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Freedom in the World 2012 - Turkey

Overview

The ruling Justice and Development Party (AKP) won a strong majority in June 2011 parliamentary elections, securing another term for Prime Minister Recep Tayyip Erdoğan. In July, Turkey's top military commanders resigned en masse following the arrest of dozens of officers suspected of conspiring to stage a coup, giving the civilian government an unprecedented opportunity to assert control over the historically dominant military.

Turkey emerged as a republic following the breakup of the Ottoman Empire at the end of World War I. Its founder and the author of its guiding principles was Mustafa Kemal, dubbed Atatürk (Father of the Turks), who declared that Turkey would be a secular republic. He sought to radically modernize the country through measures such as the pursuit of European-style education, use of the Latin alphabet instead of Perso-Arabic script for writing Turkish, and the abolition of the Muslim caliphate.

Following Atatürk's death in 1938, Turkey remained neutral for most of World War II, joining the Allies only in February 1945. In 1952, the republic joined NATO to secure protection from the Soviet Union. However, Turkey's domestic politics remained unstable, and the military – which saw itself as a bulwark against both Islamism and Kurdish separatism – forced out civilian governments on four occasions between 1960

and 1997. In the most recent of these incidents, the military forced the resignation of a government led by the Welfare Party, an Islamist group that had won parliamentary elections in 1995.

The governments that followed failed to stabilize the economy, leading to growing discontent among voters. As a result, the Justice and Development Party (AKP) won a sweeping majority in the 2002 elections. The previously unknown party had roots in the Welfare Party, but it sought to distance itself from Islamism. Abdullah Gül initially served as prime minister because the AKP's leader, Recep Tayyip Erdoğan, had been banned from politics while serving as Istanbul's mayor in 1998, due to a conviction for crimes against secularism; he had read a poem that seemed to incite religious intolerance. Once in power, the AKP majority amended the constitution, allowing Erdoğan to replace Gül in 2003.

Erdoğan oversaw a series of reforms linked to Turkey's bid to join the European Union (EU). Accession talks officially began in 2005, but difficulties soon arose. Cyprus, an EU member since 2004, objected to Turkey's support for the Turkish Republic of Northern Cyprus, which is not recognized internationally. EU public opinion and some EU leaders expressed opposition to Turkish membership for a variety of other reasons. This caused the reform process to stall, and Turkish popular support for membership declined. The AKP government gradually shifted its foreign policy attention to the Middle East and Central Asia, where it sought to take on a leadership role.

In 2007, President Ahmet Necdet Sezer, a staunch secularist and a perceived check on the AKP-dominated parliament, was due to complete his nonrenewable term in office. Despite objections from the military and the secularist Republican People's Party (CHP), the AKP nominated Gül to replace him. In a posting on its website, the military tacitly threatened to intervene if Gül's nomination were approved, and secularists mounted street demonstrations opposing his candidacy. An opposition boycott invalidated the parliament's presidential vote in April, and Erdoğan called early parliamentary elections for July.

The AKP won a landslide victory, increasing its share of the vote to nearly 47 percent, for 341 of 550 seats. The opposition CHP and the new Nationalist Action Party (MHP) also won seats, and a group of 20 candidates from the pro-Kurdish Democratic Society Party (DTP) gained seats for the first time by running as independents, since their party did not reach the legal threshold for formal representation. The MHP decided not to boycott the subsequent presidential vote, and Gül was elected president in August.

In 2008, tensions between the AKP and the secularist opposition erupted into an ongoing investigation centered on an alleged secretive nationalist group called Ergenekon. A

total of 194 people were charged in three indictments in 2008 and 2009, including military officers, academics, journalists, and union leaders. A trial against 86 suspects began in October 2008, and a second trial against an additional 56 suspects began in July 2009. Turkish authorities linked Ergenekon to a number of terrorist attacks and conspiracies dating back to the 1990s. The alleged goal of the attacks was to raise the specter of Islamist violence so as to provoke a political intervention by the military. However, critics argued that the AKP was using unsubstantiated charges to suppress its political opponents. More arrests followed in 2010, as military officers were accused of plotting a coup in 2003. In December, approximately 200 active and retired military officers went on trial in that case, known as Sledgehammer.

Meanwhile, in September 2010, the government called a referendum on a new package of constitutional amendments aimed at bringing the charter in line with EU standards and curtailing the exceptional power of the military and judiciary. The reforms expanded the size of the Constitutional Court and the Supreme Board of Judges and Prosecutors, giving the parliament a greater say in their composition, and made all closures of political parties subject to parliamentary approval. The latter change would potentially make it more difficult to disband both Islamist and Kurdish parties. However, the Peace and Democracy Party (BDP), which succeeded the DTP after it was disbanded by the Constitutional Court in late 2009, boycotted the referendum because it did not address the prohibitive 10 percent vote threshold that had thwarted the election of Kurdish parties to date. The proposed amendments ultimately passed with 58 percent of the vote.

Parliamentary elections were held in June 2011, and the AKP won easily with nearly 50 percent of the vote and 326 of 550 seats. The CHP placed second with 135 seats, followed by the MHP with 53 and independents backed by the BDP with 36. Erdoğan was confirmed for a new term as prime minister.

Fresh arrests of military officers in the Sledgehammer case in July prompted the resignation of Turkey's military chief of staff and the heads of the army, navy, and air force. The move was apparently designed to undermine the AKP's legitimacy, but in effect it gave the civilian authorities greater control, allowing Erdoğan's government to appoint new commanders of its choosing. Arrests in the Ergenekon case also continued during the year, and trials in both cases were ongoing at year's end. Neither investigation had yet produced any convictions.

In October, President Gül announced the formation of a multiparty Constitution Reconciliation Commission tasked with negotiating the framework for a new draft charter. The subsequent process was conducted behind closed doors and was marred by

tension between the BDP and AKP over ongoing detentions and trials of the pro-Kurdish party's members. Nonetheless, a working document was scheduled to be released in 2012, ostensibly giving time for civic groups and the public to provide input before any final approval.

Political Rights and Civil Liberties

Turkey is an electoral democracy. The 1982 constitution provides for a 550-seat unicameral parliament, the Grand National Assembly. Constitutional reforms approved in a 2007 referendum reduced members' terms from five to four years. The reforms also provided that the president would be elected by popular vote for a once-renewable, five-year term, replacing the existing system of election by the parliament for a single seven-year term. The new system will take effect in 2014, upon the expiration of the current president's term. The prime minister is head of government, while the president has powers including a legislative veto and the authority to appoint judges and prosecutors. The June 2011 elections were widely judged to have been free and fair, with an 83 percent voter turnout. They also featured the first legally permissible campaigns in Kurdish, the reduction of the minimum age for candidacy from 30 to 25, and upgraded ballot boxes.

A party must win at least 10 percent of the nationwide vote to secure representation in the parliament. Political parties are disbanded with relative frequency for having a program that is not in agreement with constitutional parameters, a condition that could be interpreted broadly and has generally been applied to Islamist and pro-Kurdish parties.

AKP-led reforms have increased civilian oversight of the military, but restrictions persist in areas such as civilian supervision of defense expenditures. A 2009 law restricting the use of military courts brought Turkey closer to EU norms, and 2010 constitutional amendments limited the jurisdiction of military courts to military personnel. These amendments also removed an article that had prevented the prosecution of the leaders of the 1980 military coup.

Turkey struggles with corruption in government and in daily life. The AKP government has adopted some anticorruption measures, but reports by international organizations continue to raise concerns, and graft allegations have been lodged against both AKP and CHP politicians. Prime Minister Recep Tayyip Erdoğan has been accused of involvement in a number of scandals involving political and economic cronyism and nepotism. Turkey was ranked 61 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

The right to free expression is guaranteed in the constitution, but legal impediments to press freedom remain. A 2006 antiterrorism law reintroduced jail sentences for journalists, and Article 301 of the penal code allows journalists and others to be imprisoned for discussing subjects such as the division of Cyprus and the 1915 mass killings of Armenians by Turks, which many consider to have been genocide. Defendants have been charged under the same article for crimes such as insulting the armed services and denigrating the Turkish nation; very few have been convicted, but the trials are time-consuming and expensive, encouraging self-censorship. In March 2011, two journalists were arrested for alleged connections to Ergenekon, though critics said they were being persecuted for their political reporting. One of the journalists, Ahmet Şık, had written a book alleging deep ties between Turkish security forces and the Islamic movement of Fethullah Gülen. The other, Nedim Şener, had written a book about police complicity in the 2007 murder of ethnic Armenian journalist Hrant Dink. Şık, Şener, and several other journalists were on trial in the case at year's end. Roughly 100 journalists were behind bars in Turkey at the end of 2011, with most in pretrial detention and charged under antiterrorism laws. About 40 were arrested in December during a series of raids targeting suspected members of the Union of Kurdish Communities (KCK), an alleged affiliate of the Kurdistan Workers' Party (PKK) militant group.

Nearly all media organizations are owned by giant holding companies with interests in other sectors and political parties, contributing to self-censorship. The internet is subject to the same censorship policies that apply to other media, and a 2007 law allows the state to block access to websites deemed to insult Atatürk or whose content includes criminal activities. An internet filtration system was introduced in November 2011, with optional settings designed to protect minors. The system was widely criticized for a lack of transparency and blockage of innocuous sites, such as those of underwear brands. Kurdish-language publications and television broadcasts are now permitted. However, Kurdish newspapers in particular often face closure or website blocking.

The constitution protects freedom of religion, but the state's official secularism has led to considerable restrictions on the Muslim majority and others. Observant men are dismissed from the military, and women are barred from wearing headscarves in public universities and government offices. However, in practice, universities and sometimes individual professors make their own decisions as to whether students can wear headscarves. Three non-Muslim groups – Jews, Orthodox Christians, and Armenian Christians – are officially recognized, and attitudes toward them are generally tolerant, although they are not integrated into the Turkish establishment. Other groups, including non-Sunni Muslims like the Alevis, lack legal status, and Christian minorities have sometimes faced hostility. In the 2011 elections, independent candidate Erol Dora

became both the first Christian and the first Assyrian deputy elected to the parliament since the 1960 coup.

Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics such as Kurdish rights, the Armenian massacres, and the legacy of Atatürk. Scholars linked to the Kurdish issue by academic interest, political solidarity, or humanitarian concern were subject to increased intimidation and in some cases detention during 2011. Most notable were the arrests of publisher Ragıp Zarakolu and political science professor Bürşa Ersanlı, who were detained in October along with 70 other BDP members for alleged associations with the KCK.

Freedoms of association and assembly are protected in the constitution. Prior restrictions on public demonstrations have been relaxed, but violent clashes with police still occur. While a 2004 law on associations has improved the freedom of civil society groups, legislation passed in 2005 allows the state to restrict groups that might oppose its interests. Members of local human rights groups have received death threats and sometimes face prosecution. Nevertheless, civil society is active on the Turkish political scene.

Laws to protect labor unions are in place, but union activity remains limited in practice. Under the 2010 constitutional amendments, workers are entitled to enroll in more than one trade union in a single sector, and state employees for the first time were granted the right to collective bargaining. Regulations for the recognition of legal strikes are onerous, and penalties for participating in illegal strikes are severe.

The constitution establishes an independent judiciary. In practice the government can influence judges through appointments, promotions, and financing, though much of the court system is still controlled by strict secularists who oppose the AKP government. A 2009 scandal revealed official wiretapping of judges, which reflected mutual distrust between the AKP executive branch and the judiciary. The court system in general is undermined by procedural delays, with some trials lasting so long as to become a financial burden for the defense.

The current government has enacted laws and introduced training to prevent torture, but reports of mistreatment remain common. In the first half of 2010, the Turkish Human Rights Presidency, which is part of the prime minister's office, received 3,461 complaints, mostly related to health and patient rights, the right to fair trial, and torture. Prison conditions can be harsh, with overcrowding and practices such as extended isolation in some facilities.

The state claims that all Turkish citizens are treated equally, but because recognized minorities are limited to the three defined by religion, other minorities, Kurds in particular, have faced legal restrictions on language, culture, and freedom of expression. The situation has improved with EU-related reforms. However, the AKP's 2009 initiative to improve Kurdish rights faltered in the face of political opposition and divisive events like the Constitutional Court's dissolution of the DTP. The government has since stepped up nationalist rhetoric and cracked down on alleged PKK collaborators. According to the BDP, by the end of 2011, roughly 4,000 people had been arrested in an anti-KCK campaign that began in 2009. About 1,000 BDP officials and members were detained in raids on party offices during 2011. The PKK, meanwhile, has continued to engage in violent attacks. In February 2011 the group ended a unilateral ceasefire it had declared ahead of the September 2010 referendum, and armed clashes during the year killed hundreds of soldiers, police, militants, and civilians.

Gay and transgender people in Turkey are subject to widespread discrimination, police harassment, and in some cases violence. Nongovernmental organizations focused on these communities often face the threat of closure by the authorities. Advocates for the disabled have noted the lack of implementation of a law designed to reduce discrimination. Amnesty International in 2009 criticized Turkey's asylum policy, which does not recognize non-Europeans as refugees.

Property rights are generally respected in Turkey, with the exception of the southeast, where tens of thousands of Kurds as well as thousands of Assyrians were driven from their homes during the 1990s. Increasing numbers have returned under a 2004 program, and some families have received financial compensation, but progress has been slow. Local paramilitary "village guards" have been criticized for obstructing the return of displaced families through intimidation and violence.

The amended constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 122 out of 135 countries surveyed in its 2011 Global Gender Gap Index. Only about a third of working-age women participate in the labor force. Women hold just 78 seats in the 550-seat parliament, though that represents an increase from 48 after the 2007 elections. Domestic abuse is reportedly common, and so-called honor crimes continue to occur. Suicide among women has been linked to familial pressure, as stricter laws have made honor killings less permissible. Penal code revisions in 2004 included increased penalties for crimes against women and the elimination of sentence reductions in cases of honor killing and rape. In 2009 the government introduced a policy whereby police officers responding to calls for help regarding domestic abuse would be held legally responsible should any subsequent abuse occur.

2012 Scores

Status: Partly Free

Freedom Rating: 3.0

Civil Liberties: 3

Political Rights: 3

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