convicted Yenicag newspaper for allegedly insulting Erdogan by calling him "a bully" in a May 2005 article.

The satirical magazine Penguen responded to the lawsuits by publishing a front page with a series of drawings by different cartoonists depicting Erdogan as various animals. In March 2005 Erdogan filed a lawsuit against Penguen seeking \$28,000 (38,178 lira) in compensation; the court ruled in favor of the magazine. On April 3, the press reported that Erdogan appealed; the court of appeals has not acted on the case by year's end.

During the summer the parliament placed further restrictions on the media by adopting amendments to the Antiterror Law. Under the amendments, editors at media organizations that disclose the identities of public personnel fighting terrorism may be fined, and a judge may order the closure for up to one month of a publication that "makes propaganda for terrorist organizations." President Sezer challenged these amendments in the Constitutional Court, arguing that such restrictions violate the constitution. At year's end the challenged laws were stayed while the court case proceeded.

During the year there was an increase in the number of cases against the press under the Antiterror Law. The TPA and human right's groups reported that the law contains an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. For example, according to the TPA, prosecutors opened 530 cases against pro-Kurdish daily Ozgur Gundem and its editors under the Antiterror Law. Of these, 104 resulted in convictions and 22 in acquittals. The owner of the newspaper was sentenced to a fine of \$125,000 (192,755 lira) and the editor was sentenced to a 15-year prison term and fined \$90,000 (134,000 lira). The government closed the paper for two weeks during the year. During the year courts convicted editors and correspondents of the daily Cumhuriyet, including its owner, were convicted for a news article titled "Acquittal of Torture." Prosecutors charged journalists of the daily Hurriyet under the Antiterror Law for attempting to interview Kurdish guerillas.

Internet Freedom

The Internet was widely available in the country. It is used in schools, libraries, private internet cafes and other public locations, and the government encouraged its use. There were no government restrictions on Internet access; however, government authorities have on rare occasions accessed Internet user records to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

Academic Freedom and Cultural Events

There generally were no government restrictions on academic freedom or cultural events; however, university authorities suspended one academic who publicly supported views contrary to the official state ideology, and there was some self-censorship on sensitive topics.

Gazi University professor of political philosophy and political economy Atilla Yayla was suspended for failing to support official state ideology. During a November 18 panel in Izmir organized by the local branch of the ruling Justice and Development Party, Yayla explained that his "common civilization paradigm" required a civilized country to have private property; limited, responsible, and accountable government; freedom of expression; religious freedom; political opposition; freedom of association; and the rule of law. He also stated that, despite widespread official propaganda, the single-party era between 1925-1945, led mainly by Mustafa Kemal Ataturk, was not as progressive as it was claimed and was in some respects backward. Yayla also said that, with increasing EU exposure, Europeans would begin to ask, "why are the same man's pictures and statues everywhere?" Following these remarks, Gazi University suspended Yayla and launched an investigation into his remarks. The secretary general of the Turkish Youth Association, Osman Yilmaz, called on the Higher Education Board to dismiss Yayla from the academic profession, stating that Yayla had taken up "the campaign of lies and slander of U.S. and EU authorities against Ataturk and the Republic of Turkey." Yayla reported that, since the panel discussion, he has been declared as a "traitor who swore at and insulted Ataturk." The Izmir prosecutor began an investigation into the matter.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.

Police killed demonstrators during the year. For example, government security forces killed a number of persons during violent riots in the southeastern city of Diyarbakir, which emanated from large public funeral processions held for dead PKK members. The HRF reported that in late March and early April, during rioting, the police and military killed 14 persons, including five children.

The trial of nine DEHAP officials for being members of an illegal organization continued at year's end. The nine officials were charged after they alleged that police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the PKK. According to the HRA, there was no evidence that demonstrators used weapons during the altercation. No one has been prosecuted for the death of Gonultas.

No investigation was initiated by law enforcement into the 2005 death of Hasan Is, whose relatives and other witnesses claimed was shot and killed by police during an altercation at a funeral ceremony for PKK militants in Batman Province.

No further information was available regarding allegations that in October 2005 Istanbul police shot and killed Atila Gecmis during demonstrations in support of Abdullah Ocalan.

Police beat, abused, detained, or harassed some demonstrators.

On March 14, a local prosecutor opened a case against 54 police officers alleged to have used excessive force during a March 2005 International Women's Day demonstration in Istanbul. The case was ongoing at year's end.

On May 2 security forces arrested three Kurdish activists--Ibrahim Guclu, Zeynel Abidin Ozalp, and Ahmet Sedat Ogur--as they prepared to peacefully protest the recent killings of civilians by security forces in the southeast. The men were charged under the Antiterror Law for "making propaganda for the PKK." Their trial continued at year's end.

Unlike the previous year, police did not interfere in Nevruz celebrations. There was no information regarding police detention of DEHAP officials and students in connection with 2005 Nevruz celebrations.

The six juveniles charged for allegedly burning the Turkish flag during Nevruz celebrations in Mersin in 2005 remained free while their trial continued at year's end.

During a September 2005 rally in support of PKK leader Abdullah Ocalan in Siirt province police detained 39 demonstrators; one of the demonstrators died. The public prosecutor dismissed the demonstrators' complaint that alleged the police beat and harassed them. Prosecutors later charged the demonstrators for chanting illegal slogans and performing an illegal march. The trial continued at year's end. Prosecutors charged Police Sergeant G.Y. in connection with the death of 35 year-old-demonstrator Abdullah Aydan. The court acquitted the sergeant in July.

The October 2005 ruling that ordered 20 defendants to pay fines of \$74 (100 lira) each for hanging placards with the letters found in Kurdish but not Turkish was under appeal at year's end.

Proceedings continued at year's end in the appeal of the 2004 conviction of HRF psychiatrist Alp Ayan and codefendants for holding an unauthorized demonstration.

Freedom of Association

The law provides for freedom of association; however, there continued to be several restrictions on this right in practice.

Under the new law adopted in July 2004, associations need not notify authorities before founding an association, but still must provide such notification before interacting with international organizations, and/or receiving financial support from abroad, and provide detailed documents on such activities. Representatives of associations said this placed an undue burden on their operations.

Foreign associations wishing to conduct programs in the country are no longer required to receive separate permission from the interior ministry for each activity, but they are still required to submit detailed reports to the government on each activity, despite the fact that local partners are required to report on the same projects.

According to the Third Sector Foundation of Turkey, an NGO advocacy organization, the criteria for NGOs to obtain public benefit status, entitling them to certain tax exemptions, are restrictive and complicated. Applications for public benefit status must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

c. Freedom of Religion

The constitution and law provides for freedom of religion, and the government generally respected this right in practice; however, the government imposed significant restrictions on Muslim and other religious groups.

The law establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights.

The government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet regulates the operation of the country's 77,500 registered mosques and employing local and provincial imams, who are civil servants. A few groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the government asserted that the Diyanet treated equally all who request services.

Academics estimated the Alevi population at 15 to 20 million, including ethnic Turks, Kurds, and Arabs. In general, Alevis follow a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The government considers Alevism a heterodox Muslim sect; however, some Alevis and absolutist Sunnis maintain that Alevis are not Muslims.

Alevi "cem houses" (places of gathering) have no legal status as places of worship. Alevis in the Kartal district of Istanbul continued to pursue a court case against a decision by local authorities to deny them permission to build a cem house.

In May authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and had promised not to interfere with the project; however, the municipality reportedly filed a case against the association after it proceeded with construction following the ban.

Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats) are officially prohibited; however, tarikats and cemaats remained active and widespread. Many prominent political and social leaders continued to associate with these religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations (GDF), regulates a few administratively critical activities of non Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Members of Jehovah's Witnesses reported continuing official harassment of their worship services because they are not members of an officially recognized religion. Police arrested 25-year-old member Feti Demirtas and sent him to prison on nine occasions for conscientiously objecting to military service, as his religion requires. According to Jehovah's Witness officials, such harassment which was not limited to Feti, included: arrests, court hearings, verbal abuse, kicks to the head and body, slaps in the face, choking, sleep deprivation, being handcuffed to doors and beds, being strip searched, and psychiatric evaluations.

In mid-2005 the Witnesses appealed an administrative court decision that prohibited them from worshipping in their hall in Akcay in Bursa province. On December 12, after the court had taken no action on the case, the Witnesses filed a demand to expedite a hearing. There was no decision on that motion at year's end.

Jehovah's Witnesses continued to engage in a legal battle over their efforts to form an association. On April 28, an Istanbul court rejected a lawsuit to cancel the Witnesses' newly formed association. Pending the prosecutor's subsequent appeal, the Witnesses may not conduct meetings as an association. On December 12, the Witnesses filed a request to expedite the case with the Court of Appeals. The request was pending at year's end.

Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha'i, are unable to state their religion on their cards because it is not included among the options; they have made their concerns known to the government. In April parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the government reportedly continued to restrict applicants' choice of religion; members of the Baha'i community said government officials had told them that, despite the new law, they would still not be able to list their religion on the cards.

Secularists in the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they labeled proponents of Islamic fundamentalism. These groups viewed religious fundamentalism as a threat to the secular state. The National Security Council categorized religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, a few government ministries have dismissed or barred from promotion civil servants suspected of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military periodically dismissed religiously observant Muslims from military service. Such

dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state.

According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and NCOs were periodically dismissed for ignoring repeated warnings from superior officers and maintaining ties to what the military considered to be Islamic fundamentalist organizations. On November 30, the government reported 37 military dismissals of which they claimed two were associated with religious extremism. An additional 17 were reportedly expelled in August for unspecified disciplinary reasons.

The government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's dwindling Greek Orthodox community. As a result the government has long maintained that only citizens of the country could become patriarch, serve as members of the Greek Orthodox Holy Synod, and participate in patriarchal elections. Members of the Greek Orthodox community asserted that these restrictions threatened the survival of the patriarchate in Istanbul, because, with fewer than 2,500 Greek Orthodox persons remaining in the country, the community was becoming too small to maintain the institution.

The law restricts religious services to designated places of worship. Municipal codes mandate that only the government can designate a place of worship; if a religious group has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, particularly for groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments. Police occasionally prohibited Christians from holding services in private apartments, and prosecutors sometimes opened cases against Christians for holding unauthorized gatherings.

In April Roman Catholic authorities reopened the Bebekli Church in Adana for Sunday services after municipal authorities discontinued the operating license of the wedding hall near by. Catholic leaders had closed the church in September 2005 because local authorities had failed to enforce zoning regulations requiring a 10-meter offset around the church building, and noise from an adjacent wedding hall had been interfering with church services.

In August the Istanbul Protestant Church finalized the legal procedure for officially registering its building as a "place of worship." This was the first time that the government had not turned down a request for such status in the zoning plan.

Many local officials continued to impose standards, such as minimum space requirements, on churches while failing to apply them to mosques.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The government closed the seminary in 1971, when it nationalized all private institutions of higher learning. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in a few cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature. The government reported 157 conversions including 92 to Islam and 63 from Islam to a different religion. Christians performing missionary work were occasionally beaten and insulted. Police officers may report students who meet with Christian missionaries to their families or to university authorities.

Several foreigners who are practicing Christians and have lived with their families in various cities for many years reported increasing governmental harassment during the year, including denial of residence and work permits that had been granted in previous years, monitoring by jandarma, and receiving threats to themselves and their families. These persons reported that they worshiped in their homes but did not proselytize by distributing bibles, going door-to-door, or undertaking similar activities.

Unlike the previous year the Diyanet did not distribute antimissionary books; however, at least one municipality did distribute such material.

Authorities continued to enforce a long-term ban on the wearing of headscarves at universities and by civil servants in public buildings. Women who wore headscarves and persons who actively showed support for those who defied the ban were disciplined or lost their jobs in the public sector as nurses and teachers. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class.

In November 2005 the ECHR Grand Chamber upheld a 2004 ECHR ruling that the ban on Islamic headscarves in the country's universities was lawful.

In February the council of state ruled in favor of a decision by education authorities to revoke the promotion of an Ankara teacher to a nursery school principal position on the grounds that the teacher regularly wore an Islamic headscarf outside of school. Numerous journalists and religious rights advocates asserted that the court's decision effectively expanded the headscarf ban into the private sphere. The court, however, maintained that the teacher had violated the principle of secularism in education by wearing the headscarf while traveling to and from school.

In May attorney Alparslan Arslan opened fire in the council of state court responsible for the February ruling, killing Judge Mustafa Yucel Ozbilgin and wounding four other judges. Arslan, who was apprehended at the scene, reportedly stated he was motivated by anger over the ruling. Thousands of protesters attending Ankara funeral ceremonies for Ozbilgin accused government leaders of inciting the attack by criticizing the headscarf ban and the council of state ruling. Protests in other cities were minor.

The law establishes eight years of compulsory secular education for students. Subsequently students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance exam grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enrolled their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams.

The constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities--such as Protestants--faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The government claimed that the religion courses cover the range of world religions; however, religious minorities asserted the courses reflect Sunni Islamic doctrine, which they maintained explains why non-Muslims are exempt.

Many Alevis alleged discrimination in the government's failure to include any of their doctrines or beliefs in the religion courses. An Alevi parent in 2004 filed suit in the ECHR charging that the mandatory religion courses violate religious freedom; the case was ongoing at year's end.

In April an Istanbul court ruled in favor of an Alevi father who requested that his son be exempt from the religion courses at school; in May, however, a higher court overturned the lower court's ruling.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. Such schools are required to appoint a Muslim as deputy principal; reportedly these deputies had more authority than their nominal supervisors. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Students who complete five years of primary school may enroll in Diyanet Qur'an classes on weekends and during summer vacation. Many Qur'an courses function unofficially. Only children 12 and older may legally register for official Qur'an courses, and Mazlum-Der reported that law enforcement authorities often raided illegal courses for younger children. According to Diyanet figures, there are nearly 5,000 official Qur'an courses throughout the country.

Numerous religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the government and continued to fight ongoing efforts by the government to expropriate properties. Many such properties were lost because the law allows the GDF to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The GDF also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members.

The law allows the 161 minority foundations recognized by the GDF to acquire property, and the GDF has approved 364 applications by non-Muslim foundations to acquire legal ownership of properties. However, the law does not allow the foundations to reclaim hundreds of properties expropriated by the state over the years. Foundations have also been unable to acquire legal ownership of properties registered under names of third parties, including properties registered under the names of saints or archangels, during periods when foundations could not own property in their own name.

Societal Abuses and Discrimination

Attacks on those practicing Christian faiths continued.

On January 8, five assailants severely beat Protestant church leader Kamil Kiroglu in Adana. One attacker wielded a knife and threatened to kill Kiroglu unless he renounced Christianity. The government did not investigate the incident or make any arrests.

On February 5, an assailant shot and killed Catholic priest Andrea Santaro in a church in Trabzon. A witness said the

gunman shouted "God is great" as he shot Santaro from behind. A 16-year-old was charged in the case, and on October 10, the defendant was sentenced to 18 years, 10 months in prison.

On July 2, a Catholic priest in Samsun was attacked and suffered knife wounds. Authorities announced that, prior to the attack, the assailant had filed complaints against the priest for "Christian propaganda." The assailant was arrested and the case was pending at year's end.

Members of the Syriac community reported that Syriacs who were forced to leave their southeastern villages during PKK-related violence in the 1980s and 1990s faced fewer problems when attempting to return to their villages. Previously, local villagers, particularly village guards, often occupied the homes of Syriacs who fled and refused to leave when Syriacs attempted to return.

In January 2005 a group of nationalists gathered outside the Dirilis Protestant Church in Istanbul and chanted slogans, vandalized the premises, and beat the landlord. The church has since shut down. There were no reports that a court case was opened against the perpetrators.

There was no information that court cases were opened in the following 2005 cases: the April incident in which unknown assailants broke the windows of the International Protestant Church of Ankara and threw two Molotov cocktails into the building; the May incident during which individuals painted a red swastika on the apartment door of a Protestant pastor in Izmit and left a threatening letter; the May incident in which a Christian couple in Kayseri received two e-mails from an unknown party threatening to kill them because of their religious faith; or the November incident in which assailants attempted to set fire to the St. Paul Cultural Center.

There were no reported threats against Tarsus Protestants during the year. The government did not initiate any investigation or court case after the April 2005 incident during which Syriacs, who had recently returned from abroad to the southeastern village of Sari, discovered an explosive device in an orchard, or the June 2005 incident when a landmine exploded in the village of Harabele as a car carrying a Syriac bishop and two others passed by.

On September 3, retired imam Bayram Ali Ozturk was stabbed to death following morning prayer in a mosque in Istanbul. Ozturk's attacker, Mustafa Erdal, was killed by others in the mosque. Seven persons were arrested in connection with Erdal's killing but released by the court. According to press accounts on December 29, the prosecutor has appealed to the Istanbul heavy penal court, a higher court than the one that originally released the seven, to re-arrest three of those originally held. The appeal was pending. Ozturk was the primary candidate to succeed the head of the Nakshibendi tarikat (religious brotherhood).

Many Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, religious minorities asserted that they were effectively blocked from careers in state institutions, a claim supported in a 2004 report by a government human rights body.

A variety of newspapers and television shows continued to feature anti Christian and anti Jewish messages, and anti-Semitic literature was common in bookstores.

Trial proceedings were ongoing at year's end in the appeal of Kerim Akbas, who was convicted in 2004 for television broadcasts inciting violence against Christians.

The Jewish community numbered approximately 23,000. Jewish community members reported a significant rise of anti-Semitic language in newspapers and websites, as well as increased societal antagonism and discrimination during the July-August conflict involving Israel and Lebanon.

Huseyin Tanriverdi, an AKP deputy, chairman of the Turkey-Palestinian Friendship group in the Parliament in his article in Vakit, identified "the ruthless and inhuman Israeli attacks in the Middle East" with Hitler's policies and said "Israel hits not only the Muslims but the whole humanity." Numerous other articles appeared in papers criticizing Israel's actions in religious tones. Mustafa Celik wrote in Vakit on August 2, that "Making friends with Zionist Jews and Israel is betraying the religion of God. Allah orders [that] the Jews and unfaithful are the . . . worst enemies of the faithful."

In the Turkish film, Valley of the Wolves: Iraq, a character portrays a Jewish doctor who cuts out the organs of Iraqis at the Abu Ghraib prison and sells them to wealthy clients in New York, London, and Tel Aviv. The film was a spinoff from the country's top-rated TV series of the same title.

At year's end court proceedings continued in the Istanbul trial of 73 suspects charged in connection with the November 2003 terrorist bombings of two synagogues, the British Consulate, and a bank.

Trial proceedings continued in the case of the 2004 bombing of an Istanbul Masonic lodge. It was widely believed in

the country that Masons have Zionist and anti-Islamic tendencies; evidence gathered in the investigation indicated that anti-Semitism was at least a partial factor in the attack, which killed two persons and wounded seven.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, at times the government limited them in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. Provincial authorities in the southeast, citing security concerns, denied some villagers access to their fields and high pastures for grazing.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

Various NGOs estimated that there were from one to three million IDPs in the country remaining from PKK conflict, which began in 1984 and continued at a high level through the 1990s. The government reported that 378,000 residents migrated from the southeast during the conflict, with many others departing before the fighting. On December 7, Hacettepe University released the results of a study that was commissioned by the government, which concluded that an estimated 953,680 to 1,301,200 persons were displaced by conflict in the southeast between 1986-2005. The study found that the main reason for the large discrepancy between government and NGO figures was that the government only included people evacuated by the security forces from settlements, and not those who were forced to flee due to generalized violence or for a combination of security and economic reasons. The study also noted that internal displacement in the country is part of a broader rural-to-urban migration, exacerbated by the violence in the southeast, and has been affected by large-scale development projects, such as the South-Eastern Anatolia Project and natural disasters.

The law to compensate these IDPs allows persons who suffered material losses during the conflict with the PKK to apply for compensation; however, Human Rights Watch (HRW) reported in December that the law was being implemented in a way contrary to the government's stated purpose and principles of fair and appropriate redress. According to HRW, rulings by provincial commissions charged with the law's implementation are woefully inadequate and actually hindered those IDPs who would like to return to their preconflict homes. Further, HRW found that IDPs have no realistic avenue of appeal. These findings mirror those of local NGOs and regional bar associations, who have maintained that the law includes unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. A representative from the interior ministry denied that the government has implemented the law unfairly.

The interior ministry reported that the review commissions had received a total of 255,339 applications for compensation under the law through December. The commissions have processed 48,723, approving 25,628, rejecting 16,837, and ruling that compensation had already been provided in 6,258.

According to the Turkish Economic and Social Studies Foundation (TESEV), the law only compensates losses suffered after 1987, leaving out victims who suffered losses between 1984, when the clashes started, and 1987. TESEV reported that many victims who fled the region due to the deteriorating economic and security situation have been unable to receive compensation because they could not demonstrate a direct link between their losses and the actions of either the PKK or the security forces. HRW reached the same conclusion in its December reporting, in which it noted that the government has unjustly refused to compensate those villagers in the southeast region displaced prior to 1987.

Village guards occupied homes abandoned by IDPs and have attacked or intimidated IDPs attempting to return to their homes with official permission. Voluntary and assisted resettlements were ongoing. In a few cases, persons could return to their old homes; in other cases, centralized villages have been constructed. The government reported that 5,869 persons returned to their villages from December 2005 through December 2006.

Foreign governments and national and international human rights organizations continued to criticize the government's program for assisting the return of IDPs as secretive and inadequate.

Protection of Refugees

An administrative regulation provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government exercised its option under the convention of accepting obligations only with respect to refugees from Europe. The government has not established a formal system or legislation for providing protection to refugees.

The Office of the UN High Commissioner for Refugees (UNHCR) reported that during the year the government returned two recognized refugees to their country of origin. The government also deported nine persons who contacted the UNHCR indicating their wish to apply for asylum, before the UNHCR had the opportunity to assess their refugee claims.

The government offered non-European refugees temporary residence while they were waiting to be resettled in another country. The UNHCR conducted refugee status determination for applicants from non European countries and facilitated the resettlement of those recognized as refugees.

Chechens, many of whom arrived in 2001, reported problems making asylum applications with the government and renewing temporary residence permits.

Illegal immigrants detained when found near the country's eastern border areas were more likely to be questioned about their asylum status and referred for processing than those caught while transiting or attempting to leave the country. However, access to the national procedure for temporary asylum was hindered by the lack of reception facilities for groups of interdicted migrants, potentially including asylum seekers, and a lack of interpreters to assist security officials.

On January 27, the government introduced amendments to the 1994 Asylum Regulation that eliminate a time limit for asylum seekers, as well as the requirement to present a valid identity document. On June 22, the government issued an Implementation Directive that provided detailed guidance on the refugee status determination procedure and established a framework for the provision of assistance to asylum-seekers and refugees.

The UNHCR reported that it has been able to successfully intervene in most cases where asylum seekers arrived in the country after transiting through one or more other countries. In the past, the government routinely rejected applications by such asylum seekers, claiming that they should have sought protection elsewhere.

Access by the UNHCR to persons in detention who wish to apply for asylum, as well as to persons trying to seek asylum while they are at the international areas of the country's airports, remained problematic.

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

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

Elections and Political Participation

The 2002 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards; however, the OSCE mission noted that several parties--notably the AKP, the winner of the elections--faced judicial action aimed at closing them down, and many candidates were also prohibited from running. The OSCE reported that, while there were a substantial number of cases of harassment reported by some political parties and by human rights groups, the elections were generally free and fair.

Political parties and candidates could freely declare their candidacy and stand for election. The high court of appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court.

DEHAP reconstituted itself as the DTP early in the year; nonetheless the Constitutional Court deliberations in the legal case seeking DEHAP's closure on charges of separatism were ongoing at year's end.

Court proceedings continued in the retrial of Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak, former members of parliament whose April 2004 conviction on charges of being members of, or supporting, the PKK was overturned in 2004 by the high court of appeals.

During the year police raided dozens of DTP (formerly DEHAP) offices, particularly in the southeast, and detained hundreds of DTP officials and members. Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism.

On June 10, Aydin Budak, the DTP mayor of Cizre, was sentenced to one year and three months in prison, for partaking in "separatist propaganda." He stated in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something "provocative." Cizre's appeal of the verdict was pending at year's end.

On July 27, the Erzurum Second Heavy Penal Court convicted and sentenced DTP Erzurum Provincial Chairman Bedri Firat to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations, by stating that Kurds were subject to genocide and for praising Abdullah Ocalan. Firat's appeal of the verdict was pending at year's end.

Former DEHAP Chairman and current DTP Vice Chairman Tuncer Bakirhan, who had been the subject of over 60 investigations, had 25 court cases concerning freedom of expression pending against him at year's end.

The trial continued in the case of 12 officials from the pro-Kurdish party Hak-Par for distributing Kurdish-language invitations to a March 2005 convention and speaking Kurdish during that convention. The defendants maintained that speaking in Kurdish is legal under the constitution and the European Convention on Human Rights.

There were 24 women in the 550-seat parliament. There was one female minister in the 23-member cabinet.

Although the number was unknown, some minority groups were active in political affairs. Many members of parliament and senior government officials were Kurds.

Government Corruption and Transparency

Government corruption remained a persistent problem.

On June 23, the Supreme Court dismissed corruption charges against former prime minister Mesut Yilmaz and former state minister Gunes Taner, for procedural, not substantive, reasons. The Supreme Court's action had the same effect as formal acquittal.

The ruling AKP established an ad hoc parliamentary committee to investigate corruption soon after coming to power in 2002. The corruption committee made a number of recommendations, including lifting parliamentary immunity and establishing a permanent parliamentary anticorruption committee, none of which have been adopted.

On February 7, an Ankara military court convicted former naval forces commander Ilhami Erdil, on corruption charges involving military tenders and expenditures for his official residence. The court sentenced Erdil to three years in prison, a \$35 dollar (50 lira) fine, and confiscated two of his Istanbul apartments. The court sentenced Deniz Halide Erdil and Sirin Melek Hekim to five months in prison for their alleged complicity in the matter, but later converted the sentence into a \$418 (600 lira) fine for each. Similarly, the court sentenced General Erdil's assistant Kayatunc to two years and 15 days in prison, but converted the punishment to a \$209 (300 lira) fine. The court acquitted General Erdil's wife Fusun Erdile.

Opposition party members criticized the ruling AKP for refusing to lift the immunity of AKP parliamentarians suspected of corruption and other abuses.

The law provides for public access to government information; however, the government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal. HRF requests for information during the year were denied, and there was no opportunity to appeal. The Press Council reported that it received no complaints during the year from journalists regarding access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally not cooperative and responsive to their views.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum Der.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA reported that prosecutors opened dozens of cases against HRA branches during the year. For example, on March 15, an Istanbul court sentenced HRA Istanbul branch chief Eren Keskin to 10 months in prison for insulting the military under Article 301 for comments he made during a 2002 speech in Germany. The court later reduced the punishment to a fine. On November 23, a Bingol court sentenced HRA members Kiraz Bicici and Ridvan Kizgin to five months for allegedly insulting the military and police in a July 2003 press conference. The court

later reduced the punishment to a fine.

The government generally cooperated with international governmental organizations such as the CPT, the UNHCR, and the International Organization for Migration (IOM); however, some international human rights workers reported that the government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work.

Unlike the previous year, police did not harass or intimidate human rights activists in the southeast after they met with foreign diplomats.

On April 12, a HRW researcher conducting research in the southeast was detained by authorities and subsequently deported. The researcher, Jonathen Sugden, had been documenting abuses by police, jandarma, and the village guards. Authorities claimed that Sugden did not have valid authorization to be carrying out human rights work in the country; however, HRW stated that Sugden was present in the country on a three-month visa, which authorities had confirmed provided a legitimate basis for him to carry out such research.

There were government-sponsored human rights councils in all 81 provinces and 850 subprovinces to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. The councils investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that the councils lacked authority and were not independent, in part because unelected governors and subgovernors served as chairmen.

A Human Rights Presidency (HRP) under the Prime Ministry monitored the implementation of legislation relating to human rights and coordinated the work of various government agencies in the field of human rights. The HRP did not have its own budget, and its resources were limited. The Human Rights Advisory Board, which falls under the HRP and was meant to serve as a link between government bodies and NGOs on human rights issues and provide advice to government institutions, did not meet during the year, despite a legal requirement that it convene at least three times per year. Human rights observers noted that the board became ineffective after its former chairman, Professor Ibrahim Kaboglu, and the former subcommission chairman, Professor Baskin Oran, were charged in May 2005 with "inciting people to hatred" and "openly belittling judicial organs," due to passages in a 2004 report called "Minorities and Cultural Rights." Kaboglu, Oran, and numerous board members resigned in protest.

On May 10, the Ankara penal court acquitted Kaboglu and Oran, reasoning that there had been no crime under the Penal Code. The case was under appeal at year's end.

Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; and a Human Rights Consultation Board (HRCB), which serves as a forum for the exchange of ideas between the government and NGOs. NGOs found these bodies to be of limited effectiveness.

In March six NGOs--the Society of Forensic Medicine Specialists, the Pir Sultan Abdal Culture Association, the Turkish Medical Association, the Turkish Human Rights Institution Foundation, the Human Rights Foundation, and the Public Administration Institute for Turkey and the Middle East--announced that they were withdrawing from the HRCB because of government interference with the body.

The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections. Human rights organizations considered the committee to be ineffective.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, problems with implementing these laws existed. The government and NGOs focused on eliminating societal violence and discrimination against women and minorities, as well as trafficking, but problems continued to exist.

Women

Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse. The government did not effectively enforce the law; however, the interior ministry and Prime Ministry issued circulars during the year instructing relevant departments to better enforce these laws. Domestic human rights organizations reported that these measures were partially effective; more women called the police emergency hotline for domestic violence and went to police stations to file abuse reports.

Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001-2005.

The law prohibits rape, including spousal rape; however, the government did not effectively enforce the law. Victims often waited days or weeks to report incidents, for fear of embarrassment or reprisals, which hindered the possibility of effective prosecution of assailants. Experts worked during the year to convince the government to accept psychiatric victim reports as alternative forms of evidence. Cases of rape were underreported.

The government's Institution for Social Services and Orphanages operated 17 shelters for female victims of domestic violence and rape with a total capacity of 325. Municipalities and NGOs also operated 13 shelters. Under legislation adopted in July 2005, municipalities with populations greater than 50,000 were required to establish shelters for women. Only the Duzce Municipality opened a new women's shelter during the year.

The government undertook a major campaign during the year to end the practice of honor killings--the killing by immediate family members of women suspected of being unchaste; however, the practice remained a problem. The government reported that there were 1,806 honor killings between 2001 and 2006. During the same period, 5,375 women committed suicide. After the government increased penalties for honor killings, family members increasingly pressured girls to kill themselves in order to preserve the family's honor, according to women's rights groups. Broaching the formerly taboo topic, Prime Minister Erdogan condemned the practice of honor killings at the Organization of the Islamic Conference in November. In July the Prime Ministry issued to all ministries and provincial governments a circular that reminded each government institution of its responsibility to prevent domestic violence, including honor killings. In December the interior ministry issued a circular to provincial governors instructing them to form special committees to prevent honor killings. Turkish imams joined pop music stars and soccer celebrities to produce television and billboard ads declaring honor killing a sin and condemning all forms of violence against women. The State Ministry for Women began a prevention of violence against women educational program for all soldiers doing their mandatory military service. Government officials worked with advocacy groups such as KA-MER, the leading women's organization in the southeast, to hold town hall meetings and set up rescue teams and hotlines for endangered women and girls. Under the Penal Code, honor killings require punishment of life imprisonment. Women's rights groups reported that there remained dozens of such killings every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

On October 27, Turkish press reported that 15-year-old Naile Erdas from the southeastern city of Van was killed by her family when she gave birth to a child conceived during a rape. The girl, who hid her pregnancy, reportedly begged doctors at a state hospital where she gave birth not to return her to her family, fearing that she would be killed in accordance with the local tradition demanding her family's honor be cleansed. Doctors informed state authorities, but the prosecutor nevertheless handed the young woman over to her family, which, as Naile feared, killed her. At year's end, Naile's uncles and father were under arrest for making the decision to kill her, while her brother, the suspected killer, remained at large.

On November 25, Dumlu Ozcelik was sentenced to life in prison by the Fourth Bursa High Criminal Court, for killing his daughter Huri Ozcelik in July. Huri left her husband and took her two children to Ankara, allegedly with another man. Dumlu tracked down his daughter Huri, brought her back to his home in Bursa, and shot her six times in front of her children. Dumlu's sons Ensar and Karen were acquitted by the same court for involvement in the murder.

In mid-December the Bursa Gunyuzu Women's Solidarity Cooperative brought suit against the Bursa Greater Municipality and the Osmangazi district for failing to properly implement laws enacted to end the practice of honor killings. The suit was pending at year's end.

In March 2005 a 15-year-old girl in Diyarbakir was allegedly raped by her father-in-law who, she claimed, demanded that she prostitute herself in order to earn money. When she refused, relatives allegedly attacked her and cut off her nose. Police arrested her father-in-law and three brothers-in-law; however, amid family pressure, the victim withdrew her complaint in September, and prosecutors dropped the case.

In March a trial court convicted a 14-year-old of murdering his mother in May 2005, allegedly for disgracing the family when she discussed being beaten by her husband on a television show. The court sentenced him to 10 years in prison and acquitted the father and stepson of involvement in the crime. The verdict was being appealed at year's end.

The appeal of the 2004 conviction by a Sanliurfa court of nine relatives of Emine Kizilkurt continued at year's end. The relatives were sentenced to life imprisonment for their roles in the murder of Kizilkurt, who was 14, after she was raped by a neighbor.

In 2005 Dicle University in Diyarbakir conducted a survey on honor killings during the year. The university polled 430 persons in the southeast; 78 percent of those surveyed were men. The survey revealed that 37.4 percent of the respondents believed honor killings were justified if a wife committed adultery, and 21.6 percent believed infidelity justified punishments such as cutting off a wife's ear or nose.

Prostitution is legal. Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment; however the Penal Code contains inconsistent provisions. Article 94, titled "torture," requires 10-15 years imprisonment for sexual harassment, while Article 105, titled "sexual harassment," requires three months to two years, plus a fine, and requires the victim to initiate the complaint. Women's rights activists maintained that sexual harassment was common, and the law was rarely enforced.

Under the law, women enjoy the same rights as men; however, societal and official discrimination were widespread.

The Directorate General on the Status and Problems of Women, under the State Ministry in Charge of Family Affairs, is responsible for promoting equal rights and raising awareness of discrimination against women.

Women continued to face discrimination in employment to varying degrees and were generally underrepresented in managerial level positions as well as in government. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the retail, restaurant, and hotel sectors worked as unpaid family labor.

Children

The government was committed to furthering children's welfare and worked to expand opportunities in education and health.

Government-provided education through age 14 or the eighth grade was free, universal, and compulsory. The World Bank reported that gross enrollment for grades one to eight was 96 percent, while net enrollment for those grades was 90 percent. The maximum age to which public schooling was provided was 18. Only 40 percent of children have a high-school diploma, according to Organization for Economic Cooperation and Development. One in 10 girls does not attend compulsory primary school.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives (see section 5, Women). In October 2005 police arrested five employees of the Malatya state orphanage in connection with an investigation into the alleged torture and abuse of children at the institution (see section 1.c.).

Child marriage occurred, particularly in rural, poverty-stricken regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years.

Children as young as 12 were at times married in unofficial religious ceremonies. Families in rare instances engaged in "cradle arrangements," agreeing that their newborn children would marry at a later date, well before reaching the legal age.

Trafficking in children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports of trafficking in women and children to and within the country for the purpose of sexual exploitation and occasionally labor. There were allegations that police corruption at all levels contributed to the trafficking problem.

The country was a destination and source for trafficked persons. The government identified 246 trafficking victims during the year. Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, were at the greatest risk of being trafficked into the country. The most identified foreign victims were trafficked for sexual exploitation and were found in Istanbul, Ankara, and Antalya, although victims were identified in cities all around the country. There were media reports of Turks being trafficked internally and, according to NGOs working in the field, the number of women trafficked internally for sexual exploitation was increasing.

Most trafficking activity within the country occurred in Istanbul, Antalya, Ankara, Mersin, and Trabzon. For example, in December a 13-year-old runaway girl was rescued by police after being held captive by traffickers in Trabzon and being forced into prostitution. Police arrested three suspects. The case was pending at year's end.

The case of a 14-year-old girl who in September 2005 was held captive in Antalya and forced to have sexual relations with numerous men was pending at year's end.

Foreign victims trafficked to the country were typically recruited by small networks of foreign nationals and Turkish citizens, who relied on referrals and recruitment from friends and family members in the source country. Some victims

answered newspaper advertisements or enlisted the help of job agencies in the source country. The victims often did not know where they were going or which airlines they were using. Some victims reportedly arrived in the country knowing that they would work illegally in the sex industry; however, most arrived believing they would work as models, waitresses, dancers, domestic servants, or in other regular employment. Traffickers typically confiscated victims' documents, then confined, raped, beat, starved, and intimidated them by threatening their families and ultimately forced them into prostitution.

Some trafficking cases involved children. For example, a 16-year-old girl in Istanbul said she had been forced into prostitution since she was 8 years old, first by her family and then by a series of traffickers. A youth center in Istanbul allegedly neglected to help these girls despite awareness of the activity.

A 20-year-old Moldovan woman recounted a common trafficking scenario. She was promised work as a restaurant waitress by a close friend. Upon arrival in the country, her friend abandoned her at a hotel. An Azerbaijani woman arrived and told her she had been sold for \$3,000 and would have to pay back the money over five months of prostitution. She worked with four other girls at the same hotel. Clients beat her regularly. She was forced to service 15 clients per day, often without protection. She became pregnant. Police rescued the victim and six other women after she called the trafficking hotline from a client's mobile phone. All were identified as victims of trafficking and received shelter and assistance.

The law punishes trafficking with prison terms ranging from eight to 12 years' imprisonment in addition to heavy fines. The 2005 Penal Code specifically addresses trafficking as a crime. However, prosecutors have mostly tended to use other articles that regulate prostitution, rather than the new law on trafficking, which has so far rendered the new law nearly ineffective. In December parliament passed two amendments to the Penal Code that addressed this problem by removing forced prostitution from the article regulating prostitution and adding it explicitly to the antitrafficking article. The amendments were signed into law by the president in December. The government reported that prosecutors opened 26 new cases against alleged traffickers through June. Courts convicted 22 defendants and acquitted 54 on trafficking charges during that period. Several cases were ongoing at year's end.

An ambassador-level Ministry of Foreign Affairs official serves as national coordinator for the government's Task Force on Human Trafficking, which is composed of representatives from the ministries of health, interior, justice, finance, and labor, among others. The government actively participated in international antitrafficking investigations. During the year the government implemented agreements with neighboring countries and regional groups providing for antitrafficking law enforcement cooperation.

Source country officials reported that central government offices provided information on trafficking matters in a somewhat timely manner, but dealings with offices outside Ankara were slow and difficult.

There were credible reports that the government continued its practice of processing trafficking cases as voluntary prostitution and illegal migration. The IOM reported that it assisted 191 trafficking victims who departed voluntarily. The national police identified 246 trafficking victims, all of whom departed voluntarily.

Four police and 10 jandarma officials were arrested during the year for either ignoring or facilitating trafficking in persons.

There were two shelters for trafficking victims, both operated by NGOs, in the country.

The health and justice ministries provided free medical and legal services to foreign victims choosing to remain in the country.

The IOM and national police reported that the Ministry of Interior issued 35 humanitarian visas since 2004. The government did not have a repatriation program for victims.

During the year the government, in cooperation with the IOM, continued a multicountry trafficking in persons' prevention and public awareness campaign, begun in May 2005, that included operation of a toll free hotline for victims; television commercials; posters and billboards in major airports and seaports; information at passport control booths for the targeted group of women; and a periodical distributed by consulates advertising the hotline in Turkish, Romanian, Russian, and English. The Jandarma published a guidebook on the fight against trafficking in persons to educate its officers on detecting human trafficking crimes. In June the directorate of Women's Status and Children's Affairs organized a meeting to coordinate regional efforts against trafficking that included government and nongovernmental representatives from Azerbaijan, Moldova, Ukraine, Georgia, Kazakhstan, Kyrgyzstan, and Russia.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services and the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for

Disabled People, under the Prime Ministry, is responsible for protecting the rights of persons with disabilities.

The NGO Mental Disability Rights International (MDRI) announced that use of electroconvulsive or "shock" treatment without anesthesia was abolished but that there remains no legal ban on the practice. In September 2005 MDRI released a report stating that people with mental disabilities in the country were subject to treatment "tantamount to torture." The international NGO, which conducted a two-year study in the country, claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in "prison-like incarceration." Specific abuses listed in the report included: mental patients committed to psychiatric hospitals without judicial review; excessive use of electroconvulsive shock treatment without anesthesia; use of shock treatment on young children; malnutrition and dehydration of patients; lack of rehabilitation and physical therapy; and excessive use of physical restraints, including children tied to beds for extended periods.

National/Racial/Ethnic Minorities

The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution (see sections 2.a. and 2.b.).

The government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications (see section 2.a.).

The Ministry of Education did not respond to the HRA's 2005 letter requesting that it remove the book *On This Path* from of its reading curriculum list. The HRA protested that the book had racist statements about Armenians, including, "Are you human, you Armenian?" At year's end the HRA was not able to confirm whether the ministry removed the book.

A number of private Kurdish language courses closed during the year, citing a lack of students. Kurdish rights advocates said many Kurds could not afford to enroll in private classes. They also maintained that many potential applicants were intimidated because authorities required those enrolling in the courses to provide extensive documents, including police records that were not required for other courses. They maintained that the requirements intimidated prospective applicants, who feared police were keeping records on students taking the courses.

The International Romani Studies Network (IRSN) reported that Roma faced significant discrimination, and the national media consistently portrayed them in ways that supported negative stereotypes. IRSN reported that Roma were more consistently undereducated and underemployed, suffered much higher levels of ill-health, higher incidences of discrimination based on ethnicity, and had poorer housing than any other group in the country. The Roma have organized 18 associations and two federations in 12 provinces with the purpose of combating these problems, developing Romani culture, and improving the self-image of Romani youth.

According to the European Roma Rights Center (ERRC), a family of Roma in the central eastern city of Afyon faced mob violence on April 29, after a court released two Romani youths who had been arrested for alleged abuse of female students. The ERRC reported that the school director confronted the two Roma in a bazaar, and along with vendors burned the Romanis' car. After the Romani youths fled to their home, a crowd gathered and began to beat the Roma present. When the Roma fled to another house, the crowd followed and burned the house and several other Romani houses. Police again took the two Romani youths into custody. No one had been arrested for the reported attacks at year's end.

Urban development projects in several cities have adversely affected some Turkish citizens, including Roma. For example, according to the ERRC, on July 13 municipal authorities in the Fatih District of Istanbul signed an agreement with the Turkish Public Housing Administration to immediately demolish 529 apartments in a predominantly Romani neighborhood. Roma community members stated that they were never informed of the decision, which they learned of from television news reports. The families reportedly have not been offered compensation or assistance and cannot afford to buy new houses.

The law states that "nomadic Gypsies" are among the four categories of people not admissible as immigrants.

Other Societal Abuses and Discrimination

While the law does not explicitly discriminate against homosexuals, representatives of the gay and lesbian rights organizations Lambda Istanbul and Kaos GL claimed that vague references in the law relating to "the morals of society" and "unnatural sexual behavior" were sometimes used to punish homosexuality. During the summer the Ankara governor ordered the confiscation of Kaos's quarterly magazine that included a one-page article that explored societal conceptions of "intimacy" and "pornography." On December 28, a prosecutor opened a case against Umut

Gurel, the magazine's editor, alleging that the issue was "harmful to children." Gurel faces up to three years in prison. Gay and lesbian rights activists maintained that homosexuals risked losing their jobs if they disclosed their sexual orientation and said the law did not protect their rights in such circumstances.

Section 6 Worker Rights

a. The Right of Association

The law provides most but not all workers with the right to associate and form unions subject to diverse restrictions; most workers exercised this right in practice. The government maintains a few restrictions on the right of association. Unions may be established by a minimum of seven persons without prior permission. There are no restrictions on membership or participation of individuals or unions in regional, national, or international labor organizations, but such participation must be reported to the government. Labor law prohibits union leaders from becoming members of political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols on any union or confederation publications. Unions are required to obtain official permission to hold meetings or rallies and to allow government representatives to attend their conventions and record the proceedings; these requirements were usually enforced. Approximately 20 percent of the wage and salary workers in the labor force were unionized.

The appeal of the government's closure of the teachers' union Egitim-Sen on grounds that the union's bylaw violated the constitution by advocating the right of individuals to receive education in their "mother tongue" remained pending with ECHR at year's end; however, Egitim-Sen removed the controversial article from the bylaws, so the teachers' union was able to remain open.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. If a court rules that a worker has been unfairly dismissed and should either be reinstated or be compensated, the employer will generally pay compensation to the employee along with a fine.

b. The Right to Organize and Bargain Collectively

The law and diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Industrial workers and some public sector employees, excluding white-collar civil servants and security personnel, have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. The International Trade Union Confederation claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general strikes--strikes involving multiple unions over a large geographical area--or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

The law prohibits strikes by civil servants, public workers engaged in the safeguarding of life and property, workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education; however, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal according to law; while some illegal strikers were dismissed, in most cases employers did not retaliate.

There are no special laws or exemptions from regular labor laws in the country's 21 free trade and export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

Some parents forced their children to work on the streets and to beg (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement these laws. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At

age 15 children may engage in light work provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the government prohibits children from working at night or in areas such as underground mining. The law prohibits children attending school from working more than two hours per day or 10 hours per week.

The Ministry of Labor and Social Security effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including small-scale agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.

Nonetheless, child labor was widespread. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 948,000 in 2003 to 764,000 in 2004; however, the institute stopped collecting specific data on child laborers thereafter and some observers continued to claim that there were no reliable statistics in this field and that the actual number of working children was rising.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the labor and social security ministry, more than half of child labor occurred in the agricultural sector. However, observers maintained that the bulk of child labor had shifted to urban areas as rural families migrated to cities. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy. To combat this ongoing problem, the Ministry of National Education conducted a program in cooperation with the UN Children's Fund called Let Us Send Girls To School, which was designed to provide primary education for at-risk girls. By year's end the program benefited nearly 250,000 school-age girls.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education training center, they were required to go to the center once a week for training, and the centers were obliged by law to inspect their workplaces. According to data provided by the ministry, there were 300 centers located in 81 cities; these centers provided apprenticeship training in 133 occupations. The government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers.

Children were trafficked for sexual exploitation (see section 5).

There were no reliable statistics for the number of children working on the streets nationwide. The government's Social Services and Child Protection Institution operated 44 centers to assist such children.

e. Acceptable Conditions of Work

The national minimum wage of approximately \$360 (531 lira) per month did not provide a decent standard of living for a worker and family. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board.

The law establishes a 45-hour workweek with a weekly rest day, and limits overtime to three hours per day for up to 90 days a year. Premium pay for overtime is mandated but the law allows for employers and employees to agree to a flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the government's Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, although reports of them doing so were rare. Authorities effectively enforced this right.