



Turkey

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Country Reports on Human Rights Practices - 2003

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Turkey 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 November 2002 parliamentary elections, the Justice and Development (AK) Party won the majority of seats in a free and fair election and formed a one-party government. In March, AK Chairman Recep Tayyip Erdogan was named Prime Minister. In 2000, Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercised indirect influence over government policy and actions in the belief that it was the constitutional protector of the State. The Constitution provides for an independent judiciary, and the general law courts acted under a declared policy of independence; however, the judiciary was sometimes subject to outside influences.

The Turkish National Police (TNP), under Interior Ministry control, has primary responsibility for security in urban areas, while the Jandarma, paramilitary forces under joint Interior Ministry and military control, carries out this function in the countryside. Although the Government completed the phased lifting of the state of emergency in the southeast in November 2002, it continued to maintain a heavy security presence in the region. There was a civil defense force known as the village guards, mostly concentrated in the southeast, which were regarded as less professional and disciplined than other security forces. Civilian and military authorities generally maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country had a market economy and a population of approximately 67.8 million. Industry and services dominated the economy, but agriculture remained important. During the year, the economy grew by an estimated 5 percent and inflation fell to around 20 percent. Unemployment remained above 10 percent and there was significant underemployment. Wages and benefits did not keep pace with inflation, particularly in the public sector. There were major disparities in income, particularly between the relatively developed west and the less developed east.

The Government generally respected the human rights of its citizens; although there were improvements in a number of areas, several serious problems remained. Security forces reportedly killed 43 persons during the year; torture, beatings, and other abuses by security forces remained widespread. Prison conditions remained poor. Security forces continued to use arbitrary arrest and detention, although the number of such incidents declined. Lengthy trials remained a problem. The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. Prosecutions brought by the Government in State Security Courts (SSCs) reflected a legal structure that favored government interests over individual rights. The Government continued to limit freedom of speech and press; harassment of journalists and others for controversial speech remained a serious problem. At times, the Government restricted freedom of assembly and association. Police beat, abused, detained, and harassed some demonstrators.

The Government maintained some restrictions on religious minorities and on some forms of religious expression. At times, the Government restricted freedom of movement. The Government restricted the activities of some political parties and leaders, closed the pro-Kurdish People's Democracy Party (HADEP), and sought to close the closely related Democratic People's Party (DEHAP). The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for the views they expressed in public. Violence against women remained a serious problem, and discrimination against women persisted. Child labor

was widespread. Trafficking in persons, particularly women, remained a problem.

In January and July, Parliament passed extensive human rights-related reforms intended to meet the Government's democratization goals and requirements for European Union (EU) membership. The reforms applied to areas such as torture, religious freedom, free expression, the role of the military in government, and freedom of association and included: prohibiting courts from suspending sentences or converting prison sentences to fines in torture cases; prohibiting trials in torture cases from recessing for the summer; providing all detainees the right to immediate attorney access; permitting private media outlets to broadcast in Kurdish and other traditional non-Turkish languages; and allowing for a civilian to serve as head of the National Security Council. However, many of the reforms were not implemented by year's end, and some reforms adopted in 2002 were still not implemented.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no known political killings; however, there were credible reports that security forces committed a number of unlawful killings. Police, Jandarma, and soldiers killed a number of people, particularly in the southeast, for allegedly failing to obey stop warnings. The Human Rights Foundation (HRF) estimated that there were 43 killings by security forces during the year, including shootings by village guards and border patrols. In July, for example, soldiers in Mardin shot and killed Kazim Ozgan, allegedly for failing to heed a stop warning. HRF estimated there were 33 killings by security forces in 2002.

The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare (see Section 1.d.).

According to the Interior Ministry, three persons died in police custody during the year; two died of heart attacks and the other committed suicide.

According to the HRF and press reports, 6 ongoing trials in cases of past alleged killings by security officials ended during the year, resulting in 36 acquittals and 13 convictions.

In April, an Istanbul court issued a verdict in the death in detention case of trade unionist Suleyman Yeter. The court sentenced one policeman to 4 years and 2 months imprisonment, acquitted another, and separated the case of a third defendant, who was being tried in absentia. The verdict was under appeal at year's end.

A Diyarbakir court continued to try the case of 10 village guards arrested in connection with the September 2002 killing of 3 internally displaced persons (IDPs) returning to their homes in Ugrak village with official permission.

During the year, the European Court of Human Rights (ECHR) ruled against the country in one case involving the unlawful deprivation of life.

As of October, landmine explosions in the southeast killed two civilians. In addition, another civilian was killed by an unattended hand grenade. Both security forces and the Kurdistan Workers Party (PKK), a terrorist organization that changed its name to the Kurdistan Freedom and Democracy Congress (KADEK) and, in November, changed its name to the Kurdistan Peoples Congress (KHK), used landmines; it was not possible to verify which side was responsible for the mines involved in the incidents.

The Government, as well as the PKK/KADEK/KHK, continued to commit human rights abuses against noncombatants in the southeast. According to the military, 12 civilians, 19 members of the security forces, and 71 terrorists died during the year as a result of armed clashes. In September, the PKK/KADEK announced an end to its unilateral ceasefire.

In November, in two separate suicide car bomb attacks, 50 persons were killed and 750

wounded in Istanbul. The attacks targeted two synagogues, the British Consulate, and the HSBC Bank Istanbul headquarters. The Government stated that the perpetrators were linked to al-Qa'ida.

In July, the PKK/KADEK attacked a convoy in Tunceli Province that included the provincial governor, killing two soldiers.

b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 2002 disappearance of Coskun Dogan or the 2001 disappearance of HADEP officials Serdar Tanis and Ebubekir Deniz.

The Government continued to make efforts to investigate and explain some reported disappearances. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. According to the Government, eight persons were reported missing during the year due to suspected terrorist activities. Four missing persons were located during the year; three were found alive, and one dead.

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

The Constitution prohibits such practices; however, some members of the security forces continued to torture, beat, and otherwise abuse persons regularly. Leftists and Kurdish rights activists were more likely than others to suffer torture. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and initiatives to address the problem, widespread reports of torture continued, particularly in the southeast.

HRF estimated there were approximately 920 credible applications by torture victims at its 5 national treatment centers during the year, compared with 965 in 2002. These figures did not necessarily reflect trends in the use of torture. The reports included complaints stemming from previous years' incidents. Human rights advocates claimed that hundreds of detainees were tortured during the year in the southeast, where the problem was particularly serious, but that only 5 to 20 percent reported torture because they feared retaliation or believed that complaining was futile.

In June, Gulbahar Gunduz, member of the DEHAP Women's Wing in Istanbul, said she was tortured and raped by four men identifying themselves as police officers. The case was under investigation at year's end. In April, Ruhel Demirbas, Ugur Atilgan and Senol Budak held a press conference in Istanbul in which they claimed police beat them, deprived them of sleep, and repeatedly threatened to kill them after arresting them for hanging anti-war placards.

Human rights observers said that, because of reduced detention periods, security officials mostly used torture methods that did not leave physical traces, including repeated slapping; exposure to cold; stripping and blindfolding; food and sleep deprivation; threats to detainees or family members; dripping water on the head; squeezing of the testicles; and mock executions. They reported a significant reduction over past years in methods such as electric shocks, high-pressure cold water hoses, beatings on the soles of the feet (falaka) and genitalia, hanging by the arms, and burns. The Human Rights Association (HRA) reported that women detainees were sometimes subject to rape, including vaginal and anal rape with truncheons, and sexual harassment.

Female detainees sometimes faced sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male officers, female detainees were sometimes touched, insulted, and threatened with rape.

Human rights attorneys and physicians who treated torture victims said torture generally occurred during police or Jandarma detention before detainees appeared in court. Because the arresting officer was responsible for interrogating a suspect, officers sometimes resorted to torture to obtain a confession that would justify the arrest. In one example, the European Roma Rights Center reported that, in February, police in Edirne beat and tortured with electric shocks

a 14-year-old Romani boy suspected of stealing a wallet (see Section 5).

Although the law prohibits evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture. When prosecutors did follow up on such allegations, the detainee's trial often proceeded, and was sometimes completed, before the start of the torture trial. Treatment of those arrested for ordinary crimes (who were sometimes beaten until they gave a confession) and those arrested for "political" crimes reportedly differed. Observers said that security officials often tortured political detainees to intimidate them and send a warning to people with certain political views.

State-employed doctors administered all medical examinations of detainees. Examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were brief and informal. According to the Society of Forensic Medicine Specialists, only approximately 250 of 80,000 doctors in the country were forensic specialists, and most detainees were examined by general practitioners and specialists not qualified to detect signs of torture. Some former detainees asserted that doctors did not conduct proper examinations and that authorities denied their requests for a second examination.

Unlike in past years, the Turkish Medical Association recorded no cases of doctors being harassed, charged with a crime, or reassigned for reporting torture. However, in June, Izmir police raided a Medical Association training seminar in which doctors were being trained in the detection of latent signs of torture. Police told participants they would be investigated, but the Governor canceled the case, according to the Association.

In September, the parliamentary Human Rights Committee reported that doctors in Izmir were signing reports indicating detainees had not been tortured without examining the detainees. The Committee stated that, in some cases, the same detainees were later taken to a hospital where doctors reported signs of torture.

A Justice Ministry regulation requires doctor-patient privacy during the examination of suspects, except in cases where the doctor or suspect requests police presence for security reasons. However, the Society of Forensic Medicine Specialists reported that security officials often remained in the room despite objections, although this occurred less often than in past years. According to the Medical Association and human rights observers, the presence of a security officer could lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or to report physical findings but not draw reasonable medical inferences that torture occurred. In October, the Council of State annulled a provision requiring that copies of detainees' medical examinations be sent to police authorities.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly used such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice, there were few prosecutions for violation of these laws. The Medical Association had the authority to levy fines and suspend for up to 6 months the licenses of doctors who falsified reports. However, Association officials said they were unable to enforce these sanctions because most doctors worked at least partly for the Government, which protected the doctors from sanctions.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment was rare, and accused officers usually remained on duty pending a decision, which could take years (see Section 1.d.).

A Prime Ministry directive requires prosecutors to make unscheduled inspections of detention facilities to look for torture and other maltreatment and to report inspection results to the Prime Minister. Although the Ministry of Interior reported that thousands of such inspections took place, human rights advocates and some prosecutors termed the inspections cursory and unlikely to lead to criminal charges against the police.

By the end of October, authorities had initiated judicial proceedings in 8 cases involving torture allegations and 107 involving maltreatment allegations against police (see Section 1.d.). Of these, courts ruled for conviction in one case and for acquittal in two cases. Authorities dropped 64 cases and continued to try 48 cases.

During the year, 93 police officers received administrative punishments, such as short suspensions, for torture or maltreatment.

In September, an Interior Ministry commission dismissed Adil Serdar Sacan as chief of the Organized Crime Department of the Istanbul Security Directorate because of complaints filed against him by alleged torture victims.

In April, an appeals court unanimously upheld the October 2002 Manisa Penal Court conviction of 10 police officers for torture. By July, all of the officers had turned themselves in to authorities. The officers were sentenced to prison terms ranging from 60 to 130 months; according to the Prosecution Law, under which convicts serve a portion of their sentences, they were expected to spend from 24 months to 52 months in prison. The high-profile case involved 16 youths tortured in police detention in 1996.

During the year, the case of five police officers convicted in 2002 for the 1996 torture of nine detainees, including journalists from the leftist newspaper "Atilim," was closed without a verdict when the case, which was being appealed, expired under the statute of limitations.

The trial continued in the case of 10 police officers charged for the death in detention of Birtan Altinbas, who died in police custody in Ankara in 1991. The trial had been subject to repeated procedural delays, including due to the court's inability to locate some of the defendants. The statute of limitations for the charges is scheduled to expire in February 2006, at which time the case will be dropped if there is no verdict.

During the year, the ECHR ruled against the country in one case involving torture and eight cases involving inhuman or degrading treatment.

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

Due to the conflict with the PKK/KADEK/KHK, the Government continued to organize, arm, and pay a civil defense force of about 60,000, mostly in the southeast region. This force, known as the village guards, was reputed to be the least disciplined of the security forces and continued to be accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" were viewed as those most responsible for abuses. DEHAP officials claimed that security forces in July publicly displayed the bodies of two slain PKK/KADEK militants in the town of Baskale in Van Province. However, the incidence of credible allegations of serious abuses by security forces in operations against the PKK/KADEK/KHK was low.

Prison conditions remained poor. Underfunding and poor administration of penal facilities remained problems. HRF maintained that the Government provided insufficient funding for prison food, resulting in poor-quality meals. According to HRF, food sold at prison shops was too expensive for most inmates, and there was a lack of potable water.

There were reports that prison guards beat children in detention. In September, the parliamentary Human Rights Committee reported that Committee members investigated conditions at the children's ward of Aydin Prison and found that all the children had visible injuries and many claimed to have been tortured. A child held in solitary confinement told the Committee he had requested an isolation cell because some of the children in the ward were raping others.

At year's end, a court decision had not been reached in the case of 38 employees of Bakirkoy Prison for Women and Children who were indicted in December 2002 for mistreating prisoners and official misconduct.

The Government maintained that prisons were staffed with doctors, dentists, psychologists, and teachers, although there were shortages in some areas. According to the Medical Association, there were insufficient doctors, and psychologists were only available at the largest prisons. Some inmates claimed they were denied appropriate medical treatment for serious illness.

Inmates in high-security F-type prisons were permitted to socialize in groups of 10 for up to 5 hours per week. In addition, they were able to participate in communal activities. According to HRF, as of October, one prisoner continued a hunger strike to protest F-type prisons. The Government reported that the President pardoned 172 hunger strikers during the year. Two prisoners on hunger strike died during the year, bringing total deaths to 107 since the start of the strikes in 2000, according to HRF. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who wanted to quit.

Human rights activists and attorneys for jailed PKK leader Abdullah Ocalan called on the Government to transfer Ocalan from his cell on Imrali Island in the Sea of Marmara to a mainland prison. They claimed Ocalan was being held in isolation and also said he was suffering from health problems. Relatives and attorneys were unable to visit Ocalan for 15 weeks from November 2002 to March; the Government said stormy weather grounded the boat shuttling visitors to the island. The ECHR ruled in March that Ocalan's prison conditions were not unlawful.

The trial against 1,615 persons on duty at Bayrampasi prison during the December 2001 hunger strike was ongoing at year's end. The related trial of 167 prisoners was also ongoing at year's end.

Human rights observers estimated that, at any given time, at least one-quarter of those in prison were awaiting trial or the outcome of their trial. Men and women were held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. According to the Government, detainees and convicts were held either in separate facilities or in separate sections of the same facility.

The Ministry of Justice, the General Directorate of Prisons, and the parliamentary Human Rights Committee regularly inspected prisons and issued reports. Prison Monitoring Boards—five-person visiting committees composed of nongovernmental experts such as doctors and lawyers—also conducted inspections. The 130 boards conducted 522 visits, prepared 1,638 reports, and made 3,664 recommendations for improvements to the Ministry of Justice. The Government reported that it took action on some of these recommendations, but lacked the funding to respond to others, including those related to crowding and lack of resources for activities. During the year, the 140 special prison judges received 11,923 petitions relating to prison conditions and sentences; they admitted 3,659 petitions, partially admitted 319, and rejected 7,945.

Human rights groups criticized the Government's selection of Monitoring Board representatives. Medical Association officials said the Government did not consult them on Board membership and selected only government-employed doctors for the bodies. The Society of Forensic Medicine Specialists reported that only two forensic specialists served on the Boards. Some bar associations also said that their preferred candidates were not selected.

The Government permitted prison visits by representatives of some international organizations, such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT); the CPT visited in February and September, and conducted ongoing consultations with the Government. Requests by the CPT to visit prisons were routinely granted; however, domestic nongovernmental organizations (NGOs) did not have access to prisons.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice. During the year, police routinely detained demonstrators, including those protesting prison conditions (see Section 2.b.). Police detained dozens of members of the legal pro-Kurdish party DEHAP on several occasions (see Section 3). Police continued to detain and harass members of human rights organizations and monitors (see Section 4). The Government continued to detain persons, particularly in the southeast, on suspicion of links to Hizballah.

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, are responsible for policing rural areas. The Jandarma are also responsible for specific border sectors where smuggling was common, although the military has overall responsibility for border control. There were allegations of police corruption.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. During the year, authorities opened investigations of 39 Jandarma personnel accused of torture. The investigations continued at year's end. Although the courts investigated most alleged unlawful killings by security forces, convictions and punishments remained rare. Punishment, when handed down, generally was minimal; monetary fines did not keep pace with the high rate of inflation, and sentences were sometimes suspended.

Legal, administrative, and bureaucratic barriers impeded prosecutions and contributed to the low number of torture convictions. In January, Parliament removed a legal barrier to such prosecutions by passing legislation allowing prosecutors to investigate police or Jandarma officers suspected of torture without receiving the permission of local government officials. However, such permission was still required to investigate other crimes, such as extra judicial killings and disappearances.

Parliament also passed legislation that prohibits judges from suspending sentences or converting prison sentences to fines in torture cases and extends the statute of limitations for torture cases. In July, Parliament adopted legislation requiring torture trials to continue during summer recess.

The TNP and Jandarma were effective and received specialized training in a number of areas, including counter-terrorism. Both police and Jandarma received human rights training.

The armed forces emphasized human rights in training for officers and noncommissioned officers throughout the year. Noncommissioned police officers received 2 years of training. Police and Jandarma also received human rights training. In April, the Government opened the Jandarma Human Rights Violations Investigation and Assessment branch to receive complaints about Jandarma.

The Government's Ten Year Human Rights Education Committee held regional seminars to educate civil servants and others on human rights problems. Regional bar associations and the EU held training seminars with police, judges and prosecutors in several provinces and in Ankara headquarters, focusing on EU human rights standards.

For a person to be taken into custody, a prosecutor must issue a detention order, except when police catch suspects in the commission of a crime. The maximum detention period for persons charged with individual common crimes was 24 hours. Persons charged with collective common crimes could be held for 48 hours.

Under the Criminal Code, detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. Under legal reforms adopted in January, these rights applied equally to defendants in state security cases. In practice, authorities did not always respect these provisions and most detainees did not exercise these rights, either because they were unaware of them or feared antagonizing authorities. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determined that he is likely to flee the jurisdiction or destroy evidence.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. In September, the parliamentary Human Rights Committee released the results of an investigation indicating that police in Izmir were undermining the right of detainees to consult an attorney. The Committee reported that police in three Izmir detention centers were not informing detainees of their right to an attorney at no cost, and that police did not even know the phone number for requesting an attorney. The Committee stated that all 126 recorded detainees at the centers had waived their right to an attorney. According to HRA and a number of local bar associations, only approximately 5 percent of detainees consulted with attorneys. HRA claimed police intimidated detainees who asked for attorneys, sometimes telling them a court would assume they were guilty if they

consulted an attorney during detention. There were no procedures for confirming whether police had informed detainees of their right to an attorney, and no penalty for failing to inform. Failure by police to inform detainees of their rights did not affect the trial process.

Regulations on detention and arrest procedures require authorities to notify relatives as soon as possible of an arrest, and authorities generally observed this requirement. Human rights observers reported a major decrease in incommunicado detention, and said the practice was no longer common.

According to the Government, police and Jandarma detained 223,000 persons between January and October.

Lengthy pretrial detention was a problem. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involved persons accused of violent crimes, but there were cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases. According to HRF, Huseyin Yildirim remained in detention during his trial throughout the year, despite being paralyzed from a traffic accident. HRF reported that Yildirim was arrested in 2001 for speech-related activities and charged with "attempting to change the constitutional order."

As of November 30, there were 63,000 persons held in prisons, including 31,756 detainees and 31,244 convicts. Detainees could be held for up to 6 months during the preliminary investigation period. If a case was opened, the pretrial detention period could be extended for up to 2 years. If the detainee was charged with a crime carrying a maximum punishment of more than 7 years, a court could further extend the detention period.

Persons detained for individual crimes under the Anti-Terror Law had to be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature could be detained for an initial period of up to 4 days at a prosecutor's discretion and for up to 7 days with a judge's permission, which was almost always granted.

International humanitarian organizations were allowed access to "political" detainees, provided the organization could obtain permission from the Ministry of Justice. With the exception of the CPT, which had good access, few such permissions were granted in practice (see Section 1.c.).

During the year, the ECHR ruled against the country in nine cases involving unlawful arrest and detention.

The Constitution prohibits forced exile, and the Government did not employ it. There were no new cases of internal exile during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the general law courts acted under a declared policy of independence; however, the judiciary was sometimes subject to outside influences. There were allegations of corruption in the judiciary.

The Constitution prohibits the Government from issuing orders or recommendations concerning the exercise of judicial power; however, the Government and the National Security Council (NSC), a powerful advisory body to the Government composed of civilian government leaders and senior military officers, periodically issued announcements or directives about threats to the State, which could be interpreted as general directions to the judiciary. The seven-member High Council of Judges and Prosecutors, which was appointed by the President and included the Minister of Justice (as chairman) and a deputy, selected judges and prosecutors for the higher courts and was responsible for oversight of those in the lower courts. Its decisions were not subject to review. The composition of the High Council was widely criticized as restricting the independence of the judiciary, since the Minister of Justice was part of the executive branch of the Government. Although the Constitution provided for security of tenure, the High Council controlled the career paths of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

The judicial system was composed of general law courts, military courts, the SSCs, and the Constitutional Court, the nation's highest court. The Court of Cassation heard appeals for criminal cases, including appeals from the SSCs. The Council of State heard appeals of administrative cases or cases between government entities. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In July, Parliament adopted a law under which children younger than 18 must be tried in juvenile courts; previously, only children under 15 were tried in juvenile courts.

The Constitutional Court examined the constitutionality of laws, decrees, and parliamentary procedural rules and heard cases involving the prohibition of political parties. If impeached, ministers and prime ministers could be tried in the Constitutional Court. However, the Court could not consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations with the authorization of Parliament.

Military courts, with their own appeals system, heard cases involving military law for members of the armed forces. Under legal reforms adopted in July, military courts could no longer try civilians accused during peacetime of attacking the honor of the armed forces or undermining compliance with the draft.

SSCs were composed of panels with three judges and one chief prosecutor, plus a substitute judge and support prosecutors. SSCs sat in eight cities and tried defendants accused of crimes such as terrorism, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts could hold closed hearings and admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts could be appealed only to a specialized department of the Court of Cassation dealing with crimes against state security. During the year, the SSCs dealt mainly with cases under the Anti-Terror Law and sections of the criminal code relating to free expression. Human rights observers cited prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticized the military or the Government's practices as evidence that the SSCs often served the primarily political purpose of silencing critics of the Government.

The law provides prosecutors far-reaching authority to supervise police during an investigation. Prosecutors complained that they had few resources to do so, and many called for "judicial police" to help investigate and gather evidence. Human rights observers and Justice Ministry officials noted that problems could arise from the police reporting to the Interior Ministry, not to the courts. Prosecutors also were charged with determining which law had been broken and objectively presenting facts to the court.

Defense lawyers did not have equal status with prosecutors. In SSCs and heavy penal courts, prosecutors sat alongside judges, while defense attorneys sat apart. In courts with computers, prosecutors were provided with computers and had access to the hearing transcript; defense attorneys were not provided computer access. Judges and prosecutors lived in the same government apartment complexes, and some defense attorneys claimed that the social bonds between judges and prosecutors disadvantaged the defense in court.

Defense attorneys were often subject to intrusive searches when visiting incarcerated clients. Prisoners also were searched before and after meeting their attorneys. Prison authorities and prosecutors suspected attorneys of acting as couriers for their clients, particularly those incarcerated for organized or terror crimes. Defense attorneys generally had access to the public prosecutor's files only after arraignment and routinely were denied access to files that the Government asserted dealt with national intelligence or security matters, particularly in SSC cases.

Defense attorneys involved in politically sensitive cases sometimes faced harassment, though human rights organizations and bar associations said this has become less common than in the past. Attorneys could face criminal charges, threats, and other forms of harassment, particularly if they defended clients accused of terrorism or illegal political activity, pursued torture cases, or sought prompt access to their clients, which police often viewed as interference.

There is no jury system; a judge or a panel of judges decided all cases. The Constitution provides for the right to a speedy trial; however, at times trials lasted for years (see Section 1.d.). Trials for political crimes or torture frequently lasted for months or years, with one hearing

usually scheduled each month. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. The law provides for exclusion of illegally gathered evidence. However, this rarely occurred and then only after a separate case determining 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 established the merits of the torture allegations (see Section 1.c.).

By law, the Bar Association must provide free counsel to indigents who request it from the court. Bar associations across the country provided attorneys on call 24 hours a day; the Association covered the costs.

The legal system did not discriminate in law or in practice against ethnic, religious or linguistic minorities. However, legal proceedings were conducted solely in Turkish, with interpreting available sometimes, which seriously disadvantaged some defendants whose native language was not Turkish.

The Government recognized the jurisdiction of the ECHR. During the year, the ECHR ruled against the Government in 76 cases. Of these, 56 involved the right to a fair trial. The Government accepted a friendly settlement in 45 cases, and the ECHR ruled in the Government's favor in 1 case.

The law allows ECHR rulings to be used as grounds for a re-trial in a Turkish court. The General Legal Council of the Court of Appeals must approve re-trial applications. In January, Parliament amended the law to make the right of re-trial retroactive to most cases prior to August 2002, the date of the original law's adoption.

On March 12, the ECHR ruled that jailed PKK leader Abdullah Ocalan did not receive a fair trial in his 1999 conviction in an Ankara SSC. The ECHR determined that the SSC was not an "independent and impartial tribunal," in part because a military judge sat on the three-judge panel at the start of the trial. However, the ECHR determined that Ocalan's prison conditions and the circumstances of his arrest were not unlawful. Both the Government and the defense appealed the ruling.

HRA estimated that there were approximately 8,000 political prisoners, including leftists, rightists and Islamists. Of these, approximately 1,500 were members of Hizballah or other radical Islamic organizations. The Government claimed that alleged political prisoners were in fact security detainees convicted of being members of, or assisting, terrorist organizations. According to the Government, there were 6,130 convicts and detainees held on terrorism charges at year's end.

International humanitarian organizations were allowed access to "political" prisoners, provided they could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, such permission was seldom granted in practice.

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

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights.

With some exceptions, officials may enter a private residence and intercept or monitor private correspondence with a judicial warrant. If delay might cause harm to a case, prosecutors could authorize a search without a warrant.

The law permits wiretaps with a court order. However, in an emergency situation, a prosecutor may grant permission. A wiretap may last 3 months and may be extended twice for additional periods of 3 months each. The Constitution requires written authorization on national security grounds for searches and wiretaps. These regulations were generally respected in practice.

Defense attorneys continued to face intrusive searches when visiting incarcerated clients (see Section 1.e.).

The Government prohibits the wearing of religious head coverings in government offices, other state-run facilities, and universities (see Sections 2.b. and 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms in some cases. The Government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws including: Penal Code articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials).

During the year, Parliament amended several of these laws. In July, it revoked Article 8 of the Anti-Terror Law, which prohibited the dissemination of separatist propaganda. However, the updated laws still restrict non-violent expression, and court cases were still being brought against writers and publishers. Prosecutors in some cases based speech-related charges on laws not included in the scope of the reforms. According to HRF, in the first 6 months of the year, courts tried at least 139 persons on charges relating to spoken or written expression. During that period, HRF reported that authorities detained 82 news correspondents, distributors, and editors, and arrested 8 journalists.

Individuals could not criticize the 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, and the question of Turks of Kurdish origin as "minorities"; however, persons who wrote or spoke out on such topics risked prosecution.

In May, a Van court sentenced DEHAP parliamentary candidate Ruknettin Hakan to 6 months imprisonment for "making propaganda speeches in a language other than Turkish." The case was under appeal at year's end.

In June, authorities arrested and indicted teacher Hulya Akpınar for comments she made during a conference in Kilis Province on the alleged genocide of Armenians under the Ottoman Empire. Prosecutors also charged six other teachers for following Akpınar out of the conference. Akpınar was temporarily dismissed from duty following her arrest. A Kilis court acquitted Akpınar and the other six teachers in December.

At year's end, the trial of Sefika Gurbuz, head of the Social Support and Culture Association for Migrants, continued in an Istanbul SSC on speech charges related to the organization's 1999-2001 report on forced displacement.

During the year, the ECHR ruled against the country in six cases involving freedom of expression.

Independent domestic and foreign periodicals that provided a broad spectrum of views and opinions, including intense criticism of the Government, were widely available, and the newspaper business was extremely competitive. However, news items reflected a pro-authority bias. For example, persons killed by security forces during operations in the southeast often were described as "terrorists" without proof of terrorist activities.

Broadcast media reached almost every adult, and their influence, particularly that of television, was great. The Government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTÜK), there were 226 local, 15 regional, and 16 national officially registered television stations, and 959 local, 104 regional, and 36 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 Turkish-language private channels.

Most media were privately owned by large 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.

RTUK monitored broadcasters and sanctioned them if they were not in compliance with relevant laws. Parliament elected the RTUK Council members (divided between ruling and opposition parties) and provided its budget. One member of the nine-person Council was chosen from among candidates nominated by the NSC, and two were chosen from among candidates nominated by the Higher Education General Board. Although nominally independent, RTUK was subject to some political pressures. RTUK penalized private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. RTUK decisions could be appealed to the Provincial Administrative Court and then to the Council of State (Danistay).

RTUK reported that, during the year, it closed eight television stations for a period of 30 days each and seven radio stations for a period of 30 days each.

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 charges brought under these laws. Authorities often closed periodicals temporarily, issued fines, or confiscated periodicals for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and adopted an adversarial role vis-a-vis the Government.

In April, an Istanbul court convicted the owner and editor of the daily *Ozgur Gundem* in connection with an article about jailed PKK leader Abdullah Ocalan. The court fined the journalists and ordered the newspaper to close for 5 days.

In May, an Istanbul court convicted editor Baris Baksi and writer Zulfikar Yildirim in connection with an article on Kurdish issues. The court fined the journalists and ordered the 15-day closure of the journal in which the article appeared.

In May, an Ankara SSC opened two cases against writer and scholar Fikret Baskaya for works originally published 10 years before. In August, the court acquitted Baskaya in one case, involving the eighth edition of his book, "Collapse of the Paradigm: An Introduction to the Criticism of the Official Ideology." Baskaya was convicted in 1993 for the original publication of the book, on charges of propaganda "aimed at damaging the indivisible unity of the State," and served 15 months in prison. The ECHR later ruled his conviction a violation of the European Convention on Human Rights. At year's end, Baskaya continued to face charges in the second case, involving the re-publishing of an article he wrote in 1993.

In December, an Adana court sentenced Sabri Ejder Ozic, former director of *Radyo Dunya*, to a 1-year jail sentence for "insulting and mocking Parliament." The court convicted Ozic for statements he made on the air in February. The case was under appeal at year's end.

In July, RTUK ordered the 30-day closure of 5 television stations owned by the family of Cem Uzan, leader of the *Genc Party*, for allegedly supporting the family's business interests on the air. The stations broadcast a speech by Uzan in which he criticized Prime Minister Erdogan as "Godless." Prosecutors opened a case against Uzan for his comments, charging him with "insulting" the Government (see Section 3).

According to Reporters Without Borders, four journalists were in jail at the end of 2002 for speech violations. The Committee to Protect Journalists claimed there were 13 journalists in prison at the end of 2002. According to the Government, there were no journalists held on speech violations in either 2002 or the reporting period, although at year's end, there were 34 prisoners claiming to be journalists who were charged with a variety of crimes. The different figures reflected disagreement over which prisoners were legitimate journalists, and which were jailed for carrying out their journalistic duties.

Authorities sometimes used forms of censorship against periodicals with pro-Kurdish or leftist content, particularly in the southeast. Nedim Oruc, distributor of the Kurdish language weekly *Azadiya Welat* in Diyarbakir, claimed in May that police had repeatedly threatened him for distributing the newspaper and seized his list of subscribers. In June, an Istanbul court ordered

the confiscation of the journal *İktidar İçin Mucadele Birliği* for containing separatist propaganda. Journalists practiced self-censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security. In principle, the law allows broadcasts in the traditional languages of the country, other than Turkish, including Kurdish. However, implementing regulations set strict time limits on such broadcasts: 45 minutes per day, 4 hours per week on radio and 30 minutes per day, 2 hours per week on television. The regulations also require that non-Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. Early in the year, regulations limited broadcasts in traditional non-Turkish languages to the government-owned TRT; however, TRT did not produce any such broadcasts and filed a legal challenge to the regulation directing it to do so. In July, Parliament adopted legislation allowing private media outlets to broadcast in traditional non-Turkish languages. However, the Government had not approved implementing regulations for such private broadcasts by year's end.

In July, Parliament passed legislation to facilitate the establishment of language courses teaching traditional non-Turkish languages. However, by year's end, local authorities had not given permission for any such courses to open (see Section 5).

Kurdish-language audio cassettes and publications were available commercially, although the periodic prohibition of particular audio cassettes or singers continued, particularly in the southeast.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and prohibited several books on a range of topics. Police frequently raided the offices of publications. At year's end, the trial continued in the case of activists who were charged with supporting illegal organizations and separatism after publishing a new "Freedom of Thought" booklet in 2001.

The Government showed some signs of greater tolerance for the use of the Kurdish language. Unlike in past years, police in most instances did not interfere during the year when HRA put up banners with the motto "Peace at Home, Peace in the World" in both Turkish and Kurdish, although, in December, authorities in Van province did seize the banners. Also for the first time, police did not detain HRA members making statements in Kurdish on World Peace Day in September. In October, Kurdish singer Ciwan Haco spoke and sang in Kurdish during an appearance on a popular Istanbul-based television program.

Several actions, including police harassment, were taken against the pro-Kurdish DEHAP party (see Section 3). In September, police detained DEHAP Chairman Tuncer Bakırhan, singer Haluk Levent, and six others in connection with a concert in Germany during a Kurdish cultural festival. Concert participants reportedly displayed KADEK-related pictures and banners; authorities charged the detainees with separatist propaganda.

The Government did not restrict access to the Internet. However, the law authorizes the RTÜK to monitor Internet speech and to require Internet service providers to submit advance copies of pages to be posted online. The law also allows police to search and confiscate materials from Internet cafes 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.

In October, an Ankara court ordered the closure of the websites of the weekly *Ekmek ve Adalet* and the daily *Özgür Politika* on the grounds that they insulted the armed services. In April, an Istanbul court acquitted journalist Coskun Ak, who was charged in connection with a message posted by an unknown participant in an Internet forum moderated by Ak.

The Government did not restrict academic freedom; however, there reportedly was some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association

The Constitution provided for freedom of assembly; however, the Government sometimes

restricted this right in practice. Significant prior notification to authorities was required for a gathering, and authorities could restrict meetings to designated sites.

In July, Parliament relaxed restrictions on assemblies and demonstrations. Under the new measures, authorities may only prohibit assemblies and demonstrations when there is "clear and present danger that a criminal offense will be committed." The measures also reduce the length of time authorities may postpone gatherings under various conditions.

Authorities prevented some demonstrations. In January, the Diyarbakir governor refused permission for an anti-war demonstration organized by the Diyarbakir Democracy Platform. In March, Bursa authorities prevented DEHAP members from holding a press conference on the grounds that they were planning a demonstration in support of jailed PKK leader Abdullah Ocalan.

Police beat, abused, detained, and harassed some demonstrators. In June, Istanbul police reportedly used tear gas and beatings to break up a demonstration by 300 women protesting the alleged rape and torture of HADEP member Gulbahar Gunduz (see Section 1.c.). In August, Ankara police detained seven persons while breaking up a demonstration organized by the Confederation of Public Sector Trade Unions (KESK). Prime Minister Erdogan publicly called the demonstration "anti-democratic."

In June, an Ankara court reduced the charges against police defendants from torture to maltreatment in the November 2002 beating of Veli Kaya during a protest against the Higher Education Council. The court sentenced the defendants to 6 months imprisonment but postponed the sentence on the grounds of good behavior during trial. The case was under appeal at year's end.

During the March 21 Kurdish Nevruz ("New Year") celebrations, there were significantly fewer clashes than in past years, according to the HRF. However, local authorities prohibited celebrations in a number of towns, and police arrested scores of persons participating in the celebrations. Authorities in some municipalities prohibited the use of the traditional Kurdish spelling "Newroz."

According to HRF, unlike in past years, police and local authorities did not interfere in May Day (May 1) celebrations. The Bitlis governor postponed some of the celebrations.

In December, Kayseri police searched participants attending a meeting on human rights organized by the Prime Ministry Human Rights Presidency and the EU.

At year's end, the trial continued for Alp Ayan—a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center—and 67 others charged with "holding an unauthorized demonstration" after they participated in the funeral procession of one of the prisoners killed in the 1999 Ulucanlar incident.

The Constitution provides for freedom of association; however, there were some restrictions on this right in practice. Associations and foundations were required to submit their charters for lengthy and cumbersome government approval. The Government closed the HADEP Party on charges of separatism and supporting terrorism (see Section 3). The Act on Associations gives the Interior Ministry and local government officials broad authority to inspect the premises and records of associations at any time. The law also gives governors broad powers to suspend associations to protect "public order." 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, were restrictive and complicated.

In January and July, Parliament adopted measures that loosened restrictions on the right to form and join associations, as well as on association activities. Specific measures included: Revoking laws prohibiting those convicted under Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity) from forming or joining associations for a period of time; expanding university students' rights to form associations by allowing artistic, cultural, and scientific student associations; requiring the Ministry of Interior to process applications for new associations in 60 days (down from 90 days); allowing associations to use non-Turkish languages for all purposes other than official, written communication with the Government; allowing associations to issue statements without prior approval from local government officials;

and allowing associations to establish multiple branches.

In March, an Ankara SSC dismissed the October 2002 separatism and espionage charges against the leaders of the branches of five German foundations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Government imposed some restrictions on Muslim and other religious groups and on Muslim religious expression in government offices and state-run institutions, including universities. The Constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas. However, these rights were restricted by other constitutional provisions regarding the integrity and existence of the secular state. The Constitution prohibits discrimination on religious grounds.

The Government oversaw Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet had responsibility for regulating the operation of the country's 75,000 mosques and employing local and provincial imams, who were civil servants. Some 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 those who requested services.

A separate government agency, the General Directorate for Foundations (Vakıflar Genel Müdürlüğü), regulated some activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. The Vakıflar also regulated Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Secularists in the military, judiciary, and other government branches, as well as in academia, continued to wage campaigns against those they labeled as proponents of Islamic fundamentalism. These groups viewed religious fundamentalism, which they did not define clearly, as a threat to the secular republic; they asserted it was an attempt to impose the rule of Shari'a law in all civil and criminal matters. According to the human rights organization Mazlum-Der, some government ministries have dismissed or barred from promotion civil servants based on unsubstantiated allegations of anti-state or Islamist activities. There were credible reports that the Education Ministry has deemed that observance of Ramazan (Ramadan), which includes daytime fasting, qualifies as such an activity; some teachers allegedly have experienced harassment or reassignment to more difficult posts as a consequence. Additionally, reports by Mazlum-Der, the media, and others alleged that the military regularly dismissed religiously observant Muslims from the service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they feared indicated disloyalty to the secular state. According to Mazlum-Der, the military has charged individuals with "lack of discipline" for activities that included performing Muslim prayers or being married to women who wore headscarves.

In March, an Ankara SSC postponed a verdict in the trial in absentia of Fetullah Gulen, an Islamic philosopher and leader who resided abroad. Gulen faced 5 to 10 years in prison after being indicted in 2000 under the Anti-Terror Law on charges of "attempting to change the characteristics of the Republic" by trying to establish a theocratic Islamic state. The prosecutor also charged Gulen with trying to "infiltrate" the military. Under the postponement ruling, the case against Gulen will be formally closed if he does not commit the crimes alleged in the indictment within 5 years. Attorneys for Gulen appealed the ruling and sought an acquittal. The appeal continued at year's end.

At year's end, there was no decision in the appeal of the June acquittal by an Istanbul court of 13 Ahmadi Muslims, who had been arrested in April 2002 and charged under Article 7 of the Anti-Terror Law for involvement with an organization "with terrorist aims."

At year's end, no conclusion had been reached in the October 2002 court case demanding the closure of the AK Party for being a center of activities "contrary to the principle of a secular republic." The party was charged with failing to abide by a Court ruling requiring Prime Minister Erdogan to resign as party chairman.

The Government interpreted the 1923 Lausanne Treaty as conferring special minority legal status on three non-Muslim groups—Greek Orthodox Christians, Armenian Orthodox Christians, and Jews. However, this did not extend to the religious leadership organs. The Ecumenical and Armenian Patriarchates, for example, continued to seek recognition of their legal status. Non-Muslim groups not recognized as Lausanne minorities lacked legal status, and their activities were subject to legal challenges.

In principle, the 160 minority foundations recognized by the Vakıflar may acquire property. It is not clear whether the regulations apply to other foundations. A number of foundations criticized the application process for acquiring property as lengthy and burdensome. The Vakıflar approved few applications. As of November, out of 2,234 applications, the Vakıflar had rejected 622 as inadmissible and returned 910 as incomplete, while approving 274.

There were no developments in the efforts of the Ecumenical Patriarchate in Istanbul to obtain permission to reopen its seminary, closed since 1971, on the island of Halki in the Sea of Marmara. Under existing restrictions, including a citizenship requirement, the religious community remained unable to train new clergy.

There were an estimated 5 to 12 million Alevis, followers of 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 considered Alevism a heterodox Muslim sect; however, some Turkish Alevis and radical Sunnis maintained Alevis were not Muslims. Many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes. Alevis also charged that there was a Sunni bias in the Diyanet since the directorate viewed Alevis as a cultural rather than a religious group and did not fund their activities. During a September visit to Germany, Prime Minister Erdogan told reporters that "Alevism is not a religion" and said Alevi Cem houses are "culture houses" rather than "temples."

In May, an appeals court upheld a lower court decision overturning a February 2002 ruling to close the Union of Alevi-Bektasi Organizations (ABKB) on the grounds that it violated the Act on Associations.

There were legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property. However, some Christian churches have been defaced, including in the Tur Abdin area of the southeast where many ancient Syriac churches are found, and communities often have been unable to make repairs due to lack of resources.

Religious affiliation was listed on national identity cards. Some members of non-Muslim religious groups claimed that they had limited career prospects in government or military service as a result of their affiliation. Some non-Muslims and atheists said their religious affiliations were not among the options available for selection.

By law, religious services may take place only in designated places of worship, although non-Muslim religious services often took place in non-designated places of worship. Police occasionally barred Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally led to police detention and trials. In June, Parliament amended the Act on Construction to replace the word "mosques" with "houses of worship," in theory removing a legal obstacle to the building of non-Muslim religious facilities. However, representatives of some non-Muslim groups said provincial authorities did not designate zones where houses of worship could be established, making it impossible to comply with the law. In September, local authorities closed a Protestant church in Mersin for zoning violations, while a Protestant church in Diyarbakir was unable to resolve a longstanding zoning problem.

In March, an Istanbul court acquitted seven Christians charged with holding illegal church and Bible study meetings in an apartment.

In 2001, the Ministry of Interior sent a circular to all provincial governors encouraging them to use existing laws (such as those that regulated meetings, religious building zoning, and education) to regulate gatherings of "Protestants, Baha'is, Jehovah's Witnesses, Believers in Christ (Christians), etc." On April 20, Mersin police arrested 12 members of Jehovah's

Witnesses for allegedly holding an illegal meeting in a private home after being notified in 2002 that they would no longer be allowed to use a rented Kingdom Hall due to zoning laws. When the group planned in May to hold services in an old Kingdom Hall, police reportedly threatened to close down the Hall if it was used, then attended the next 17 meetings at the Hall, taking notes. A court acquitted the 12 members of Jehovah's Witnesses on September 30. On several occasions during the year, members of Jehovah's Witnesses in Mersin and Istanbul were fined for conducting religious meetings without permission.

In November, two synagogues in Istanbul were bombed in a set of apparent terrorist-related attacks that also struck the British Consulate and a bank (see Section 1.a.).

Members of a Protestant church in Kecioren, Ankara said local residents opposed to their presence repeatedly vandalized the church and harassed and threatened them. They said police were generally dismissive of their complaints. In September, church members opened a case against the alleged organizer of the harassment.

In October, four assailants in Bursa Province associated with the Nationalist Movement Party reportedly severely beat Yakup Cindilli, a recent convert to Christianity, after accusing him of distributing Bibles and "doing missionary work." Cindilli reportedly fell into a coma for 2 months. The trial against the alleged assailants continued at year's end.

In December, local authorities in Edirne rescinded an order to expropriate a sacred site of the Baha'i community.

There is no law explicitly prohibiting proselytizing or religious conversions; however, religious groups that proselytized occasionally were subject to government restrictions or harassment. Many prosecutors regarded proselytizing and religious activism on the part of evangelical Christians, as well as Islamists, with suspicion, particularly when such activities were deemed to have political overtones. Police sometimes arrested proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that had criminal or separatist elements; courts usually dismissed such charges. If the proselytizers were foreigners, they could be deported, but they usually were able to reenter the country. On December 31, 2002, the Erzurum State Security Court dropped charges brought in 2002 against 12 Baha'is for "openly inciting hatred and enmity" by distributing materials on the Baha'i Faith.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools was compulsory. Upon written verification of their non-Muslim background, "minorities" recognized by the Government under the Lausanne Treaty were exempted by law from Muslim religious instruction. Other small groups, such as Catholics, Protestants, and Syriac Christians, were not exempted. Students who completed the 8-year primary school could study in government-sponsored imam-hatip (preacher) schools, which provided courses in the Koran and Islamic theology in addition to the standard high school curriculum. The Government did not permit private Koran courses, though many functioned unofficially. According to Mazlum-Der, police conducted approximately 20 raids of illegal Koran courses in the first 6 months of the year. Only children 12 and older could register legally for official Koran courses, and Mazlum-Der reports that many of the police raids targeted illegal courses for younger children.

Government authorities continued to enforce a long-term prohibition on the wearing of religious head coverings at universities and by civil servants in public buildings. In October, Istanbul University prevented a foreign professor it had invited to a conference from entering the campus because she was wearing a headscarf. In November, a judge in Ankara ordered a defendant out of the courtroom because she was wearing a headscarf. Women who wore head coverings and persons who actively showed support for those who defied the prohibition 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. Many secular women accused Islamists of using the headscarf as a political tool and said they feared that efforts to remove the headscarf prohibition would lead to pressure against women who chose not to wear a head covering. In October, President Sezer excluded the covered wives of government ministers and Members of Parliament from the guest list for the traditional presidential Republic Day reception.

Citizens who converted from Islam often experienced some form of social harassment or pressure from family and neighbors. Proselytizing socially was unacceptable. A variety of newspapers and television shows published anti-Christian messages. Several Islamist

newspapers regularly published anti-Semitic material.

During the year, Bulent Bozdogen, a member of Jehovah's Witnesses, was reportedly tried on two separate occasions and sentenced to a total of 3 months in military prison on charges related to his refusal to serve in the military. During the period, he was reportedly beaten and mistreated numerous times. At the end of the year, three additional members of Jehovah's Witnesses were reported to be awaiting trial on similar charges.

For a more detailed discussion, see the 2003 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 some of these rights. The Constitution 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.

During the height of the PKK conflict from 1984 to 1990, the Government forcibly displaced a large number of residents from villages in the southeast. Many others left the region on their own. The Government reported that 378,000 residents "migrated" from the southeast during the conflict, with many others departing before the fighting. Various NGOs estimated that there were from 1 to 3 million IDPs. Although the Government lifted the state of emergency in the southeast in 2002, it maintained a heavy security presence in the region, including numerous roadway checkpoints. The Government estimated there were 4,500 to 5,000 armed PKK/KADEK/KHK militants across the border in northern Iraq, and another 1,000 in the southeast of the country.

In July, Parliament adopted a "Reintegration Law" offering reduced prison sentences to combatants belonging to the PKK/KADEK/KHK and other terrorist organizations as identified by the Government who agreed to lay down their weapons and provide information to authorities. The law offered full amnesty to those guilty of providing non-lethal support to terrorist organizations. At year's end, most of those who had applied for benefits under the law were already serving prison sentences; the Government reported that, as of December 19, 2,486 prisoners had applied for benefits under the law and 586 active militants had turned themselves in.

Citing security concerns, southeastern provincial authorities continued to deny some villagers access to their fields and high pastures for grazing, but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government claimed that 94,000 persons returned to the region from June 2000 to October. More than 400 villages and hamlets have reportedly been reopened with government assistance. These figures could not be independently verified.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow some displaced villagers to return unless they signed a document stating that they had left their homes due to PKK terrorism, rather than due to Government actions, and that they would not seek Government assistance in returning. Village guards have occupied homes abandoned by IDPs, and have attacked or intimidated IDPs attempting to return to their homes with official permission.

Foreign governments and national and international human rights organizations continued to criticize the Government's return efforts as secretive and inadequate. Francis M. Deng, the U.N. Special Representative for IDPs, visited the region in June 2002 and acknowledged a more open approach to returns on the part of the Government. Deng called on the Government to formulate a clear and transparent returns policy, establish focal points in the Government on IDPs, improve coordination within the Government and between the Government and the international community, and convene an international forum to develop return programs and strategies. In December, government officials discussed the IDP issue with representatives of U.N. agencies and the EU.

In October, an Adana court acquitted 14 members of the Migration and Humanitarian Aid Foundation (GIYAV)—a Mersin-based group whose declared purpose was to provide assistance

to displaced persons—on charges of aiding and abetting an illegal organization. The court transferred the cases of seven co-defendants to a Mersin court. Prosecutors continued to seek to disband GIYAV on separate charges that the organization established relationships with foreign associations without seeking the required approval of the interior and foreign ministries. That case was not concluded at year's end.

An administrative regulation provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, upon ratifying the Convention in 1962, the Government exercised the option of accepting its obligations only with respect to refugees from Europe. In practice, the Government granted refugee status and asylum to some persons. According to the Government, Europeans recognized as refugees could remain in the country and eventually acquire citizenship; however, it was not clear how often this happened in practice. The number of Bosnian and Kosovar refugees declined to between 800 and 900, mostly due to voluntary repatriation. Approximately 260 Chechens who arrived in 2001 remained, mostly in Istanbul.

The Government offered non-European refugees temporary protection while they were waiting to be resettled in another country. The U.N. High Commissioner for Refugees (UNHCR) conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees. According to UNHCR, through November there were 1,962 cases of (non-European) asylum seekers involving 3,512 persons. The vast majority of these applicants (89 percent) were Iranian and Iraqi nationals. During the same period, UNHCR recognized refugee status in 1,079 cases representing 2,169 persons.

Regulations require asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as asylum seekers. An appeal could be lodged within 15 days of a decision by the authorities not to receive the asylum claim. After the appeal procedure, rejected applicants were issued a deportation order that could be implemented after 15 days. UNHCR intervened with the Government if it disagreed with a decision not to accept an individual asylum claim. The 10-day time limit presented an obstacle to many asylum seekers attempting to legalize their status in the country. Approximately 15 percent of the asylum seekers who approached the UNHCR through November were unable to register with the Government on procedural grounds.

According to the UNHCR, through November, 48 refugees and asylum seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process, or after being granted refugee status. Of these, 34 were able to re-enter Turkey shortly afterward. In addition, there were credible reports of further incidents in which the Government informally returned groups of refugees and asylum seekers to neighboring countries.

Detained illegal immigrants found near border areas were more likely to be questioned about their asylum status and referred for processing than those found in the interior of the country. UNHCR and Government authorities continued to work to resolve this problem and to find ways to allow greater access of all asylum seekers to processing. The country remained a transit and departure point for illegal migrants and asylum seekers of various nationalities who traveled in small groups utilizing land routes, small boats, and ships on the way to other European countries.

Since 1998, the UNHCR and the Government have cooperated in training border guards and other government officials responsible for asylum seekers and refugees. The training has led to increased contacts between the UNHCR and police, Jandarma, military, coast guard, civil society, and judicial authorities. The UNHCR also reported that incidents of refoulement have declined as a result of this training and credited the Government for its willingness to improve the functioning of the national asylum procedure.

The UNHCR worked with international and local partners, including the International Catholic Migration Commission, the Turkish Red Crescent Society, the Human Resources Development Foundation and the Hacettepe University School of Social Work to meet the basic needs of refugees during their stay in the country.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage; however, the Government restricted the activities of some political parties and leaders. The country has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. The November 2002 elections featured 18 parties, 2 of which garnered enough votes to pass the 10 percent national vote threshold to enter Parliament. Parliament elects the president as head of state for a single term every 7 years or when the incumbent becomes incapacitated or dies.

In accordance with the Constitution, the NSC—a powerful advisory body to the Government composed of civilian government leaders and senior military officers and chaired by the president—played a significant role in shaping government policy. Under the Constitution, the NSC has nine civilian members and five military members. In July, Parliament reformed the NSC by allowing for a civilian to serve as NSC Secretary General, reducing by half the number of regular NSC meetings, and eliminating the NSC's authority to require other government agencies to submit documents to the NSC. In January, Parliament adopted an amendment revoking the authority of the NSC to name a representative to the Cinema, Video, and Musical Works Council. However, the NSC continued to name representatives to other civilian boards, such as the High Board of Radio and Television and the Higher Education General Board. Public debate on the role of the NSC intensified in August when the daily newspaper *Radikal* published portions of a longstanding secret regulation authorizing the NSC to conduct psychological operations in the country. Parliament reportedly revoked this authorization in July. In December, Parliament adopted legislation under which the regulation governing the NSC was no longer secret. There were press reports alleging that newly created provincial public relations offices were designed to carry out psychological operations in place of the NSC; Interior Minister Aksu rejected these claims.

The Government neither coerced nor prohibited membership in any political organization; however, the Court of Appeals Chief Prosecutor could bring cases seeking the closure of political parties before the Constitutional Court, which could close them for unconstitutional activities. In January, Parliament adopted legislation requiring a three-fifths majority of the 11-member Constitutional Court, rather than a simple majority, to close a party. The legislation also stipulates that parties could be closed only for reasons stated in the Constitution; previously, closures could also be based on the more broadly worded reasons cited in the Political Parties Law. The law allows the Constitutional Court to deprive a party of state funds as an alternative to ordering closure.

In March, the Constitutional Court announced its decision to close HADEP on charges of supporting the PKK/KADEK and committing separatist acts (see Section 2.b.). The Court also prohibited 46 HADEP leaders from participating in political activity for 5 years. On the same day, the Supreme Court of Appeals Chief Prosecutor filed a case seeking the closure of the Democratic People's Party (DEHAP), a HADEP sister party, on similar charges. The Government also closed two of HADEP's predecessor parties in previous years. The case against DEHAP continued at year's end.

In September, the Supreme Court of Appeals upheld the conviction of five DEHAP leaders on charges of providing false documents while registering for the 2002 national elections. The court sentenced the defendants to 2-year prison terms.

In October 2002, the Supreme Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party (see Section 2.c.).

In October, a Bursa court began hearings in a case against Genc Party leader Cem Uzan, charged with "insulting" Prime Minister Erdogan in a June speech in which he referred to Erdogan as "Godless" (see Section 2.a.).

Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak—former members of Parliament from the pro-Kurdish independence Democracy Party—were granted a retrial in February under legal reforms allowing for a retrial for convicts who win their appeals to the ECHR. They remained in prison during the trial, which continued at year's end. Attorneys for the defendants and the Geneva-based International Commission of Jurists accused the court trying the case of prosecution bias. In addition, the Council of Europe in October informed the Government of its

concern that the conduct of the trial was not consistent with the fair trial provisions of the European Convention on Human Rights.

During the year, police raided dozens of DEHAP offices, particularly in the southeast, and detained hundreds of DEHAP officials and members. DEHAP members were regularly harassed by Jandarma and security officials, including verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DEHAP. Although most detainees were released within a short period, many faced trials, usually for "supporting an illegal organization," "inciting separatism," or for violations of the Law on Meetings and Demonstrations. In March, police in Tarsus arrested local DEHAP chairman Alaattin Bilgic on charges relating to a speech he had made. He was charged with a crime, and the case against him continued at year's end. In August, police raided DEHAP offices in Bingol on allegations of "keeping illegal publications." Following the raid, prosecutors opened charges against five DEHAP members; a court convicted and fined them in December. According to DEHAP, between September and November, police detained more than 1,000 participants in a DEHAP campaign calling for an amnesty for PKK/KADEK members. Authorities released most of the detainees, but opened charges against more than 100.

Parties are required to have 10 percent of the nationwide vote to enter Parliament. During the year, politicians from several parties debated whether to lower the threshold. At year's end, the ECHR had not ruled on a September 2002 complaint filed by HADEP that the 10 percent threshold prevented 34 of its candidates from entering Parliament in 1999, despite having won elections in their districts.

There were 24 women in the 550-seat Parliament. There was 1 female minister in the 24-member Cabinet, and there were no female governors. Approximately 20 women were subgovernors. The Constitution calls for equal political rights for men and women, and many women were active politically.

There were no legal restrictions on political activities by minorities. Some minority groups were active in political affairs. Many members of Parliament and senior government officials were Kurds.

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. The Government met with domestic NGOs (which it defined broadly to include labor unions), responded to their inquiries, and sometimes took action in response to their recommendations. The Act on Associations governing the activities of most NGOs (some fall under the Law of Foundations, and others incorporate themselves as businesses) contains restrictive provisions regarding membership, fundraising, and scope of activities.

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 were represented on some provincial and subprovincial human rights councils.

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. HRA reported that prosecutors opened approximately 60 cases against the organization during the year. HRA also continued to face charges in numerous cases opened in previous years. In September, HRA reopened its Malatya branch, which the Government closed in 2000.

In May, police raided the national headquarters and Ankara branch offices of the HRA, seizing records and computers as part of an investigation for alleged support for terrorism. The investigation continued at year's end.

In July, Mus police arrested Sevim Yetkiner, chairman of the HRA Mus office, and charged her with "aiding and abetting an illegal organization" for allegedly shouting pro-PKK slogans at the funeral of a PKK member who died in prison. Her trial continued at year's end. Also in July, HRA reported that people identifying themselves as Jandarma made threatening phone calls to Ridvan Kizgin, chairman of the HRA Bingol office. The callers allegedly criticized Kizgin's statements on human rights issues and told him to come to the Jandarma base, which he refused to do.

At year's end, the trial of HRA Chairman Husnu Ondul and 46 others continued on charges connected with a January 2001 raid of HRA headquarters. The defendants were charged with possessing 33 publications prohibited by confiscation orders and faced sentences of 3 to 6 months if convicted.

In March, an Ankara court acquitted former HRA Chairman Akin Birdal, who was tried for allegedly stating in 2000 that the Government "should apologize for the Armenian genocide," a statement he denied making.

Police in June raided a Turkish Medical Association training seminar (see Section 1.c.).

In March 2002, the Government gave permission to Amnesty International (AI) to form a legal association; AI's previous application was rejected in 2001. AI operated a headquarters in Istanbul and held meetings in Ankara, Izmir, and Diyarbakir. AI postponed plans to open branch offices due to lack of funds. The organization reported good relations with the Government during the year.

Representatives of diplomatic missions who wished to monitor human rights were free to speak with private citizens, groups, and government officials; however, security police routinely placed such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights monitors. There were no public reports that officials representing foreign governments were denied permission for such visits. However, police reportedly harassed and intimidated some human rights activists in the southeast after the activists met with foreign diplomats.

The parliamentary Human Rights Committee, which had a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports, carried out inspections of detention centers.

The Government has established Human Rights Councils in all 81 provinces and 849 sub-provinces. The councils were designed to create a forum for human rights consultations among NGOs, professional organizations, and the Government. They investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. They also produced monthly reports and organized conferences, training programs, and public information campaigns. In November, the Government adopted a new regulation changing the membership criteria of the councils. Under the new regulation, police and Jandarma representatives were eliminated from the councils and the number of lawyers, doctors, journalists, NGO members, and other nongovernmental members was increased. Human rights observers had criticized the previous regulation, under which the majority of council members were public officials. However, some human rights activists argued that, even under the new regulation, the councils were not independent because they remained under the chairmanship of un-elected governors and sub-governors. The new regulation also established application desks in all provinces and subprovinces for submitting complaints and outlined in detail the duties of the councils.

A Human Rights Presidency monitored the implementation of legislation relating to human rights, coordinated with NGOs, and educated public officials. The Presidency was attached to the Prime Ministry; it did not have a separate budget, and its resources were limited. During the year, the Presidency developed a standard form for human rights-related complaints as a part of an effort to collect and distribute detailed data on human rights issues.

Parliament has established numerous bodies to monitor the human rights situation, including: The High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; a Human Rights Consultation Board, designed to serve as a permanent forum for the exchange of ideas between the Government and NGOs; and a Human Rights Investigative Board, a special body to be convened only in cases where lower-

level investigations are deemed insufficient by the Human Rights Presidency. The Human Rights Investigative Board has never been convened.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that the country is a secular state, regards all citizens as equal, and prohibits discrimination on ethnic or racial grounds; however, societal and official violence and discrimination against women and minorities remained problems.

Women

Violence against women remained a problem, and spousal abuse was serious and widespread. The law prohibits spousal abuse; however, complaints of beatings, threats, economic pressure, and sexual violence continued. Citizens of either sex could file civil or criminal charges for abuse but rarely did so. The Law for Protection of Family provides that victims of spousal violence may apply directly to a judge for assistance. The law authorizes judges to warn abusive spouses and order them to stay away from the household for 6 months. Judges may order further punishments for those who violate such orders. According to women's rights advocates, authorities enforced the law effectively, although outside of major urban areas, few spouses sought assistance under the law.

According to the Family Research Institute in the Prime Minister's office, beating in the home was one of the most frequent forms of violence against women. In March, Istanbul Bilgi University announced the results of a study involving a sample group of 6,440 married or divorced women in 25 provinces. According to the study, 31.5 percent of the women were beaten by their husbands; 21.5 percent were beaten by their fathers before being married; and 41 percent entered into arranged marriages. Approximately 35 percent of the group said they would file a complaint if their husbands beat them, up from 29 percent in a similar 1997 survey.

Spousal abuse was considered an extremely private matter involving societal notions of family honor, and few women went to the police. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law allows women to apply for restraining orders against their husbands and therefore to avoid having to leave their own homes. Observers and government officials noted that this provision has been very successful in some of the cities and rural areas of the country, but less so in the more traditional southeast. The law is limited to spouses and does not address some other sources of violence, such as in-laws.

The law prohibits rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported.

According to women's rights advocates, there were nine government-operated guest houses and two NGO-operated shelters that provided services to battered women; in addition, the Child Protection and Social Services Agency provided legal services to victims of domestic violence through 53 community centers.

"Honor killings"—the killing by immediate family members of women suspected of being unchaste—continued in rural areas and among new immigrants to cities; according to media reports, there could be dozens of such killings every year. They were most common in conservative, Kurdish families in the southeast or among migrants from the southeast living in large cities. In July, Parliament revoked a law under which perpetrators of honor killings received reduced sentences. However, Parliament left intact another law allowing for reduced sentences for crimes committed "in the heat of anger" or under "unjust provocation." Women's rights advocates said perpetrators of honor killings continued to benefit from sentence reductions under this law. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

According to the women's advocacy group Flying Broom, honor killings and other problems confronting women were more intensely debated in the media and in society than in previous years. TRT television broadcast a 3-month series of daily programs on women's issues during the year.

In June, Semse Allak died from injuries suffered when she was stoned by relatives in Mardin Province for becoming pregnant by Halil Acil, who was killed in the same attack. Allak's unborn child also died. Two relatives were charged for the killings. The case continued at year's end. In November, a 15-year-old girl in Diyarbakir died after being attacked by her 16-year-old brother for becoming pregnant out of wedlock. The brother was detained, and the case continued at year's end.

Human rights organizations continued to report a high rate of suicides among young girls, particularly in the southeast and east. Observers said forced marriages and economic problems contributed to the suicides. A 2001 study in Batman Province concluded that an early marriage could be a catalyst to suicide for young girls with physical and psychological problems.

Unlike in previous years, HRF recorded no reports of forced "virginity testing."

Prostitution was legal; however, police made numerous arrests involving foreigners working illegally as prostitutes. Trafficking in women was a problem (see Section 6.f.).

The Association of Turkish Female Lawyers and other women's rights advocates criticized some articles of the Penal Code as discriminatory to women. Discriminatory Penal Code articles provide that: Rape is considered a crime against society, rather than a crime against the individual; rape between spouses is not legally considered rape; rapists and kidnappers may avoid punishment if they marry their victims; and punishment for rape is greater if the victim is married, lesser if the victim is single, and even less if the victim is single and not a virgin. Ambassador Hansjorg Kretschmer, Head of the European Commission Representation to the country, said in a December speech that the Penal Code "fails to offer the basic necessary amendments needed to recognize and protect women's human rights."

Parliament has not revised its internal code to conform with its January 2002 overturning of a regulation that prohibited female civil servants from wearing pants in the workplace.

The Directorate General on the Status and Problems of Women, under the authority of the State Minister for Women's and Children's Affairs, was responsible for promoting equal rights and raising awareness of discrimination against women. The Government has not adopted organizing legislation for the Directorate General, which was set up in 1990; as a result, it has not been able to expand beyond its limited staff of 42.

Particularly in urban areas, women were well represented in the professions, business, and the civil service and constituted more than one-third of university students. However, they continued to face discrimination in employment to varying degrees. Women were generally underrepresented in managerial-level positions as well as in government (see Section 3). Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women (as well as men) employed in agriculture and in the trade, restaurant, and hotel sectors worked as unpaid family labor.

According to a UNICEF report released during the year, the literacy rate for women in 2000 was 77 percent, compared with 94 percent for men. However, in rural areas the rate could be as low as 50 percent for women. One reason for the higher rate for men was that men must serve in the army; if they did not know how to read, they were taught upon entry. In addition, families in rural areas often attached greater importance to the education of boys than girls.

Independent women's groups and women's rights associations existed but have not significantly increased their numbers or activities, mostly due to funding problems. There were many women's committees affiliated with local bar associations. Other organizations included the Association for Supporting and Training Women Candidates (Ka-Der), Flying Broom, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. Women continued to be very active in ongoing debates between secularists and more religiously oriented women, particularly with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities (see Section 2.c.).

Children

The Government was committed to furthering children's welfare and worked to expand

opportunities in education and health, including a further reduction in the infant mortality rate. The Minister for Women's and Family Issues oversaw implementation of the Government's programs for children. The Children's Rights Monitoring and Assessment High Council focused on children's rights issues.

Government-provided education through the age of 14 or the eighth grade was compulsory. Traditional family values in rural areas placed a greater emphasis on advanced education for sons than for daughters; the 8-year compulsory education requirement (implemented in 1998) has increased enrollment among girls. According to the Ministry of Education, 92 percent of girls and 100 percent of boys in the country attended primary school. However, in rural areas, the literacy rate for girls remained low, and many did not complete primary school. The literacy rate for boys, most of whom completed primary school, was higher. Some children in rural areas continued on to high school, for which they generally had to travel or live away from home.

The Government aimed to provide social security and health insurance for all its citizens, but gaps remained, leaving approximately 20 percent of families and their children without coverage. Persons not covered by insurance may use a special program to access public health care. Immunization rates in some eastern and southeastern provinces lagged behind the rest of the country. Infant mortality has declined rapidly. According to UNICEF, the infant mortality rate dropped to 36 per 1,000 in 2001.

There were reports of abuse of children. Children have suffered greatly from the cycle of violence in the southeast. In the past, the migration—forced or voluntary—of many families, past terrorism against teachers, and school closings uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling.

Women's organizations criticized an article of the Penal Code whereby a mother who killed an illegitimate child to "protect family honor" received a reduced sentence.

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

Persons with Disabilities

There was no direct, specific discrimination against persons with disabilities, although they did suffer from a lack of economic opportunity. The law does not mandate access to buildings and public transportation for persons with disabilities. Persons with disabilities have some special privileges, such as the right to purchase products of the State Economic Enterprises at a discounted rate or acquire them at no cost.

According to a 2000 UNICEF report, welfare institutions provided "limited financial, employment and educational support to the handicapped." Although there were many state-run institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Administration of Disabilities office under the Prime Ministry has a mandate to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services. During the year, Lokman Ayva, a blind member of Parliament, formed a parliamentary group to advocate for the rights of the disabled. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although the requirement was not consistently enforced.

National/Racial/Ethnic Minorities

The Constitution provides a single nationality designation for all Turks and thus 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 public censure, harassment, or prosecution. However, Kurds who were long-term residents in industrialized cities in the west were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) brought with them their

culture and village identity, but often little education and few skills.

No official estimate of the Romani population existed, but it may be significant in regions near Bulgaria and Greece, and Roma were found in many cities throughout Anatolia. Human rights observers said many Roma did not disclose their ethnic identity for fear of discrimination. The European Roma Rights Center claimed that, at the end of February, police in Edirne beat and tortured with electric shocks a 14-year old Romani boy suspected of stealing a wallet. The Center reported abusive police actions, including police raids on Romani homes and coffee shops without a search warrant in Bursa. The Government revised the definition of "gypsy" in official dictionaries; the old definition had included terms such as "shameless" and "thief." However, the law states that "nomadic Gypsies" are among the four categories of people not admissible as immigrants.

During the year, the Turkish Sciences Academy and the History Foundation published the results of a survey of primary and secondary school textbooks focusing on human rights-related content. According to the survey, textbooks frequently contained discriminatory language. For example, one textbook stated, "Gypsies, with children in particular, do beg," while another claimed that during a certain historical period Armenians in Turkey "were neither innocent nor loyal to the State." A textbook compared the Turkish and Greek languages by stating that, "Turkish does not have the repeated 's' letter like the hissing of a snake sound in the Greek language."

There were numerous reports of citizens of Kurdish origin being prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. In August, authorities in Mersin reportedly refused to allow Ali Aksan to register his children with the names "Mihriyan," "Zozan," and "Berivan." In September, authorities in Istanbul reportedly prevented Sevgi Gaspar from naming his son "Deral."

In July, Parliament amended an article of the Census Law that had been used to prevent the use of Kurdish names. The amendment removed language that had prohibited the use of names contrary to the "national culture" or "customs and traditions," instead prohibiting names contrary to "moral norms" or names that "offend the public." The revised wording was intended to ease the restrictions; however, human rights advocates claimed local authorities failed to adjust their practices. In September, the Interior Ministry issued a circular notifying local officials of the new regulations. However, the circular prohibited the use of letters used in Kurdish but not found in Turkish. In December, the Diyarbakir Province Jandarma commander asked the Diyarbakir chief prosecutor's office to provide a list of persons who had applied to change their names under the amended law. The prosecutor's office reportedly complied. The Diyarbakir Bar Association protested the request. There were numerous restrictions on free expression in Kurdish and pro-Kurdish political parties (see Sections 2.a. and 3).

In May, a Diyarbakir SSC acquitted a juvenile on charges of "inciting hatred and enmity." The juvenile was accused of altering the traditional pledge of allegiance in school and reciting, "Happy is he who calls himself a Kurd."

Implementing regulations for 2002 reform laws allowing broadcasts and private courses in Kurdish and other non-Turkish languages "used by Turkish citizens in their daily lives" created some bureaucratic obstacles (see Section 2.a.). In July, Parliament adopted reforms designed to remove these obstacles. However, no non-Turkish broadcasts or courses were established under these reforms by year's end. Local authorities in Sanliurfa, Batman, and Van provinces withheld permission to open Kurdish language courses on a number of technical issues, including a requirement that the applicants change the names of the institutions.

The Ministry of Education tightly controlled the curriculum in schools. The small numbers of Greek-language students had little opportunity to continue their education in the country, and consequently many went to Greece, often never to return.

In April, the Education Ministry issued a circular urging all schools to have their fifth- and seventh-graders prepare a one-page essay arguing that allegations that the Ottomans committed genocide against Armenians are "baseless." The country's Armenian schools were included in the distribution. Leaders of the ethnic Armenian community criticized the measure, saying it put psychological pressure on Armenian students. The Ministry also asked schools to organize conferences on the issue, and police arrested seven teachers for comments made at

one such conference (see Section 2.a.).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers, including civil servants with the exception of police and military personnel, the right to associate freely and form representative unions, and they did so in practice. However, there were some limits to the right of association. The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from a labor union. Unions were independent of the Government and political parties. Unions were required to obtain official permission to hold meetings or rallies and had to allow government representatives to attend their conventions and record the proceedings, although these requirements were not always enforced. Prosecutors could ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms; however, the Government could not dissolve a union summarily.

About 16 percent of wage and salary earners were unionized. The labor force numbered approximately 24 million, with approximately 35 percent employed in agriculture. There were three confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is), the Confederation of Unions of Workers' Rights (Hak-Is), and the Confederation of Progressive Trade Unions (DISK). There also were 4 public employees union confederations—the Confederation of Public Sector Trade Unions (KESK); Tukiye Kamu-Sen; Memur-Sen; and the Confederation of Independent Public Workers Unions (BASK)—and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests. The Constitution prohibits unions and confederations from activity against the basic democratic principles of the country. Unions may not receive financial assistance from public authorities or political parties; unions also may not use the name or emblem of a political party, or be involved in commercial activity.

The law prohibits anti-union discrimination and the Constitution prohibits pressuring a worker into becoming or refusing to become a union member; however, such discrimination occurred occasionally in practice.

The International Labor Organization (ILO) has urged the Government to take measures to ensure that workers have effective protection against anti-union discrimination. The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must provide compensation. These laws generally were applied in practice. However, private sector employers continued to try to eliminate unions.

With government approval, unions could form confederations and join international labor bodies, as long as the organizations were not hostile to the country or to freedom of religion or belief. Turk-Is, Hak-Is, DISK, and KESK were affiliated with the International Confederation of Free Trade Unions (ICFTU).

In May, Parliament passed a comprehensive labor law that includes job security elements. The law requires employers with 30 or more workers to give a valid reason for terminating a contract and set standards for notices of termination. The law also prohibits discrimination based on language, race, gender, or political and religious belief. Some labor union representatives criticized the new law, saying it is less extensive in some respects than the law it replaced.

b. The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers were organized. Civil servants may also bargain collectively. Out of 9 million workers with labor contracts, approximately 1.3 million were in collective contracts.

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 had the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represented approximately 80 percent of organized labor. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity were not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the rights to organize and collective bargaining. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the rule.

The constitutional right to strike was restricted. For example, the Civil Servants Act and the Penal Code do not permit strikes by civil servants; public workers engaged in the protection of life and property; and those in the mining and petroleum industries, sanitation services, national defense, and education. However, workers continued to violate these restrictions with general impunity. According to the Turkish Confederation of Employers Unions (TISK), there were 23 strikes during the year involving 1,535 workers. The majority of strikes during the year were illegal; while some illegal strikers were dismissed, in most cases employers did not retaliate.

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout; non-binding mediation was the last of those steps. A party that failed to comply with these steps forfeited its rights. Unions were prohibited from engaging in secondary (solidarity), political, or general strikes or in slowdowns. Employers could respond to a strike with a lockout, but were prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. The law governing collective bargaining, strikes, and lockouts prohibits employers from terminating workers who encouraged or participated in a legal strike. In sectors in which strikes were prohibited, disputes were resolved through binding arbitration. TISK reported that there were two lockouts during the year involving 888 workers, the first lockouts since 2000.

The law allows the Government to suspend strikes for 60 days for reasons of national security or public health and safety. Unions could petition the Council of State to lift such a suspension. If this appeal failed, and the parties and mediators failed to resolve the dispute, the strike was subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on the Application of Standards regarded the Government's application of the law as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserted that the law does not contradict the Committees' principles.

There are 21 free trade and export processing zones. Union organizing and collective bargaining were permitted in the zones. Workers inside the zones were paid in foreign currency, giving them some protection against inflation.

c. Prohibition of Forced or Bonded Labor

The Constitution and law prohibit forced or bonded labor, including by children, though there were exceptions in cases of national emergency; however, there were reports that such practices occurred (see Section 6.f.). Some parents forced their children to work on the streets and to beg (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and law prohibit the full-time employment of children younger than 15, with the exception of those 13 or 14 years of age who could engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that "no one shall be required to perform work unsuited to his/her age, sex, and capacity." With this article and related laws, the Government undertook to protect children from work unsuited to their age and capacity, such as underground mining, or from working at night. According to the labor law, children who attended school could work no more than 7.5 hours a day, inclusive of school time. The Ministry of Labor effectively enforced these laws in workplaces that fell under the scope of the labor law, which included medium and large-scale industrial and service sector enterprises. Children working in agricultural workplaces with fewer than 50 employees, household-based establishments, establishments with 3 or fewer workers, and those working as domestic servants were subject

to the Code of Obligations, which failed to provide a minimum age of employment. However, according to the Public Health Act, children under 16 could not work more than 8 hours a day.

Child labor was widespread, but appeared to be decreasing. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 1.5 million in 2001 to 948,000 in 2003.

Child labor was used most often in small-sized enterprises. According to a 2001 study on child labor conducted by Hacettepe University, 79.4 percent of children who were employed lived in rural areas, and 92.6 percent of those children were engaged in the agricultural sector.

In practice, many children worked because families needed the supplementary income. 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. The bulk of child labor occurred in rural areas and often was associated with traditional family economic activity, such as farming or animal husbandry. It was common for entire families to work together to bring in the harvest.

The Government has sought the gradual elimination of child labor and has worked with the ILO to document its extent and determine solutions. The Ministry of Labor had trained 108 of 700 field inspectors on child labor issues. Many children worked in areas not covered by labor laws, such as agriculture or the informal economy, and were therefore beyond the reach of the inspectorate.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently were preferred for future employment in the same workplace. If children employed in these businesses were registered with a Ministry of National Education Training Center, they went to the center once a week for training, and the centers were obliged by law to inspect their workplaces. There were 346 centers located in 81 cities; these centers provided apprenticeship training in 113 occupations. Only 22.8 percent of working children took advantage of these schools.

In accordance with ILO Convention 182 on the worst forms of child labor, 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 (see Section 6.f.). In cooperation with the ILO, the Government was preparing three surveys as part of a plan for eliminating child labor.

There were no reliable statistics for the number of children working on the streets nationwide. The Government operated 28 centers providing assistance to children working on the streets.

e. Acceptable Conditions of Work

A tripartite government-industry-union body called the Minimum Wage Commission reviewed the minimum wage every 6 months. In December, the Commission set the monthly net minimum wage rate at \$216 (303 million lira). The minimum wage did not provide a decent standard of living for a worker and family. However, most workers earned considerably more than the minimum wage. Turk-Is has unsuccessfully called on the Ministry of Labor to exercise its authority to waive income tax and social security deductions for minimum wage earners. Workers covered by the labor law, who constituted approximately one-third of the total labor force, also received a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 62.7 percent of total compensation.

The law establishes a 45-hour workweek, prescribes a weekly rest day, and limits the number of overtime hours to 3 per day, for up to 90 days in a year. 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.

The law mandates occupational health and safety regulations, but in practice the Government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which included safety inspectors,

employee, and employer representatives, determined that the operation endangered workers' lives. In practice, financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in scant attention to occupational safety and health by workers and employers alike. The law allows workers to remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and within the country for the purposes of sexual exploitation and labor. There were allegations that police allowed operation of informal brothels in Istanbul and could also be bribed by traffickers at ports of entry. There was at least one case of police being arrested on suspicion of involvement in trafficking.

The law designates human trafficking as a crime. Those convicted of human trafficking faced 5 to 10 years imprisonment, but the Government tended to treat trafficking in persons as a voluntary prostitution and illegal migrant issue. During the year, prosecutors opened 14 cases against alleged traffickers, charging a total of 46 suspects. Courts ruled for acquittal in three cases; the remaining cases were ongoing at year's end.

In August, Trabzon police conducted a sweep of hotels, cafeterias, and tea houses and detained 310 foreign women, including women from Russia, Ukraine, and Georgia. Police also detained 190 men, including hotel and cafeteria managers. Authorities deported 69 of the women who said they were voluntarily working as prostitutes, and investigated claims that others were trafficking victims. Police also opened investigations of 17 alleged traffickers in the case. The cases continued at year's end. According to press reports, authorities fired the Trabzon police chief in September following complaints that the raid hurt the tourism industry.

The Government had an Anti-Trafficking Task Force composed of officials from the ministries of Foreign Affairs, Health, Interior, Justice, and Labor, plus the Directorate General for Social Services and Child Protection, the Directorate General on the Status and Problems of Women, and scholars from Marmara University. In April, the Government adopted a National Action Plan developed by the Task force. The International Organization for Migration (IOM), ILO, and UNHCR worked with the Government to address the problem of trafficking.

The Directorate General on the Status and Problems of Women organized a seminar on trafficking in Ankara in December attended by law enforcement officials, NGO representatives, and journalists. The Justice Ministry and the Human Rights Presidency of the Prime Ministry held a number of seminars on human trafficking during the year for judges, prosecutors, journalists, government officials, and NGO representatives. IOM provided trafficking training for the Jandarma.

The country was a transit point and a destination country for victims of trafficking; reportedly there was almost no trafficking of women and girls out of the country. There were no government statistics on the number of trafficking victims. Women were trafficked to the country mostly from Romania, Georgia, Russia, Ukraine, Moldova, and Azerbaijan. It was also a transit country for the trafficking of women primarily from Central Asia, the Middle East, Africa, and the former Yugoslavia to other countries in Europe. Most trafficking activity occurred in Istanbul, Izmir, and Trabzon. Many women came to the country believing that they would be working as models, waitresses, or dancers and found themselves forced into prostitution. Women who attempted to escape their traffickers have been beaten, raped, or killed. There were reports that criminal syndicates forced women to sign work contracts that amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly were the primary trafficking organizations, although some reports by NGOs suggested that traffickers recruited in Eastern Europe, particularly Moldova.

According to an IOM study released in November, the Government has taken "remarkable steps" over the past 2 years to combat human trafficking, but lacked a consistent, comprehensive approach. The study noted that, until recently, the country had been a country of emigration, with liberal border control policies geared toward attracting tourists and enhancing foreign currency reserves. The study noted that the collapse of the Soviet Union, among other factors, increased the number of irregular migrants to the country. The Government had been unprepared for this change, and was now adjusting its policies. While doing so, it was focused

primarily on the need to control illegal border crossings, treating human trafficking as a secondary concern, the study concluded.

Authorities generally detained and deported persons trafficked into the country without proper screening to determine whether they were victims of trafficking. Under the law, if a prostitute or a trafficker is a foreigner, the person is immediately deported. The law authorizes the Ministry of Interior, governors, and subgovernors to deport foreigners after 15 days notice. If the same person is reported again for the same offense, no further notices are made and the person may be deported immediately if detained again. Women were often re trafficked back to the country after being deported.

There were credible reports that police corruption contributed to the trafficking problem. In July, Erzurum police arrested 11 persons on trafficking charges, including 3 police officers. In addition, prosecutors opened a related case against 13 police officers for alleged involvement in the crime. The case continued at year's end.

The Government did not have a system for victim identification and protection; however, according to the Ministry of Interior, seven foreign citizens exposed to trafficking were issued a humanitarian visa (1 month temporary residence permit). Five additional persons were offered the humanitarian visa but declined and left the country. In principle, government shelters for Turkish victims of domestic violence can be used for trafficking victims, but this had not yet occurred in practice. Some local law enforcement officers reportedly found accommodation for victims at their personal expense. The Government did not have a repatriation program, although authorities repatriated some trafficking victims on a case-by-case basis.

In December, the Government enacted a decree providing free medical care to trafficking victims.

In September, the Government signed a protocol with the Human Resource Development Foundation (HRDF), an Istanbul-based NGO. Under the protocol, the Foundation and the Government agreed to collaborate on a number of anti-trafficking measures, including: Providing shelters for trafficking victims; establishing a center to provide medical and legal assistance to trafficking victims; and raising public awareness of trafficking. By year's end, the Government had not provided funding to carry out the protocol, and the HRDF was in the process of acquiring funding from private and public sources. The HRDF did fulfill a protocol commitment to establish a regional network with NGOs in neighboring countries to coordinate on trafficking issues.

In July, the Tourism Ministry distributed a guide to the tourism industry notifying companies that the Government is obligated by international agreement to take measures against foreigners visiting the country for sex tourism.

A November IOM study reported that only 13 percent of foreigners with residence permits in the country held work permits. During the year, the Interior Ministry developed a new set of guidelines for the issuance of work permits to foreigners in the entertainment sector. Under the guidelines, work contracts must be prepared in Turkish and Russian (contracts in Turkish and French will no longer be accepted) and specify that the employer will pay for the return ticket of the foreign worker, pay at least the minimum wage, and provide the worker the right to contact the police or Labor Ministry. In February, Parliament adopted a new law on work permits for foreigners. The new law places the Labor and Social Security Ministry in charge of work permits for foreigners and establishes clear procedures for applicants. Under the law, foreigners are allowed to work in domestic service for the first time.

The Government has not developed any anti-trafficking information campaigns aimed at the general public.

