

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	295
Land:	Tyrkiet
Kilde:	British Home Office
Titel:	Country of Origin Information Report
Udgivet:	9. august 2010
Optaget på baggrundsmaterialet:	10. september 2010



COUNTRY OF ORIGIN INFORMATION REPORT

TURKEY

9 AUGUST 2010

UK Border Agency

COUNTRY OF ORIGIN INFORMATION SERVICE

Contents

[Preface](#)

[Latest news](#)

[EVENTS IN TURKEY](#) FROM 19 JUNE TO 9 AUGUST 2010

[REPORTS ON TURKEY](#) PUBLISHED OR ACCESSED BETWEEN 19 JUNE AND 9 AUGUST 2010

Paragraphs

[Background information](#)

1. GEOGRAPHY	1.01
Size and population.....	1.01
Ethnicity and language.....	1.05
Public holidays	1.10
Map.....	1.11
2. ECONOMY	2.01
Currency.....	2.05
3. HISTORY	3.01
Independence and the establishment of a secular state: 1923 – 1950.....	3.01
Political participation and human rights restrictions: 1960 – 1983.....	3.03
Rise of political Islam: 1990s - 2009.....	3.07
Parliamentary and presidential elections: 2007.....	3.10
Recent secular and Islamic tensions: 2002 – 2009.....	3.15
The Kurdish issue	3.18
Conflict with the Kurdistan Workers' Party (PKK): 1984 – 1990.....	3.21
PKK ceasefire: 9 February 2000.....	3.24
Renewed PKK conflict: 2004 – early 2009.....	3.27
4. RECENT DEVELOPMENTS	4.01
Kurdish issues: November 2009 – present	4.02
PKK conflict: April 2009 – present.....	4.06
Islamic/secular tensions: development in the 'Ergenekon plot' and others	4.13
European Union accession negotiations 2009 - 2010.....	4.17
Constitutional reform.....	4.18
5. CONSTITUTION	5.01
6. POLITICAL SYSTEM	6.01
Overview	6.01
Political structures and institutions.....	6.02
Party political system.....	6.07

Human Rights

7. INTRODUCTION	7.01
---------------------------------------	------

8. SECURITY FORCES.....	8.01
Police.....	8.03
National Police.....	8.03
Jandarma / Gendarmerie.....	8.08
Turkish Armed Forces (Türk Silahlı Kuvvetleri, TSK).....	8.12
Other government forces.....	8.14
Village Guard.....	8.14
Human rights violations committed by the security forces.....	8.17
Arbitrary arrest and detention.....	8.18
Torture and mistreatment.....	8.20
Extra-judicial killings.....	8.31
Avenues of complaint and measures to tackle human rights violations.....	8.32
Legal reform, training and complaints system.....	8.33
Impunity and prosecution of security force personnel.....	8.37
9. MILITARY SERVICE.....	9.01
Terms of service.....	9.01
Documentation of military service.....	9.06
Evasion of military service and punishment.....	9.07
Treatment of conscientious objectors.....	9.10
10. JUDICIARY.....	10.01
Overview.....	10.01
Organisation.....	10.03
Civil courts.....	10.05
Civil Courts of the Peace.....	10.05
Civil Courts of First Instance.....	10.06
Commercial Courts.....	10.07
The Court of Cassation.....	10.09
Penal courts.....	10.11
Penal Courts of the Peace.....	10.11
Penal Courts of First Instance.....	10.12
Central Criminal Courts.....	10.13
State Security Courts.....	10.14
Other Courts.....	10.15
Execution Investigation Authority.....	10.15
Other Lower Courts.....	10.16
Intermediate Courts of Appeal.....	10.17
Administrative courts.....	10.18
The Council of State.....	10.18
Subordinate Administrative Courts.....	10.19
Supreme Military Administrative Court.....	10.20
Military courts.....	10.21
Military Criminal Courts (Askeri Ceza Mahkemesi).....	10.21
Military Criminal Court of Cassation (Askeri Yargıtay).....	10.24
The Constitutional Court (Anayasa Mahkemesi).....	10.26
Independence.....	10.28
Judicial reform initiatives.....	10.32
Fair trial.....	10.36
Legal system.....	10.37
Access to legal assistance and judicial efficiency.....	10.38
Penal code and other legislation related to human rights.....	10.48

11. ARREST AND DETENTION – LEGAL RIGHTS.....	11.01
Warrants and court documents.....	11.04
12. PRISON CONDITIONS.....	12.01
Infrastructure	12.01
Prison estate.....	12.07
Human rights violations.....	12.10
Human rights abuses reported within E Type prison estate.....	12.13
Human rights abuses reported within F Type prison estate.....	12.16
Monitoring of prison conditions.....	12.17
13. DEATH PENALTY.....	13.01
14. POLITICAL AFFILIATION.....	14.01
Freedom of political expression.....	14.01
Freedom of association and assembly.....	14.09
Political demonstrations.....	14.13
Opposition groups and political activists.....	14.17
Kurdish opposition groups.....	14.18
Democratic Society Party (DTP).....	14.19
Kurdish Peace and Democratic Party (BDP).....	14.24
15. FREEDOM OF SPEECH AND MEDIA.....	15.01
Print media.....	15.07
Television.....	15.09
Internet.....	15.15
Treatment of journalists.....	15.20
16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS.....	16.01
Overview.....	16.01
Human rights institutions.....	16.03
Human Rights Presidency.....	16.05
Human Rights Advisory Board.....	16.08
Human Rights Association (IHD).....	16.09
Prison Inspection Committees and Prison Monitoring Board.....	16.11
The Gendarmes Investigation and Evaluation Centre for Human Rights Abuse Issues (JIHIDEM).....	16.12
Treatment of human rights activists.....	16.14
17. CORRUPTION.....	17.01
18. FREEDOM OF RELIGION.....	18.01
Overview.....	18.01
Religious governance under the state.....	18.04
The Diyanet.....	18.04
Religious education.....	18.06
Restrictions on freedom of religion.....	18.10
Secularism.....	18.10
Religious <u>Minority Groups</u>	18.14
<u>Alevis</u>	18.14
Non Muslim minorities.....	18.24
<u>Christians</u>	18.34
Jews.....	18.39
19. ETHNIC GROUPS.....	19.01
Overview.....	19.01
Kurds.....	19.04
<u>Kurdish language</u>	19.09
<u>Teaching in Kurdish</u>	19.13

	Kurdish insurgency.....	19.16
	Arabs	19.20
	Caucasians	19.21
	Armenians	19.23
	Roma	19.25
20.	LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PERSONS	20.01
	Legal rights	20.01
	State and societal attitudes and treatment	20.05
	LGBT organisations	20.13
	Transgender persons	20.19
21.	DISABILITY	21.01
22.	WOMEN	22.01
	Overview	22.01
	Legal rights	22.04
	Political rights	22.07
	Social and economic rights	22.11
	Employment.....	22.15
	Marriage.....	22.17
	Violence against women	22.20
	Forced marriages.....	22.23
	Domestic violence.....	22.26
	Honour killings.....	22.31
	Female suicides.....	22.37
	Virginity testing.....	22.38
	Treatment of women in detention.....	22.41
	Assistance available to women	22.47
	Government assistance.....	22.47
	Provision of shelters.....	22.51
	Women's NGOs.....	22.53
23.	CHILDREN	23.01
	Overview	23.01
	Basic legal information.....	23.07
	Legal rights	23.09
	Legal protection of children.....	23.10
	Prosecution of children.....	23.14
	Violence against children	23.17
	Customary marriages.....	23.18
	Detention of children.....	23.22
	Child labour.....	23.30
	Childcare and Protection	23.34
	Education	23.37
24.	TRAFFICKING	24.00
	Overview	24.01
	Trafficking victims	24.04
	Protection against trafficking	24.08
	Support and assistance	24.10
25.	MEDICAL ISSUES	25.01
	Overview of availability of medical treatment and drugs	25.01
	Pharmacies	25.05
	Hospitals	25.06
	HIV/AIDS – anti-retroviral treatment	25.08

Cancer treatment	25.09
Kidney dialysis	25.12
Tuberculosis (TB)	25.13
Mental health	25.16
Overview	25.16
Mental health facilities	25.18
Medication	25.23
26. FREEDOM OF MOVEMENT	26.01
27. INTERNALLY DISPLACED PEOPLE (IDPs)	27.01
IDP populations	27.01
Government response	27.05
Reintegration	27.09
28. FOREIGN REFUGEES	28.01
Refugee protection	28.01
Protection to other illegal migrants	28.07
Deportation	28.09
29. CITIZENSHIP AND NATIONALITY	29.01
Documentation	29.05
Nufus card / Identity card	29.05
Address Registration System (AKS)	29.06
Passports	29.07
30. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS	30.00
31. EXIT AND RETURN	31.01
Procedures relating to the return of Turkish nationals	31.03
Entry checks	31.06
32. EMPLOYMENT RIGHTS	32.01
Employment rights and working conditions	32.01
Trade unions	32.03
Industrial action	32.06

Annexes

- [Annex A – Chronology of major events](#)
- [Annex B – Political groups](#)
- [Annex C – Prominent people](#)
- [Annex E – List of abbreviations](#)
- [Annex F – References to source material](#)

Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 18 June 2010. The 'Latest News' section contains further brief information on events and reports accessed from 19 June to 9 August 2010. The report was issued on 9 August 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. The Report is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per

the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have

been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest news

EVENTS IN TURKEY FROM 19 JUNE TO 9 AUGUST 2010

09 August "Three soldiers were killed when a military vehicle was hit by a remote-controlled mine believed to have been planted by the outlawed Kurdistan Workers' Party (PKK) in the Nusaybin district of Mardin yesterday. ... Terror has been the top issue of debate in Turkey in recent months after a series of deadly attacks. The attacks have for the most part targeted military bases, leaving dozens of security personnel dead and even more wounded."

<http://www.todayszaman.com/tz-web/news-218536-100-three-soldiers-killed-in-mine-blast-in-mardin.html>

Date accessed 9 August 2010

07 August "A Turkish court has annulled arrest warrants against 102 military officers charged over an alleged 2003 coup plot. ... All were accused of involvement in plotting a military takeover, in an operation codenamed sledgehammer. The annulment comes days after the military agreed not to promote some of the accused officers, after a standoff with the Turkish government dominated by the Islamist-rooted AK Party."

<http://www.bbc.co.uk/news/world-europe-10900327>

Date accessed 9 August 2010

03 August "Jurists have said Defense Minister Vecdi Gönül and Interior Minister Beşir Atalay should resign in the wake of their failure to ensure the capture of 102 military officers for whom an arrest warrant was issued by an İstanbul court as part of a coup probe in late July, terming this situation unacceptable.' ... None of the suspects in the Sledgehammer investigation has surrendered to authorities so far even though more than 10 days have elapsed since the court's ruling."

<http://todayszaman.com/tz-web/news-217958-103-pressure-mounts-on-two-ministers-to-resign.html>

Date accessed 6 August 2010

27 July "Reporters Without Borders is outraged that a leading journalist, columnist Cengiz Çandar of the daily *Referans*, is facing a possible sentence of one to three years in prison for criticising the handling of the trial of the alleged killers of Turkish-Armenian journalist Hrant Dink. He has been charged with 'insulting a public servant in the performance of his duties.'"

Reporters Without Borders, Journalist facing possible jail sentence for criticising judge in Hrant Dink trial 27 July 2010

<http://en.rsf.org/turquie-journalist-facing-possible-jail-27-07-2010,38031.html>

Date accessed: 27 July 2010

"Police fired tear gas to break up clashes between Turkish and Kurdish protesters in southern Turkey... after a deadly attack on police in the area fueled ethnic tensions. ...some of the protesters chanted slogans

in Kurdish in support of the jailed leader of the Kurdistan Workers Party (PKK) guerrilla group, which has recently stepped up attacks against security forces. ...

"...gunmen in a van shot four Turkish police officers [Monday 26 July], opening fire on their vehicle in the town of Dortyol in the southern province of Hatay. While the identity of the gunmen was unclear, local suspicions appeared to be directed at Kurdish militants -- the shooting triggered clashes between Turks and Kurds."

<http://www.reuters.com/article/idUSTRE66Q2E420100727>

Date accessed: 6 August 2010

26 July

"In November of last year, the Ministry of Justice said the number of investigations launched against those journalists was 4,139. Today, this number has grown to over 5,000. The journalists, most of whom are accused of violating the secrecy of an investigation, have been the most outspoken critics of the alleged illegal networks within the state that have been discovered over the last couple of years."

Today's Zaman, Journalists face over 5,000 cases on Ergenekon reporting, 26 July 2010

<http://www.todayszaman.com/tz-web/news-217183-journalists-face-over-5000-cases-on-ergenekon-reporting.html>

Date accessed: 27 July 2010

"The promotion dreams of generals who are suspected of links to a subversive military plan to overthrow the government were dealt a fatal blow on Friday when an Istanbul court ordered the arrest of 102 suspects in the investigation into the Sledgehammer Security Operation Plan."

Today's Zaman, Arrest warrant deals fatal blow to promotion dreams of coup generals, 26 July 2010

<http://www.todayszaman.com/tz-web/news-217177-100-arrest-warrant-deals-fatal-blow-to-promotion-dreams-of-coup-generals.html>

Date accessed: 27 July 2010

"Turkish police have arrested the suspected mastermind behind an alleged 2003 military coup plan to overthrow the government. Retired four-star general Cetin Dogan was among 196 people indicted on charges of conspiracy to launch the coup. He was re-arrested two days after arrest warrants were issued for 102 suspects allegedly involved in the coup plot."

Press TV, Turkey arrests suspected coup plotter, 26 July 2010

<http://www.presstv.ir/detail.aspx?id=136247§ionid=351020204>

Date accessed: 27 July 2010

"Despite not being sure of the sincerity of the main opposition party's call for the abolishment of an article that is believed to be the main reason behind the military's courage to stage coups, the Justice and Development Party (AK Party) has vowed to take the steps necessary to annul the article. Article 35 of the Turkish Armed Forces (TSK) Internal Service Law effectively paves the way for the military to

intervene in domestic affairs under certain circumstances and carry out coups.”

Today's Zaman, AK Party doubtful about CHP's sincerity on Art.35, but ready to cooperate, 26 July 2010

<http://www.todayszaman.com/tz-web/news-217179-ak-party-doubtful-about-chps-sincerity-on-art-35-but-ready-to-cooperate.html>

Date accessed: 27 July 2010

23 July

“Amnesty International has welcomed a move by the Turkey's Parliament to end the prosecution of children under anti-terrorism laws solely for taking part in demonstrations. Amendments to the law, passed by Parliament on Thursday, mean that all children previously convicted under anti-terrorism legislation will have their convictions quashed. The new law will also end the prosecution of children aged 15 and over in adult Special Heavy Penal Courts (courts competent to try cases involving organized crime, terrorism and state security).”

Amnesty International, Turkey ends prosecution of child demonstrators under anti-terror laws, accessed via Refworld, 23 July 2010

<http://www.unhcr.org/refworld/country,...TUR,,4c4e8d911a.0.html>

Date accessed: 27 July 2010

See also [detention of children](#)

21 July

“Rebels from the Kurdistan Workers' Party (PKK) blew up a natural gas pipeline between Iran and Turkey on Wednesday... The blast follows two deadly clashes between Kurdish rebels and Turkish security forces on Tuesday, which left at least seven Turkish soldiers dead.”

CNN News, Kurdish rebel group claims responsibility for gas pipeline blast, 21 July 2010

<http://edition.cnn.com/2010/WORLD/meast/07/21/turkey.pipeline.blast/index.html?iref=allsearch#fbid=p9n30rilGRI>

Date accessed: 25 July 2010

11 July

“More than 5,000 demonstrators clashed with police in the southeastern Turkish city of Diyarbakır after a rally in support of the outlawed Kurdistan Workers' Party, or PKK. Demonstrators gathered in the city to protest against Turkish security forces, who they accuse of mutilating the bodies of PKK members killed in recent fighting and not returning them to their families. The protesters threw rocks and sticks at riot police, who responded with tear gas. At least 10 demonstrators were arrested.”

<http://www.hurriyetdailynews.com/n.php?n=pkk-protesters-clash-with-turkish-police-2010-07-12>

Date accessed 7 August 2010

8 July “Turkey’s political rivals began preparing yesterday for a September [2010] referendum on constitutional reforms that will be seen as a dry run for national elections next year. The constitutional court cleared the way for the vote by rejecting an opposition appeal to annul the entire package of amendments. The most controversial proposals relate to changing the composition of the highest court and overhauling the board that chooses senior judges and prosecutors.”

Financial Times,

Turkish parties jostle for position over reforms, 8 July 2010

<http://www.ft.com/cms/s/0/477a9ba8-8a89-11df-bd2e-00144feab49a.html?ftcamp=rss>

Date accessed: 24 July 2010

- 2 July "The terrorist Kurdistan Workers' Party (PKK) this time picked Pervari, in eastern Siirt province, to perpetrate yet another bloody attack against Turkish security forces late on Wednesday in which two soldiers and three village guards died."

Today's Zaman, 2 Soldiers, 3 village guards killed in clashes as PKK terror hits Siirt, 2 July 2010

<http://www.todayszaman.com/tz-web/news-214867-100-2-soldiers-3-village-guards-killed-in-clashes-as-pkk-terror-hits-siirt.html>

Date accessed: 7 July 2010

- 1 July "A Parliamentary commission has demanded an investigation into the alleged 'use of disproportional force' against protesting workers in Ankara last December. Zafer Üskül, head of Parliament's Human Rights Commission, said after a commission meeting on Thursday that the commission has demanded an investigation regarding 'those who used disproportional force against Tekel [Turkey's former state-owned alcohol and tobacco monopoly] workers, including those who gave the order to use force and those who did not prevent the incident despite having the authority.'"

The Hurriyet Daily news, Commission demands probe into Turkish police violence, 1 July 2010

<http://www.hurriyetdailynews.com/n.php?n=austria-odd-vuvuzela-0701-08-2010-07-01>

Date accessed: 7 July 2010

"Seventeen people, including two Turkish soldiers and 12 Kurdish rebels, were killed Wednesday in clashes in the southeastern province of Siirt, Seventeen people, including two Turkish soldiers and 12 Kurdish rebels, were killed Wednesday in clashes in the southeastern province of Siirt"

CNN news, 17 Killed in clashes between Turkish military, Kurdish rebels, 1 July 2010

<http://edition.cnn.com/2010/WORLD/asiapcf/07/01/turkey.clashes/index.html?iref=allsearch>

Date accessed: 4 July 2010

"Israel and Turkey have held their first high-level meeting since the row over the killing of Turkish activists on an aid ship bound for Gaza... Turkey later confirmed the meeting but said nothing substantial was agreed.

BBC news, Turkey and Israel hold first talks since flotilla raid, 1 July 2010

http://news.bbc.co.uk/1/hi/world/middle_east/10471551.stm

Date accessed: 4 July 2010

- 29 June "Reporters Without Borders strongly condemns a decision by the Radio and TV Supreme Council (RTÜK) to ban the privately-owned TV station *Habertürk* from broadcasting one of its regular 'One on One' discussion programmes next month as a punishment for comments about the 1915 Armenian massacres made by a guest on one of the previous programmes."

TV debate programme suspended because of references to Armenian genocide 29 June 2010

<http://en.rsf.org/turkey-tv-debate-programme-suspended-29-06-2010,37835.html>

Date accessed: 1 July 2010

23 June “Reporters Without Borders is shocked to learn of two new cases of violence against journalists in the south of the country in the past week as courts in Ankara, Istanbul and elsewhere were sentencing other journalists to serve long jail terms or pay disproportionate amounts in damages in defamation suits.”

Reporters Without Borders, Two new cases of violence against journalists in southern Turkey, 23 June 2010

<http://www.unhcr.org/refworld/country,...TUR,,4c247e3bc,0.html>

Date accessed: 29 June 2010

[Return to contents](#)
[Go to list of sources](#)

REPORTS ON TURKEY PUBLISHED OR ACCESSED BETWEEN –19 JUNE 2010 TO 9 AUGUST 2010

Minorities Rights Group, State of the World's Minorities and Indigenous Peoples 2010
<http://www.minorityrights.org/10068/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2010.html>

Date accessed 19 July 2010

Council of Europe: Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), published 9 July 2010

<http://www.cpt.coe.int/documents/tur/2010-20-inf-eng.htm>

Date accessed 18 July 2010

[Return to contents](#)
[Go to list of sources](#)

Background information

1. GEOGRAPHY

SIZE AND POPULATION

- 1.01 The Permanent Committee on Geographical Names for British Official Use (PCGN) recorded, as of 5 May 2010, Turkey's official title as 'Republic of Turkey'. [119]
- 1.02 The Republic of Turkey covers an area of approximately 783,562 square kilometres. Turkey is located between south-eastern Europe and south-western Asia (the portion of Turkey west of the Bosphorus is geographically part of Europe), bordering the Black Sea, between Bulgaria and Georgia, and the Aegean Sea and the Mediterranean Sea, between Greece and Syria. Its border countries are Armenia 268 km, Azerbaijan 9 km, Bulgaria 240 km, Georgia 252 km, Greece 206 km, Iran 499 km, Iraq 352 km, and Syria 822 km. (Central Intelligence Agency World Factbook, updated 7 June 2010, (CIA World Factbook)) [103a]
- 1.03 The capital city is Ankara, and there are 81 provinces consisting of Adana, Adiyaman, Afyonkarahisar, Agri, Aksaray, Amasya, Ankara, Antalya, Ardahan, Artvin, Aydin, Balikesir, Bartin, Batman, Bayburt, Bilecik, Bingol, Bitlis, Bolu, Burdur, Bursa, Canakkale, Cankiri, Corum, Denizli, Diyarbakir, Duzce, Edirne, Elazig, Erzincan, Erzurum, Eskisehir, Gaziantep, Giresun, Gumushane, Hakkari, Hatay, Icel (Mersin), Igdir, Isparta, Istanbul, Izmir, Kahramanmaras, Karabuk, Karaman, Kars, Kastamonu, Kayseri, Kilis, Kirikkale, Kirklareli, Kirsehir, Kocaeli, Konya, Kutahya, Malatya, Manisa, Mardin, Mugla, Mus, Nevsehir, Nigde, Ordu, Osmaniye, Rize, Sakarya, Samsun, Sanliurfa, Siirt, Sinop, Sirnak, Sivas, Tekirdag, Tokat, Trabzon, Tunceli, Usak, Van, Yalova, Yozgat, Zonguldak. (CIA World Factbook, updated 7 June 2010) [103a]
- 1.04 The estimated population in July 2010 was 77,804,122. (CIA World Factbook, updated 7 June 2010) [103a]

ETHNICITY, LANGUAGE AND RELIGION

- 1.05 As noted in the CIA World Factbook (updated 7 June 2010) Turkish is the official spoken language. [103a] Ethnologue, 2009 edition, accessed on 11 June 2010 noted that "the number of individual languages listed for Turkey (Europe) is 12. Of those, 11 are living languages and 1 has no known speakers. [74a] The same website further noted that "the number of individual languages listed for Turkey (Asia) is 24. Of those, 23 are living languages and 1 has no known speakers." [74b]

For further information on languages spoken in Turkey Asia click [here](#) and Turkey Europe click [here](#)

- 1.06 Central Intelligence Agency *World Factbook: Turkey* profile last updated 24 June 2010, accessed on 27 July 2010, noted Turkey's ethnicity as "Turkish 70-75%, Kurdish 18%, other minorities 7-12% (2008 est.)" [103c]
- 1.07 The US State Department Report on *International Religious Freedom 2009*, Turkey, published on 26 October 2009 (USSD IRF Report 2009) reported that "According to the Government, 99 percent of the population is Muslim, the majority of which is Hanafi Sunni. According to the human rights nongovernmental organization Mazlum-Der and representatives of various religious minority communities, the actual percentage of Muslims is slightly lower." [5h] (Section 1 Religious Demography)
- 1.08 The USSD IRF Report 2009 noted that: "In addition to the Sunni Muslim majority, academics estimate that there are between 10 million and 20 million Alevi, followers of a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religious groups indigenous to Anatolia. The Government considers Alevism a heterodox Muslim sect; some Alevi and Sunni maintain that Alevi are not Muslims." [5h] (Section 1 Religious Demography)
- 1.09 The same source further noted that:
- "There are several other religious groups, mostly concentrated in Istanbul and other large cities. While exact membership figures are not available, these religious groups include approximately 500,000 Shiite Caferis, 65,000 Armenian Orthodox Christians, 23,000 Jews, 15,000 Syrian Orthodox (Syriac) Christians, 10,000 Baha'is, 5,000 Yezidis, 3,300 Jehovah's Witnesses, 3,000 members of various other Protestant sects, and up to 3,000 Greek Orthodox Christians. There are also small, undetermined numbers of Bulgarian, Nestorian, Georgian, Roman Catholic, and Maronite Christians. Among these minority religious communities are a significant number of Iraqi refugees, including 3,000 Chaldean Christians." [5h] (Section 1 Religious Demography)

See also [Freedom of Religion](#)

PUBLIC HOLIDAYS

- 1.10 Europa World Online, accessed 15 January 2010, recorded the following as public holidays in Turkey:
- "2009 1 January (New Year's Day); 23 April (National Sovereignty and Children's Day); 1 May (Labour and Solidarity Day); 19 May (Commemoration of Atatürk, and Youth and Sports Day); 30 August (Victory Day); 20–22 September (Şeker Bayram—End of Ramadan); 29 October (Republic Day); 27–30 November (Kurban Bayram—Feast of the Sacrifice).
- "2010 1 January (New Year's Day); 23 April (National Sovereignty and Children's Day); 1 May (Labour and Solidarity Day); 19 May (Commemoration of Atatürk, and Youth and Sports Day); 30 August (Victory Day); 10–13 September (Şeker Bayram—End of Ramadan); 29 October (Republic Day); 16–19 November (Kurban Bayram—Feast of the Sacrifice)."

"These holidays are dependent on the Islamic lunar calendar and may vary by one or two days from the dates given." [1c] (Public Holidays)

MAP

1.11 Map of Turkey courtesy of [CIA World FactBook](#):



See also links to more detailed maps of Turkey:

See also [Turkey Map](#) for more detailed map of Turkey

[Return to contents](#)
[Go to list of sources](#)

2. ECONOMY

2.01 The *CIA World Factbook*, updated 7 June 2010 stated that:

"Turkey's dynamic economy is a complex mix of modern industry and commerce along with a traditional agriculture sector that still accounts for about 30% of employment. It has a strong and rapidly growing private sector, and while the state remains a major participant in basic industry, banking, transport, and communication, this role has been diminishing as Turkey's privatization program continues. The largest industrial sector is textiles and clothing, which accounts for one-third of industrial employment; it faces stiff competition in international markets with the end of the global quota system. However, other sectors, notably the automotive and electronics industries, are rising in importance and have surpassed textiles within Turkey's export mix." [103a]

- 2.02 The Economist Intelligence Unit *Country Report: Turkey*, released June 2010 (EIU Turkey Country Report June 2010), stated that “Economic activity continued to recover in the early months of 2010 as domestic and external demand and inventory management normalised following the recession of late 2008 and early 2009. In the first quarter of 2010, GDP [Gross Domestic Product] may have grown by more than 10% year on year, following a year-on-year increase of 6% in the fourth quarter of 2009.” [107] (Economic Performance)
- 2.03 The EIU *Turkey Country Report* June 2010 further stated that “The unemployment rate remained high, at 14.4%, partly for seasonal reasons. However, the figures pointed to a notable year-on year rise in employment in absolute terms. Non-agricultural employment rose by 826,000, to 16.2m, while agricultural employment rose by 662,000, to 5m.” [107] (Economic Performance)
- 2.04 The same source added “After slowing sharply during most of 2009, consumer price inflation has accelerated, rising from 6.5% in December 2009 to 10.2% in April 2010.” [107] (Economic Performance)

CURRENCY

- 2.05 Europa World Online, undated, accessed on 13 June 2010, stated:

“Monetary Units

100 kuruş = 1 Turkish lira

“A new currency, the new Turkish lira, equivalent to 1,000,000 of the former units, was introduced on 1 January 2005...(The name of the currency reverted to Turkish lira on 1 January 2009, although new Turkish lira banknotes and coins were to remain in circulation for a further year).” [1c] (Finance)

Sterling, Dollar and Euro Equivalents (06 August 2010):

£1 sterling = 2.384 liras;

US \$1 = 1.492 liras;

1 Euro = 1.987 liras;

100 Turkish liras = £41.91 = US \$66.98 = EUR 50.370.[10]

[Return to contents](#)
[Go to list of sources](#)

3. HISTORY

The following section provides a brief summary of Turkey's history since independence, with the focus on events related to asylum issues. Further information can be found from various online sources, such as the [BBC News website](#), [Country of Turkey website](#), and also the [US Department of State Turkey country background](#).

INDEPENDENCE AND THE ESTABLISHMENT OF A SECULAR STATE: 1923 - 1950

- 3.01 The US State Department *Background Note: Turkey*, updated 10 March 2010 reported that: “Mustafa Kemal, celebrated by the Turkish State as a Turkish World War I hero and later known as ‘Ataturk’ or ‘father of the Turks,’ led the founding of the Republic of Turkey in 1923 after the collapse of the 600-year-old Ottoman Empire and a three-year war of independence.” [5J] (History)
- 3.02 Europa World Online, undated accessed on 15 June 2010 stated:
- “Kemal remained President of Turkey, with extensive dictatorial powers, until his death in 1938. He pursued a radical programme of far-reaching reform and modernization, including the: secularization of the state (in 1928); abolition of Islamic courts and religious instruction in schools; emancipation of women (enfranchised in 1934); banning of polygamy; development of industry; introduction of a Latin alphabet; adoption of the Gregorian (in place of the Islamic) calendar; and encouragement of European culture and technology. Another Westernizing reform was the introduction of surnames in 1934: Kemal assumed the name Atatürk (‘Father of the Turks’). His autocratic regime attempted, with considerable success, to replace the country’s Islamic traditions by the principles of republicanism, nationalism, populism and state control.
- “Following Atatürk’s death, his Cumhuriyet Halk Partisi (CHP—Republican People’s Party), the only authorized political grouping, remained in power under his close associate, İsmet İnönü, ... After the war İnönü introduced some liberalization of the regime. The one-party system was ended in 1946, when opposition leaders, including Celâl Bayar and Adnan Menderes, registered the Demokratik Parti (DP—Democratic Party); numerous other parties were subsequently formed. The DP won Turkey’s first free election in 1950 ...” [1c] (Recent History)

POLITICAL PARTICIPATION AND HUMAN RIGHTS RESTRICTIONS: 1960 – 1983

- 3.03 The BBC website, *Turkey country profile* dated 6 May 2010, (BBC country profile 2010) noted that following the death of Ataturk, “[t]he army saw itself as the guarantor of the constitution, and ousted governments on a number of occasions when it thought they were challenging secular values.” [66g]
- 3.04 The website for Queens University Belfast, in a webpage entitled *Introduction to History and Legal Structures: Turkey*, undated, accessed 15 June 2010, observed:
- “Participatory democracy in Turkey has been interrupted on three occasions by the seizure of political power by the army. In May 1960 the army intervened to terminate the rule of the Democratic Party led by Prime Minister Adnan Menderes amid a welter of attacks and counter-attacks between opposition groups and the government. Although general elections were soon held and civilian rule restored, the army again seized power in March 1971 following a wave of student and labour protests against the Justice Party government of Prime Minister Süleyman Demirel. General elections were however called within months and the country returned to civilian rule in 1973.

“The late 1970s saw an upsurge of political violence in which an estimated 5,000 lives were lost. That violence climaxed in riots in the southeastern city of Kahramanmaras in December 1978 and led to the third seizure of power by the Turkish army in September 1980. For the following three years, the administration of the country was entrusted to a National Security Council comprising senior army and police officers.

“In November 1982 a new constitution, drawn up at the instance of the National Security Council [NSC], was put to popular vote in a referendum which drew overwhelming support for its adoption. General elections were called in November 1983 which resulted in the restoration of civilian rule.” [49]

See also [Political System](#) for further information on the Grand National Assembly, see also [Constitution](#)

- 3.05 The same website, focusing on the political instability of the late 1970's observed:

“Political instability, coupled with widespread public dissatisfaction with the government's [sic] economic policies and a wave of violent clashes between left-wing and right-wing groups in 1978-1979 formed the background to the third military intervention of 1980. The violence which preceded the intervention claimed some 5,355 lives. The resultant seizure of power by General Kenan Evran in September 1980 was followed by the abolition of parliament and the constitution, arrest and detention of thousands of politicians and suspected terrorists, the banning of all political activity, the closure of newspapers and trade unions and the assumption of unlimited powers by the military regime. An estimated 600,000 people were taken [sic] in custody and 48 executed. Some 30,000 political refugees allegedly fled to Europe during the martial law period, 14,000 lost their Turkish citizenship and another 388,000 were banned from leaving Turkey. ... Civilian rule was restored in November 1983.” [49]

- 3.06 Europa World Online, undated, accessed on 15 June 2010 noted that following the escalation of violence in the late 1970s:

“The new Government succeeded in reducing the level of political violence in Turkey and in restoring law and order. However, that this had been achieved at the expense of respect for human rights caused concern among Western governments: Turkey was banned from the Parliamentary Assembly of the Council of Europe, aid from the European Community (EC, now European Union—EU) was suspended, and fellow members of NATO urged Turkey to return to democratic rule as soon as possible. In October 1981 a Consultative Assembly was established to draft a new constitution, which was approved by referendum in November 1982; objections were widely expressed that the President was to be accorded excessive powers while judicial powers and the rights of trade unions and the press were to be curtailed. ...”

“In May 1983 the NSC revoked the ban on political organizations, permitting the formation of parties, subject to strict rules, in preparation for the first election to be held under the new Constitution. All the former political parties remained

proscribed, and 723 former members of the TGNA [the legislative body] and leading party officials were banned from political activity for up to 10 years. ...

“At a national referendum in September 1987 a narrow majority approved the repeal of the ban on participation in political affairs, imposed on more than 200 politicians in 1981. ...” [1c] (Recent History)

See also [Constitution](#)

RISE OF POLITICAL ISLAM: 1990s - 2009

- 3.07 The Freedom House, *Freedom in the World 2010 report, Turkey*, covering events in 2009, released in May 2010, (Freedom House Report 2010) noted:

“The role of Islam in public life has been one of the key questions of Turkish politics since the 1990s. In 1995, the Islamist party Welfare won parliamentary elections and joined the ruling coalition the following year. However, the military forced the coalition government to resign in 1997, and Welfare withdrew from power.

“The governments that followed failed to stabilize the economy, leading to growing discontent among voters. As a result, the Justice and Development (AK) Party won a sweeping majority in the 2002 elections. The previously unknown party had roots in Welfare, but it sought to distance itself from Islamism. Abdullah Gul [the current President] initially served as prime minister because AK’s leader, Recep Tayyip Erdogan, had been banned from politics due to a conviction for crimes against secularism after he read a poem that seemed to incite religious intolerance. Once in power, the AK majority changed the constitution, allowing Erdogan to replace Gul [as Prime Minister] in March 2003.” [62d]

- 3.08 A paper by the National Defence Research Institute entitled *The Rise of Political Islam in Turkey*, dated 2008, in considering the reasons behind the rise in the AK party noted that:

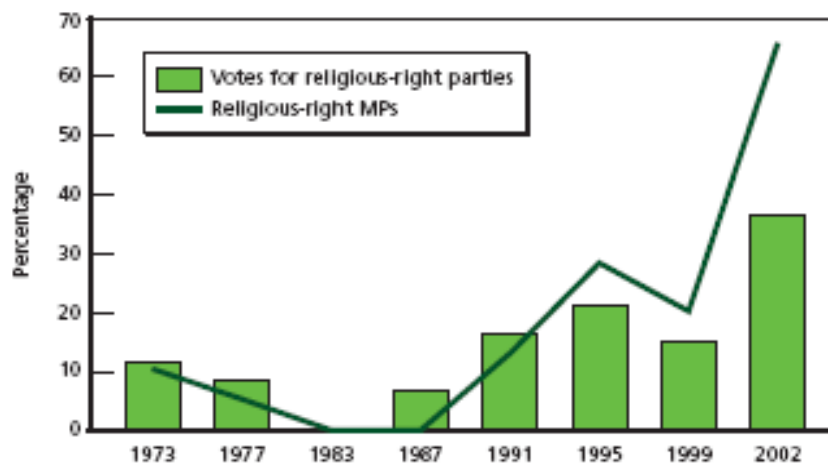
“The founders of the AKP ... were open to cooperation with the secular establishment. The AKP program emphasizes the party’s loyalty to the fundamental values and constitution of the Turkish Republic. While the AKP has Islamic roots ... the AKP defines itself not as an Islamic party but as a conservative democratic party similar to Christian democratic parties in Western Europe.

“This is an important ideological shift. Islamic political identity traditionally was built on opposition to the West, which was regarded as an entity to be rejected or countered. However, since its establishment in 2001, the AKP has increasingly emphasized Western political values such as democracy, respect for human rights, and the rule of law in its public discourse. At the same time, the party has come to view the West, especially the EU, as an important ally in its struggle against the restrictions of the Kemalist [or secular] state. Whereas Islamists in Turkey in the past regarded Western calls for greater democratic

reform as an attempt to impose alien values on Turkish society, the AKP sees the Western agenda increasingly overlapping with its own. The party views membership in the EU as a means of reducing the influence of the military and establishing a political framework that will expand religious tolerance and ensure its own political survival.” [50]

- 3.09 The same source also observed that the “AKP’s adoption of a more moderate and pragmatic political message undoubtedly contributed to its election success in the 2002 elections”. [50] The source additionally provided the following figure to illustrate this point:

Figure 3.2
Parliamentary-Election Performance of the Religious Right in Turkey



SOURCE: Turkstat, http://www.turkstat.gov.tr/PrelstatistikTablo.do?istab_id=199 for pre-1980 elections and http://www.turkstat.gov.tr/PrelstatistikTablo.do?istab_id=200 for 1980-2002 elections (as of March 21, 2008).

RAMING 726-3.2

[Return to contents](#)
[Go to list of sources](#)

Parliamentary and presidential elections: 2007

- 3.10 The BBC *Turkey Country Profile 2010* reported that in July 2007, Recep Tayyip Erdogan, who had assumed the role of prime minister in March 2003, led his AK Party to victory in the elections, “[t]he AK Party boosted its share of the vote in the ... parliamentary elections to 47% despite opposition elements ...” [66g]
- 3.11 The same source also reported that in August 2007 Abdullah Gul was chosen as president by parliament, following months of controversy. The source further observed:

“He is Turkey’s first head of state with a background in political Islam in a country with strong secularist principles. The months leading to his eventual election saw street demonstrations, an opposition boycott of parliament, early

parliamentary elections and warnings from the army, which has ousted four governments since 1960.

“Turkish secularists, including army generals, opposed Gul's nomination, fearing he would try to undermine Turkey's strict separation of state and religion. Secularists also did not want Turkey's First Lady to wear the Muslim headscarf.” [66g]

- 3.12 Reporting on the appointment of Gul as president, the Freedom House in *Freedom in the World -Turkey 2009*, noted that in May 2007 following the end of Ahmet Necdet Sezer's non-renewable term in office as president, Erdogan's nomination of a new president was closely observed. As noted:

“Despite objections from the military and the secularist Republican People's Party (CHP), Erdogan chose Gul. In a posting on its website, the military tacitly threatened to intervene if Gul's nomination was approved, and secularists mounted huge street demonstrations to protest the Islamist threat they perceived in his candidacy. An opposition boycott of the April [2007] presidential vote in the parliament prevented a quorum, leading the traditionally secularist Constitutional Court to annul the poll. With his nominee thwarted, Erdogan called early parliamentary elections for July [2007].” [62d]

- 3.13 The same source further noted that following parliamentary elections in July 2007, the “AK won a clear victory in the elections, increasing its share of the vote to nearly 50 percent ...” [62d]

- 3.14 The Economist Intelligence Unit *Country Report: Turkey*, released June 2010 (EIU Turkey Country Report June 2010), stated that: “The current president, Abdullah Gul, was elected by an absolute majority of the Meclis [Parliament] for a single seven-year term on August 28th 2007. The next presidential election due in August 2014 will be by universal direct suffrage. The directly elected president will be allowed to serve two consecutive five-year terms” [107]

See also [Political Systems](#)

[Return to contents](#)
[Go to list of sources](#)

Recent secular and Islamic tensions: 2002 - 2009

- 3.15 The BBC *Turkey Country Profile* 2010 noted:

“[Since] the landslide election victory of the Islamist-based Justice and Development Party (AK) in 2002. ... The secularist opposition has on several occasions ... challenged the constitutional right of the AK to be the party of government. In March 2008 the Constitutional Court narrowly rejected a petition by the chief prosecutor to ban the AK and 71 of its officials, including President Abdullah Gul and Prime Minister Recep Tayyip Erdogan, for allegedly seeking to establish an Islamic state.” [66g]

- 3.16 The same source further noted “[i]n recent years there have been several allegations that members of the military - which has long seen itself as the

guardian of the secular system - have been involved in plots to overthrow the government.” [66g]

- 3.17 The Freedom House in *Freedom in the World -Turkey 2010* noted that:

“In 2008, long-standing tensions between the AK government and entrenched, secularist officials erupted into an ongoing investigation focused on an alleged secretive ultranationalist 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 people began in October 2008, and a second trial against 56 people began in July 2009. Ergenekon was blamed for the 2006 bombing of a secularist newspaper and a court shooting that killed a judge the same year; its alleged goal was to raise the specter of Islamist violence so as to provoke a political intervention by the military. Critics argued that the government was using the far-reaching case to punish its opponents.” [62d]

THE KURDISH ISSUE

- 3.18 The website for Queens University Belfast, in a webpage entitled *Introduction to History and Legal Structures: Turkey*, undated, accessed 15 June 2010, observed:

“The Kurds, who constitute a larger minority and are concentrated in the south-east, have long resented the fact that they have not been recognised as a separate ethnic group within Turkey and have been subjected to discriminatory policies including the banning until recently of the Kurdish language by the Turkish government. In 1984, the secessionist Kurdish Workers' Party (PKK) launched a violent guerilla campaign in the south-eastern provinces which led to a major counter-offensive by the government, including large-scale arrests of suspected Kurdish leaders and the imposition of martial law. Although martial law was replaced by a state of emergency by July 1987, the violence continued unabated with estimated casualties of over 1,000 people. The Kurds have also resented the forcible evacuation in September 1988 of some 20,000 Iraqi Kurds who had earlier fled to Turkey from northern Iraq.” [49]

- 3.19 The International Institute for Strategic Studies (IISS), Armed Conflict Database, undated, accessed on 29 June 2010 stated that:

“As a stateless ethnic group, Kurds have long been attempting to gain a recognised homeland, Kurdistan. This envisaged territory includes sections of southeastern Turkey, where there is a large Kurdish population. Within the Turkish state, Kurds have experienced repression and human rights violations. The Partiya Karkaren Kurdistan (Kurdistan Workers' Party, PKK) emerged in 1978 to fight for secession and launched a violent campaign against government, military and civilian targets. Since the capture of Kurdish rebel leader Abdullah Öcalan in 1999, the PKK has indicated that it would accept Kurdish autonomy within a federal Turkey. A Turkish government crackdown had weakened the group considerably until support from Kurdish-dominated northern Iraq led to a resurgence of attacks against Turkish forces and civilians from 2004.” [14]

3.20 The BBC *Turkey Country Profile 2010* reported:

“Turkey is home to a sizeable Kurdish minority, which by some estimates constitutes up to a fifth of the population. The Kurds have long complained that the Turkish government was trying to destroy their identity and that they suffer from economic disadvantage and human rights violations.

“... Partly in a bid to improve its chances of EU membership, the government began to ease restrictions on the use of the Kurdish language from 2003 onwards. As part of a new ‘Kurdish initiative’ launched in 2009, it pledged to extend linguistic and cultural rights and to reduce the military presence in the mainly Kurdish southeast of the country.” [66g]

Conflict with the Kurdistan Workers’ Party (PKK): 1984 - 1990

3.21 Europa World Online, undated accessed on 15 June 2010 further stated:

“In 1984 the outlawed PKK, seeking the creation of a Kurdish national homeland in Turkey, launched a violent guerrilla campaign against the Turkish authorities in the south-eastern provinces. The Government responded by arresting suspected Kurdish leaders, sending in more security forces, establishing local militia groups and imposing martial law (and later states of emergency) in the troubled provinces. Violence continued to escalate, however, and in April and May 1990 clashes between rebel Kurds, security forces and civilians resulted in the deaths of 140 people. The conflict entered a new phase when, in August and October 1991, and March 1992 (in retaliation for continuing cross-border attacks on Turkish troops), government fighter planes conducted numerous sorties into northern Iraq in order to attack suspected PKK bases there. In the course of these raids many civilians and refugees (including Iraqi Kurds) were reportedly killed, prompting international observers and relief workers publicly to call into question the integrity of the exercises. The Iraqi Government lodged formal complaints with the UN, denouncing Turkish violations of Iraq’s territorial integrity.” [1c] (**Recent History**)

3.22 Europa World Online, undated accessed on 15 June 2010 further stated:

“ In late 1992 Turkish air and ground forces (in excess of 20,000 troops), conducted further attacks upon PKK bases inside northern Iraq, hoping to take advantage of losses inflicted on the Kurdish rebels by an offensive in October initiated by Iraqi Kurdish peshmerga forces, aimed at forcing the PKK from Iraq. Hopes that a negotiated resolution to the conflict might be achieved, following the unilateral declaration of a cease-fire by the PKK in March 1993, were frustrated by renewed fighting in May and an intensification of the conflict in June. The bombing of several coastal resorts and of tourist attractions in central İstanbul confirmed the PKK’s intention to disrupt the country’s economy and to attract international attention to the conflict. PKK activists and supporters also conducted protests and attacked Turkish property throughout Europe.

“In November 1993 a 10,000-strong élite anti-terrorist force was created to counter the PKK forces, in addition to the estimated 150,000–200,000 troops

already positioned in the area of conflict. In 1994 the security forces mounted a heavy offensive against the separatists, and again conducted air attacks on suspected PKK strongholds in south-eastern Turkey and in northern Iraq.” [1c] (Recent History)

3.23 The same source further noted that:

“In May 1997 Turkey again launched a massive military offensive against the PKK in northern Iraq, involving the mobilization of 50,000 troops. Turkey claimed that the incursion was in response to an appeal by the Iraqi-based Kurdistan Democratic Party (KDP), which co-operated with the Turkish attack. The operation elicited rigorous condemnation from Iraq, Iran and Syria, but the response from members of NATO was muted. ...” [1c] (Recent History)

PKK ceasefire: 9 February 2000

3.24 Jane's Sentinel Country Risk Assessment (Jane's SCRA): Turkey, last updated 26 April 2010 stated that:

“On 9 February 2000, the PKK announced a formal halt to its 15-year war against Turkey. The decision followed reports of divisions within the PKK on whether to accept Öcalan's call for a cessation of hostilities. In an official policy announcement, the PKK dismissed reports of major divisions within the movement, stressing that its January 2000 congress meeting, ‘confirmed the decision of our party leader to stop the armed struggle’. They pledged to campaign for Kurdish rights peacefully and democratically, although they stressed that their pledge depended on the fate of Öcalan. PKK leaders also called for an end to the conflict with fighters from the Kurdistan Democratic Party (KDP), an Iraqi Kurdish faction headed by Massoud Barzani. Prior to this announcement many of the PKK's guerrillas had withdrawn to northern Iraq, where they were engaged in heavy skirmishes with the KDP.” [81e] (Internal Affairs)

3.25 Europa World Online, undated accessed on 15 June 2010 further stated:

“In April 2002 the PKK formally announced a change of name to the Congress for Freedom and Democracy in Kurdistan (KADEK), under the leadership of Öcalan, and asserted its wish to campaign peacefully for Kurdish rights. Although the movement had abandoned its initiative for an independent Kurdish state, the announcement was received with scepticism on the part of the Turkish Government.” [1c] (Recent History)

3.26 The same source also reported that: “In October 2002, ... the State Security Court officially commuted Öcalan's death sentence to life imprisonment, in accordance with the abolition of the death penalty in peacetime by the TGNA [the legislative body] in August [2002]. ...” [1c] (Recent History)

Renewed PKK conflict: 2004 – early 2009

3.27 The BBC in an article entitled *Profile: The PKK*, dated 15 October 2007, noted that “[i]n 2004, the PKK resumed its violent campaign, which has escalated

steadily over the past two years despite several other short-lived, unilateral ceasefires.” [66h] Similarly Janes SCRA, updated 2 October 2009, noted that the most prominent terrorist group in Turkey, the PKK, resumed its “offensive operations in 2004” raising the threat posed by the organisation once again. [81h]

3.28 However Europa World Online, undated, accessed on 15 June 2010, alternatively noted that “[i]n September [2003], following renewed attacks by the organisation in eastern Turkey, KADEK formally ended the cease-fire declared in February 2000, accusing the authorities of failing to address demands for improved Kurdish rights ... In November 2003 KADEK was reconstituted as the Kongreya Gele Kurdistanê (KONGRA_GEL – Kurdistan People’s Congress) ...” The same source also noted that “[a]fter revoking its cease-fire, KONGRA-GEL organised sporadic attacks during 2004.” The source further observed that in April 2005 KONGRA-GEL announced it was reverting to its original name the PKK. [1c] (Recent History)

3.29 The same source also reported that the conflict with the PKK escalated during 2006, and led to cross border incursions into Iraq throughout 2008. The source further noted:

“In January 2009 the establishment of a joint command centre to combat PKK operations in northern Iraq was announced, involving Turkish, Iraqi and US intelligence authorities. According to Turkish military sources 696 PKK rebels had been killed and 177 captured during the conflict in 2008, while 171 members of the security forces and 51 civilians were killed in that year. Despite a decrease in the intensity of the conflict at the beginning of 2009, renewed air-strikes were launched against PKK targets in northern Iraq from early February [2009].” [1c] (Recent History)

See [Kurdish opposition groups](#) and [Kurds](#) for further information about the Government’s attitude to and treatment of the Kurds.

See also [Latest news](#) and [Recent developments](#) for more information on the Kurdish issue.

[Return to contents](#)
[Go to list of sources](#)

4. RECENT DEVELOPMENTS

4.01 The following section provides a brief summary of recent key events in Turkey, with more detailed information found in the relevant human rights sections below.

Further information, news events and developments in Turkey can be found in various online sources, including [BBC News](#), and [Today’s Zaman](#) websites. See also the [Latest News](#) for more recent information and additional news sources.

KURDISH ISSUES: NOVEMBER 2009 - PRESENT

4.02 Amnesty International's, *Amnesty International Report 2010 – Turkey*, dated May 2010, covering events in 2009, noted that “[i]n November [2009] parliament began discussing an initiative aimed at addressing the human rights concerns of citizens of Kurdish origin and ending the conflict with the PKK. The government indicated steps to enhance human rights protections but no timeline for implementation.” [12h] Similarly Human Rights Watch *World Report 2010: Events of 2009*, Turkey, published 19 January 2010 (HRW World Report 2010) stated “[t]he government’s public announcement in summer 2009, and to the Turkish parliament in November [2009], that it was committed to ensuring the human rights of Kurds in Turkey, was the most hopeful indication that a long-stalled reform process might be restarted.” [9e]

4.03 However Jane's *Sentinel Country Risk Assessment* (Jane's SCRA): Turkey, in it's section on Internal Affairs, last updated 26 April 2010 stated that:

“On 11 December 2009 the Constitutional Court banned the DTP [Democratic Society Party – a Kurdish opposition party], ruling that the party had become a ‘focal point of activities against the indivisible unity of the state, the country and the nation’. The chair of the party, Ahmet Türk, and one other legislator were expelled from parliament and they and 35 other party members banned from joining any other political party for five years. The court verdict triggered protests across [Turkey](#), in which there were a number of casualties. The EU [European Union] condemned the ruling. Most of the DTP MPs immediately joined the newly founded Peace and Democracy Party (Baris ve Demokrasi Partisi: BDP).” [81e]

See also [Democratic Society Party \(DTP\)](#)

4.04 The International Institute for Strategic Studies (IISS), Armed Conflict Database, undated, accessed on 29 June 2010 stated that:

“The first BDP [Peace and Democracy Party – Kurdish political party] congress [which took place in February 2010] elected Selahattin Demirtas as the party's chair, with Gulden Kisanak as co-chair. The BDP subsequently made calls for a more democratic Turkey, and criticised Prime Minister Recep Tayyip Erdogan's government for neglecting the Kurdish population. This hostility to the government meant the BDP initially refused to support the ruling Justice and Development Party (AKP) attempts at constitutional reform in mid-April.” [14]

See also [Constitutional Reform 2010](#)

4.05 The HRW World Report 2010 stated: “In November 2009, 31 mainly Izmir-based members of trade unions affiliated with the public sector workers’ trade union confederation KESK [kamu Emekçileri Sendikaları Konfederasyonu] stood trial in Izmir on charges of being members of the PKK. The evidence against them mainly referred to their activities in support of such issues as Kurdish-language education.” [9e]

4.06 International Crisis Group's, *Crisiswatch database: Turkey*, accessed 15 June 2010, also made several entries relating to recent Kurdish developments in 2010 as noted:

- Entry dated 1 May 2010 – “Kurdish former MP Leyla Zana 8 Apr sentenced to 3 years for spreading propaganda for militant group PKK. Thousands demonstrated in Istanbul, eastern cities 13 Apr in protest at assault on former leader of banned Kurdish party DTP; clashes with police reported in some cities.” [15] (1 May 2010)
- Entry dated 1 March 2010 – “Kurdish protesters clashed with police in Diyarbakir, Istanbul on 15 Feb anniversary of arrest of PKK armed group’s leader Ocalan; in run-up to anniversary over 80 arrested in south east. Editor of Kurdish paper 10 Feb received 21-yr sentence for pro-PKK content; 16 members of recently banned DTP arrested 3 Feb for alleged PKK links.” [15] (1 March 2010)
- Entry dated 1 February 2010 – “20 detained in SE for alleged links to PKK 5 Jan; 60 more arrested in SE, Istanbul 23 Jan. Police clashed with protesters at 23 Jan rallies for recently banned Kurdish party DTP in Yuksekova, Dogubeyazit.” [15] (1 February 2010)

See also [Kurds](#) and [Kurdish opposition groups](#), together with background on the [Kurdish issue](#)

See also [PKK conflict: April 2009 – present](#) below

[Return to contents](#)
[Go to list of sources](#)

PKK CONFLICT: APRIL 2009 - PRESENT

4.07 Europa World Online undated, accessed on 15 June 2010, reported that:

“Hopes for a breakthrough in the Kurdish conflict were raised significantly in April 2009 when the PKK announced it was suspending all offensive operations until 1 June [2009, since extended through until June 2010 – see 4.10], in order to facilitate peace negotiations with the Government. In a series of newspaper interviews in May [2009], PKK leaders revealed that the organization was willing to relinquish its demand for an independent Kurdish state and to seek a peaceful settlement to the conflict, in return for the recognition of Kurdish rights and the establishment of a regional legislature. ... Meanwhile, the Turkish authorities refused to recognize the PKK’s unilateral cease-fire, and military operations against Kurdish rebels continued during mid-2009.” [1c]

4.08 However a report by Reuters Alertnet entitled *PKK rebels say scrap ceasefire on Turkish forces*, dated 3 June 2010, noted:

“Kurdish militants from the Kurdistan Workers Party (PKK) have scrapped a year-old unilateral ceasefire and resumed attacks against Turkish forces, a PKK spokesman said on Thursday.

“The move follows an escalation in violence with the onset of summer between Turkish armed forces and PKK guerrillas fighting from bases in the semi-autonomous Kurdistan region of northern Iraq. ‘Two days ago, we started

waging attacks against the Turkish army in response to their repeated military attacks against the party and political attacks facing Kurds in Turkey,' PKK spokesman Ahmed Danees told Reuters in Kurdistan." [120b]

4.09 The same source further noted that:

"The PKK, branded terrorists by Turkey, the United States and the European Union, declared a 'period of non-action' in April 2009, saying they would halt fighting except in self-defence. ... The gesture coincided with a pledge by the Turkish government of Prime Minister Tayyip Erdogan to expand Kurdish rights under a reform package designed to end the conflict. ... But the initiative suffered a setback in December [2009], when the Constitutional Court outlawed the Democratic Society Party (DTP) [A Kurdish opposition party] on charges of being the political wing of the PKK. ... '... they have not presented any real projects that might aid the Kurdish issue since the announcement of the last constitutional reform package of the government,' ... [a PKK spokesman] said." [120b]

4.10 International Crisis Groups, *Crisiswatch database: Turkey*, accessed 15 June 2010, reporting on events over May 2010 observed:

"Jailed separatist PKK leader Abdullah Ocalan [29 May] reportedly abandoned efforts to seek dialogue with gov[ernment]. PKK increased attacks in southeast over month after spring thaw: rocket attack on Iskenderun naval base [31 May] killed 6 soldiers, injured 7; 7 members of security forces killed [29 May] in clashes with rebels near Iraqi border. Earlier, in response to PKK incursions, including 7 May killing of 2 soldiers in Daglica area, Turkish airstrikes [7 May], [20 May] killed at least 24 rebels in Northern Iraq." [15]

4.11 The IISS website, undated, accessed on 15 June 2010, noted in the period January to April 2010 that:

"Successive waves of violent demonstrations marked the 11th anniversary of the arrest of Kurdistan Workers' Party (PKK) leader Abdullah Ocalan in mid-February and followed an assault on Kurdish politician Ahmet Türk in mid-April. There was also an upswing in clashes between Turkish soldiers and fighters from the banned PKK in April [2010], which some commentators linked to the impending visit of the Iraqi Kurdish leader, Massoud Barzani, and others simply ascribed to better weather. Of the 25 conflict-related deaths this period, 17 occurred in April [2010]. Some 86 suspected Kurdish separatists were arrested during a large security operation on the anniversary of Ocalan's arrest, and the PKK's attempts to recruit members and raise money abroad were also hit when nearly 30 suspects were arrested in Italy and Belgium. Ankara also arrested 20 suspected PKK computer hackers, and was promised greater assistance from the United States in its fight against the banned terrorist organisation." [14]
(**Military & Security Developments, Military developments 2009**)

4.12 Reuters news on 11 June 2010 in an article entitled *Rebel attacks kill one soldiers, wound 14 in Turkey* stated that:

"In one attack, Kurdistan Workers Party (PKK) guerrillas opened fire on Turkish soldiers in the province of Hakkari, killing one of them ... In the other, PKK rebels detonated explosives by remote control on the road south to Elazig in mountainous Tunceli province, wounding 13 soldiers, three of them seriously, and the civilian son of a driver in the convoy. Some 500 troops backed by helicopters launched an operation in the area to track down the rebels. ... PKK fighters regularly carry out such attacks on military vehicles in the mainly Kurdish southeast. Clashes with the military have escalated in recent weeks with the onset of warmer weather in the mountainous region." [120a]

For information on the treatment of the Kurds, including material on Kurdish insurgency see [Kurds](#), see also [Kurdish Opposition Groups](#) and [Dehap / Democratic Society Party \(DTP\)](#). For background information see the [Kurdish issue](#) and specifically [Conflict with the PKK: 1984 – 1990](#)

[Return to contents](#)
[Go to list of sources](#)

ISLAMIC/SECULAR TENSIONS: DEVELOPMENTS IN THE 'ERGENEKON PLOT'

- 4.13 An Associated Press article, reported on the website www.signonsandiego.com entitled *Turkish court charges 12 officers in coup plot*, dated 24 February 2010 noted that:

"The struggle between the secular Turkish military and the Islamic-oriented government reached new heights Wednesday [24 February 2010] as a court jailed 12 senior officers - including five admirals, an army general and six other officers. ... The officers are charged with plotting several years ago to topple the government of Prime Minister Recep Tayyip Erdogan, news reports said Wednesday. More officers could be charged later this week.

Former chiefs of Air Force, Navy and Special Forces were also among about 50 officers detained by police in a sweep Monday. ... Turkey, a predominantly Muslim but officially secular country, is witnessing an unprecedented showdown between the country's rising political Islamic movement and its fiercely secular founders, the military officers." [85]

- 4.14 International Crisis Groups, *Crisiswatch database: Turkey*, accessed 15 June 2010, reporting on events over February 2010 similarly observed:

"Army-govt tensions rose sharply after at least 60 high-ranking former and serving military officers detained 22, 26 Feb in connection with alleged 2003 'Sledgehammer' coup plan against AKP govt revealed in Jan; 14 formally charged 24, 26 Feb. State prosecutor arrested 17 Feb in ongoing Ergenekon anti-govt plot case. Opponents of AKP criticised arrest as politically motivated; prosecutor who ordered arrest sanctioned by judicial council. Naval officers among 19 suspects arrested in related case 5 Feb." [15]

- 4.15 Today's Zaman reported on 8 April 2010 in an article entitled *Four retired officers jailed in Sledgehammer*, that:

“The Sledgehammer plan was included in the third indictment prepared in the investigation into Ergenekon, a clandestine network charged with plotting to overthrow the government. The prosecutors are now questioning the 24 generals who attended the seminar...

“...Retired Gen. Şükrü Sarıışık, a former secretary-general of the National Security Council (MGK), and two other retired officers have been arrested along with retired Gen. Süha Tanyeri, who was released last week by a judge, as part of a probe into an alleged military plot to overthrow the government ... According to the Sledgehammer plot, made public by a newspaper in January [2010], the Turkish Armed Forces (TSK) had a systematic plan to create chaos in society by bombing mosques and attacking popular museums with Molotov cocktails. The attacks’ desired result was to increase pressure on the Justice and Development Party (AK Party) government for failing to provide security to its citizens. The attacks were to eventually lead to a military coup. The plan was drawn up in 2003 and discussed at a seminar held at the General Staff’s Selimiye barracks in March of that year.” [24k]

- 4.16 Today’s Zaman in an article entitled *Coup generals, officers still not questioned since Engin’s Sledgehammer intervention*, dated 26 April 2010, noted that 78 active military members, including 25 generals and admirals, due to be questioned as part of the ‘Sledgehammer coup’ had “... neither been detained nor interrogated ... after İstanbul Chief Public Prosecutor Aykut Cengiz Engin reassigned three prosecutors overseeing the probe in early April [2010].” [24n] The same article further observed that the three prosecutors removed from the involved in the ‘Sledgehammer case’ were “... taken off the case for ignoring a notice from the chief prosecutor that no detentions should occur ‘without the knowledge of deputy chief prosecutors.’ [24n]

For further information tensions between the military and political leadership of Turkey see [Rise of Political Islam: 1990s - 2009](#), additionally for information on changes to Supreme Board of Judges and Prosecutors (HSYK) see [Constitutional reform 2010](#)

EUROPEAN UNION ACCESSION NEGOTIATIONS 2009 – 2010

- 4.17 In considering Turkey’s accession bid to the European Union in 2009, the Human Rights Watch *World Report 2010: Events of 2009*, Turkey, published 19 January 2010 (HRW World Report 2010) stated:

“Negotiations with the European Union [EU] over Turkey’s accession to membership did not progress, with eight negotiation chapters remaining frozen because of stalemate over a divided Cyprus. The EU remains the most important international actor with the potential to foster respect for human rights in Turkey, but the deadlock in negotiations, and the public hostility of some EU member states to eventual EU membership for Turkey, have undermined the EU’s leverage.” [9e]

[Return to contents](#)
[Go to list of sources](#)

CONSTITUTIONAL REFORM

- 4.18 A Reuters US article dated 22 March 2010, entitled *FACTBOX – Turkey’s contentious constitutional reform project* noted that:

“Turkey’s Islamic-leaning AK Party government unveiled on Monday [22 March 2010] proposed constitutional reforms seen by the conservative establishment as a challenge to the European Union candidate country’s secular order.

“The AK Party, which says the reforms are needed to curb the powers of an entrenched judiciary and to bring Turkey closer to EU democratic standards, has said it will seek opposition support to win the two-thirds majority required, but has warned opponents it could hold a referendum to push through reforms. ... Investors are closely following developments, fearing they could increase political tensions and lead to early elections, due in July 2011.” [120c]

- 4.19 The same source, in explaining the background to the proposed reforms, stated that the constitutional amendments included changes that would make it more difficult to ban political parties; reform to the Supreme Board of Judges and Prosecutors (HSYK); curtailment in the powers of the military and an overhaul of the Constitutional Court. For further details refer to the article listed via the link [here](#). [120c]

- 4.20 Another Reuters US article dated 7 May 2010, entitled *Turkish Government pushes reforms towards referendum*, reported that the AK Party had won parliamentary backing for constitutional reforms on 7 May, with the exception of reform to the laws banning political parties. The source observed that the parliamentary endorsement “... clear[ed] the way for a referendum secularist critics aim to block as a threat to the Muslim country’s secular order.” The same source further noted:

“The bill, which makes changes to a constitution drafted after a 1980 military coup, passes to President Abdullah Gul for signature. Lacking the two-thirds majority to give it automatic effect, it must then go to a referendum the government wants to hold in July [2010]. ... The main opposition party has said it will appeal to the Constitutional Court to block any referendum. ... ‘Given the court’s track record, there is a significant chance that it will cancel the changes and halt the referendum process, which would raise the risk of early elections,’ analysts at Finansbank wrote in a note.

“The secular-minded Constitutional Court has struck down several key AK reforms in the past. ... Such a scenario could lead to institutional paralysis, which could force Erdogan, whose electoral mandate runs into mid-2011, to call a snap election. His prospects for such a vote are unclear, but markets would certainly be wary of any return to the fragmented, warring coalitions of the 1990s.” [120d]

See [Constitution](#) and [Judicial reform initiatives](#)

5. CONSTITUTION

- 5.01 The US State Department *Background Note: Turkey*, updated 10 March 2010 reported that “The 1982 Constitution, drafted by the military in the wake of a 1980 military coup, proclaims Turkey's system of government as democratic, secular, and parliamentary. The presidency's powers are not precisely defined in practice, and the president's influence depends on his personality and political weight. The president and the Council of Ministers, led by the prime minister, share executive powers.” [5J] (Government and Political Conditions)
- 5.02 Turkey Interactive 2009, undated, accessed on 29 June 2010, prepared by the Turkish News Agency for the Press and Information Office of the Prime Ministry (Turkey Interactive website 2009), noted that: “The Constitution has been amended 15 times since it was approved in 1982. The majority of the amendments made are of the kind guaranteeing fundamental rights and freedoms and improving the democratic structure.” [36a] (p138-139) (The Constitution)
- 5.03 The same source also added that “[t]he Constitution of the Republic of Turkey provides a guarantee for every person’s right to lead a dignified life in a civilized and legal system as well as to develop one’s material and spiritual entity, through the exercise of his/her fundamental rights and freedoms set forth by the Constitution in line with the principles of equality and social justice.” [36a] (p135) (The Constitution)

See [Constitution](#) for the full text, and [Constitutional Reform](#) for recent proposed changes to the Constitution.

[Return to contents](#)
[Go to list of sources](#)

6. POLITICAL SYSTEM

OVERVIEW

- 6.01 Jane's *Sentinel Country Risk Assessment* (Jane's SCRA): Turkey, last updated 26 April 2010, gave the following overview of Turkey's political system:

“TYPE OF GOVERNMENT
 Democratic Republic

“HEAD OF STATE
 President Abdullah Gul

“HEAD OF GOVERNMENT
 Prime Minister Recep Tayyip Erdogan

“RULING PARTY
 Justice and Development Party (Adalet ve Kalkınma Partisi: AKP)

“OPPOSITION
 Republican People's Party (Cumhuriyet Halk Partisi: CHP), Nationalist Movement Party (Milliyetçi Hareket Partisi: MHP), Independents

“NEXT ELECTIONS
2011 (Parliamentary)” [81e]

POLITICAL STRUCTURES AND INSTITUTIONS

6.02 The Freedom House in *Freedom in the World -Turkey 2010*, noted that:

“The 1982 constitution provides for a 550-seat unicameral parliament, the Grand National Assembly. Reforms approved in a 2007 referendum reduced members’ terms from five to four years...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 July 2007 elections were widely judged to have been free and fair, with reports of more open debate on traditionally sensitive issues.” [62d]

6.03 The same source further stated that “A party must win at least 10 percent of the nationwide vote to secure representation in the parliament. The opposition landscape changed in 2007, with the entrance of the MHP [The Nationalist Movement Party] and representatives of the DTP [since banned in 2009] into the legislature. By contrast, only the two largest parties—the ruling AK and the opposition CHP—won seats in the 2002 elections.” [62d]

6.04 The US State Department *Country Report on Human Rights Practices 2009* (USSD Report 2009), Turkey, published on 11 March 2010, noted that “[i]n a 2007 referendum a majority of voters approved the direct popular election of future presidents for a maximum of two five-year terms. Just prior to the referendum, the single-chamber parliament, the Turkish Grand National Assembly [TGNA], elected Abdullah Gul as president.” [5i]

6.05 Europa World Online undated, accessed on 15 June 2010, reported that in September 1980, following escalated political violence, a “five member National Security Council (NSC) was formed.” [1c] The website of the Secretariat General of the National Security Council (NSC website), undated, accessed 15 June 2010, stated that “the National Security Council shall be composed of the Prime Minister, the Chief of the General Staff, Deputy Prime Ministers, Ministers of Justice, National Defence, Internal Affairs and Foreign Affairs, the Commanders of the Army, Navy and Air Forces and the General Commander of the Gendarmerie, under the chairmanship of the President of the Republic.” [26] (Constitution Situation)

6.06 The NSC website also noted that:

“The Council convenes once every two months. If necessary, the Council may convene upon the proposal of the Prime Minister or by direct request of the President of the Re-public. [sic] The Council meetings are held under the chairmanship of the President. The Council is chaired by the Prime Minister in the absence of the President. The Council takes its decisions with majority vote. In a case of a tie, the side including the Chairman is assumed to form the majority. Decisions of the National Security Council are taken into the agenda of the Council of Ministers and discussed with priority and the necessary decisions are made.” [26] (The method of study)

PARTY POLITICAL SYSTEM

- 6.07 Jane's *Sentinel Country Risk Assessment* (Jane's SCRA), last updated 26 April 2010 observed that:

"Multiparty politics has been routine in Turkey for nearly 60 years. The military accepted and encouraged a democratic ethic by introducing proportional representation during the 1960-1963 military intervention. The reform intended to reduce the risk of political abuse by a dominant single party, but it unintentionally made coalitions which were often unstable and weak, and bound by the most shaky and unsatisfactory of alliances. The Turkish political class grew accustomed to a merry-go-round of party collapse and rebuilding, intra- and inter-party competition, coalition negotiation and frequent short-term governments. Between 1973 and 1980, there were eight coalition governments." [81d] (Internal Affairs)

- 6.08 Freedom House Report 2010 noted that "[a] party can be shut down if its program is not in agreement with the constitution, and this criterion is interpreted broadly." [62d]

See [History](#) and [Political affiliation](#) for information about violations of political rights in practice

[Return to contents](#)
[Go to list of sources](#)

Human Rights

7. INTRODUCTION

- 7.01 The US State Department *Country Report on Human Rights Practices 2009* (USSD Report 2009), Turkey, published on 11 March 2010, noted that:

“There were reports of a number of human rights problems and abuses in the country. Security forces committed unlawful killings; the number of arrests and prosecutions in these cases was low compared with the number of incidents, and convictions remained rare. During the year human rights organizations reported cases of torture, beatings, and abuse by security forces. Prison conditions improved but remained poor, with chronic overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law... Violence against women, including honor killings and rape, remained a widespread problem. Child marriage persisted, despite laws prohibiting it. Some cases of official corruption contributed to trafficking in persons for labor and sexual exploitation.”
[5i] (Introduction)

- 7.02 Amnesty International Report 2010, *The State of the World's Human Rights*, (AI Report 2010) covering events of 2009, published May 2010, stated that:

“Little progress was made on enhancing human rights protections. Reports of torture and other ill-treatment persisted, as did criminal prosecutions limiting the right to freedom of expression. The legitimate work of human rights defenders was hampered by excessive administrative scrutiny and judicial harassment. In many cases alleged human rights violations by state officials were not investigated effectively, and the chances of bringing law enforcement officials to justice remained remote. Unfair trials continued, especially under anti-terrorism legislation which was used to prosecute children under the same procedures as adults. Prison regimes showed little improvement, and access to appropriate medical treatment was commonly denied. No progress was made in recognizing the right to conscientious objection to military service, and the rights of refugees and asylum seekers continued to be violated. Lesbian, gay, bisexual and transgender people faced discrimination in law and practice, and protections for women and girls subjected to violence remained inadequate.”
[12h]

- 7.03 The Human Rights Watch *World Report 2010: Turkey*, (HRW World Report 2010) Covering events of 2009, published 19 January 2010 stated:

“...Numerous provisions of the current constitution restrict human rights and fundamental freedoms, and a new constitution must be a priority. There were continuing prosecutions and convictions of individuals who expressed non-violent critical opinion or political views on the Kurdish issue, among other subjects viewed as controversial. Restrictions on press freedom remain a concern. Decisions of Turkey's Court of Cassation continued to flout international human rights law and the case law of the European Court of Human Rights, and demonstrate that the judiciary remains a site of

institutionalized resistance to reform. The struggle to assert civilian control over the military in Turkey continues: A June [2009] change to the law on military courts ensures that military personnel will be tried in civilian courts for serious offenses, including forming criminal gangs and plotting coups.” [9e]

- 7.04 The Foreign and Commonwealth Office *Annual Report 2009*, dated March 2010, (FCO Annual Report 2009), observed that “...in Turkey, the Human Rights Association reported a drop in the number of reported human rights violations for the first time since 2005.” [4w]

[Return to contents](#)
[Go to list of sources](#)

8. SECURITY FORCES

POLICE

- 8.01 The US State Department *Country Report on Human Rights Practices 2009* (USSD Report 2009), Turkey, published on 11 March 2010, noted that:

“The TNP [Turkish National Police], under Ministry of Interior control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under the joint control of the Ministry of Interior and the military, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military had overall responsibility for border control. Human rights groups reported that judicial police, established to take direction from prosecutors during investigations, continued to report to the Ministry of Interior.” [5i] (Section 1d, *Arbitrary arrest and detention*)

- 8.02 Jane’s *Sentinel Country Risk Assessment* (Jane’s SCRA), last updated 15 October 2009, noted that “[t]he National Police are traditionally responsible for policing functions in the towns and cities (any settlement with more than 2,000 inhabitants), while policing functions in rural areas come under the jurisdiction of the Gendarmerie. Special police teams were formed in order to combat the PKK insurgency in the southeast of the country.” [81d] (*Security and Foreign Forces*)

National Police

- 8.03 Jane’s SCRA, noted that “The commanding body of the National Police is known as the General Directorate of Security (Emniyet Genel Müdürlüğü: EGM), which comes under the Ministry of the Interior. There were around 201,000 police officers in 2008 up from 166,000 in 2000. Around 50.5 million people live in urban areas where law enforcement is the responsibility of the National Police, meaning a ratio of approximately 251 people to every police officer.” [81d] (*Security and Foreign Forces*)
- 8.04 The same source further noted that in September 2008, the ruling AK party, announced plans to increase the number of police officers to over 230,000 by 2010, including the recruitment of an additional 19,000 officers in 2009. The shortfall is most acute in the major cities of western Turkey, particularly

Istanbul. The AKP's plans to recruit 19,000 new officers in 2009, included the allocation of 12,000 to Istanbul." [81d] (Security and Foreign Forces)

8.05 The Turkey Interactive website 2009, accessed 5 March 2010, observed that the Directorate General of Security included "... central and provincial organizations as well as offices abroad. Regional organizations have also been formed for some service units. The area of responsibility of the Turkish police is restricted by municipal borders." [36a] (p165) (Internal Security)

8.06 The website also explained that: "Some of the judicial functions of the police include acting in accordance with the orders and directives of the judicial authority, gathering evidence, identifying and capturing perpetrators of offences or crimes, making investigations and interrogations under directives of the Chief Prosecutors, and delivering suspects, along with evidence, to the judicial authorities." [36a] (p165) (Internal Security)

8.07 The same source further noted:

"The police force also has political duties such as the protection [sic] of the integrity of the state and the preservation of constitutional order. Also, the police force has administrative functions including preventive, protective and assistance duties... The Turkish Police Force, has 1,197 stations, 884 district and 81 provincial directorates across the country, excluding the headquarters and approximately 205,000 personnel, almost 187,000 of them working in security services... Having adopted the motto of 'Coordination at home, cooperation in the world', the Turkish Police Force collaborates with the International Criminal Police Organization (Interpol) in particular, in combating international crimes and criminals [sic]. Meanwhile, the Turkish police also signed a 'Cooperation Agreement' with the European Police Force (Europol) of the Council of Europe." [36a] (p168) (Internal Security)

Jandarma / Gendarmerie

8.08 Jane's SCRA, last updated 15 October 2009, noted that:

"The Gendarmerie (Jandarma) is a paramilitary force that carries out police functions in rural regions. It is charged with the preservation of public order and internal security, including border security, in an area which covers over 91 per cent of the territory of Turkey. The General Command headquarters is located in Ankara... In 1987 the Gendarmerie set up a Public Order Command based in Diyarbakir to counter the activities of the PKK. Gendarmerie forces played a major role in fighting these guerrillas. It has been estimated that the Gendarmerie has approximately 50,000 reserves in addition to its regular strength of about 150,000." [81d] (Security forces)

8.09 The Turkey Interactive website 2009, undated, accessed 5 March 2010, noted that:

"The Gendarmerie performs its duties generally in areas outside municipal borders and in district centers where there is no police force. Nearly 25 million people, corresponding to almost 35% of the population, live in the areas of

responsibility of the gendarmerie, and this figure doubles during summertime due to tourism and workers' mobility.

"The Gendarmerie carries out many duties, under the Gendarmerie Organization Duties and Responsibilities Law No. 2803. These duties can be divided into 4 groups as civil, judicial, military, and other duties." [36a] (p168) (Internal Security)

8.10 The same source continued: "Every province in Turkey has a gendarmerie provincial command administering a number of gendarmerie district commands. There are also numerous smaller units such as site and individual protection teams, prison protection teams, commando units and special operations teams as well as service and support elements established along with special requirements." [36a] (p168) (Internal Security)

8.11 Jane's SCRA, last updated 15 October 2009 also stated that:

"...the Gendarmerie General Command comes under the Ministry of the Interior in peacetime and under the chief of the Turkish General Staff (TGS) in wartime...The Gendarmerie is staffed by a combination of conscripts performing their military service (around 80 per cent of the total) and full-time career officers (around 20 per cent of the total). Despite the often close relationship with the Turkish Armed Forces, with the exception of the commander, members of the Gendarmerie remain in the force for the duration of their careers and there is no exchange of personnel with other forces. However, the commander of the Gendarmerie has traditionally been a serving four-star general on secondment from the Turkish Land Forces. The current Gendarmerie Commander is Atila Isik." [81d] (Security forces)

TURKISH ARMED FORCES (TÜRK SİLAHLI KUVVETLERİ, TSK)

8.12 The Turkish General Staff website, undated, accessed on 2 July 2010 entitled *Force Structure* stated that "The Turkish Armed Forces is composed of Land Forces Command subordinate to the Turkish General Staff, Naval Forces Command and Air Forces Command as well as the Gendarmerie General Command and the Coast Guard Command, which are subordinate to the Ministry of Internal Affairs in peacetime and to the Land Forces and the Naval Forces Commands in wartime." [121]

8.13 Jane's SCRA, last updated 11 June 2010 stated that:

"...the Turkish Armed Forces (TAF), the second largest military force in NATO after the US, embarked on a 25 to 30 year USD150 billion modernisation programme with some USD60 billion earmarked for land forces. While important progress has been made in securing modern equipment for the armed forces, some major programmes have been delayed or cancelled because of financial constraints and other factors. ... The Chief of the Turkish General Staff is responsible to the Prime Minister, and is charged with the overall command and control of the TAF [Turkish Armed Forces]. He is responsible for conducting military operations and ensuring the maintenance of

a state of operational readiness. The commanders of the three services, (land, naval, air), report directly to the Chief of the Turkish General Staff.

“Turkish General Staff and the Ministry of National Defence work in close co-ordination and co-operation to fulfil their respective responsibilities. The General Command of the Gendarmerie and Coast Guard Command, as a part of the internal security forces, are affiliated with the Ministry of Interior Affairs during peacetime; whereas in times of war, they fall under the Land Forces Command and Naval Forces Command respectively.” [81f]

OTHER GOVERNMENT FORCES

Village guards

- 8.14 The Jamestown Foundation stated in its publication *Turkey Debates the Village Guard System* dated 11 May 2009 that:

“Turkey first developed the village guard system to quell the separatist Kurdistan Workers' Party (PKK). Local men were recruited as a paramilitary force to both protect themselves and aid the security forces fighting PKK militants in south-eastern Turkey. Village guards' familiarity with the terrain, as well as the local language and dialects were important assets, and this helped to enhance the operational capability of the Turkish security forces. Village guards, numbering around 90,000 at the height of the PKK's campaign, are currently around 58,000-strong. Although the system began as a temporary measure, it has become an integral part of Turkey's security apparatus.” [76]

- 8.15 The USSD Report 2009 observed that “[d]uring the year, the government made progress in reforming the village guard system as required by a 2007 law which, according to government officials, is intended to gradually phase out the system through retirement while providing social support for village guards. It had reduced the number of village guards to 48, 276, from 63,000 in previous years.” [5i] (Section 1 Role of the Police and Security Apparatus)

- 8.16 However this information appeared inconsistent with the the European Commission *Progress Report 2009*, published 14 October 2009, which instead noted that: “... [n]o steps have been taken to abolish the system of village guards. There have been reports of human rights violations by village guards during their fight against terrorism. There were reports that new village guards were recruited during the local election campaign.” [71d] (p31)

HUMAN RIGHTS VIOLATIONS COMMITTED BY THE SECURITY FORCES

- 8.17 Please note that the following information refers to the security forces generally, except where specific references are made to the individual agency concerned. Information on the treatment of specific groups by the security forces can additionally be found in the relevant chapters later in this report.

Arbitrary arrest and detention

- 8.18 The USSD Report 2009 reported that “[t]he law prohibits arbitrary arrest and detention; however, the government at times did not observe these prohibitions.” [5i] (Section 1d, d. Arbitrary Arrest or Detention) The same source went onto explain:
- “During the year police routinely detained demonstrators for a few hours at a time. Police detained several hundred members of the former DTP [Democratic Society Party] and its successor Peace and Democracy Party (BDP) on various occasions. Police continued to detain and harass members of human rights organizations, media personnel, and human rights monitors. Police continued to detain persons on suspicion of ‘membership in an illegal organization’ and for ‘promoting terrorist propaganda’.” [5i] (Section 1d, d. Arbitrary Arrest or Detention)
- 8.19 The Human Rights Association (IHD), a Turkish Human Rights group established in 1986 [13a], reported in a press release dated 17 March 2010 about an ongoing anti-terror crackdown operation.[13b] As noted: “[t]he first part of this operation was held on December 24, 2009 in 11 Turkish provinces and 36 Kurdish political leaders, journalists, and activists detained during the operation. Mr. Muharrem Erbey, Vice President of IHD and President of the Diyarbakir Branch was of the activists that were arrested in this operation. Mr. Erbey has been still in prison.” [13b]

Torture and mistreatment

- 8.20 The Report of the UK Border Agency Fact Finding Mission (UKBA FFM) to Turkey 11 – 20 February 2008, noted that several of the sources interviewed referred to the government’s ‘zero tolerance’ policy on torture, which was announced by the AKP government in 2002. [59] (1)
- 8.21 A government circular issued to Provincial governors regarding the application of the ‘zero tolerance’ policy stated:
- “No concession in any form will be made from the careful and decisive implementation of legal and administrative procedures which have been made, in line with our government’s understanding of ‘zero tolerance towards torture’. The necessary investigations into allegations of torture and ill-treatment will be started without delay and completed within the shortest period of time possible. In line with legal and administrative procedures to counter torture and ill-treatment, alongside the routine inspections of managers at all levels in public sector organisations and other responsible officials, carried out with and without prior notice, Human Rights Boards and related organisations and units located in the provinces and sub-provinces will carry out visits with and without prior notice. In order to address the problems identified in these visits and inspections, the required precautions will be taken quickly and it will be ensured that the necessary procedures relating to those who identified the fault will be carried out.” [59] (21) (Translation)
- 8.22 Similarly Mr Firat the Director of EU Affairs at the Justice Ministry told the UKBA Fact Finding Mission that there might be incidents of alleged mistreatment of detainees but certainly no systematic abuse. According to the Istanbul protocol, police officers were required to obtain medical reports as soon as a person was

admitted to detention and immediately after a person's release from detention. In this way, the detention system was transparent and any mistreatment would not go undetected. In Turkey there was a zero tolerance policy towards mistreatment / torture. [59] (S10.4)

- 8.23 However the above information appeared inconsistent with several other sources. The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted:

“Overall, while the Turkish legal framework includes a comprehensive set of safeguards against torture and ill-treatment, efforts to implement it and fully apply the government's zero tolerance policy have been limited. Allegations of torture and ill-treatment, and impunity for perpetrators are still a cause for great concern, and need to become a priority area for remedial action by the Turkish authorities. In order to assess accurately progress in this area it would be helpful that the Turkish authorities authorise promptly the publication of the Council of Europe's Committee for the Prevention of Torture (CPT) report.” [71d] (p16)

- 8.24 The USSD Report 2009 stated that:

“The village guards have been accused repeatedly in past years of drug trafficking, corruption, theft, rape, and other abuses. Inadequate oversight and compensation contributed to the problem, and in many cases Jandarma allegedly protected village guards from prosecution. Although security forces were generally considered effective, the village guards, Jandarma, and police special forces were viewed as most responsible for abuses. Corruption and impunity remained serious problems.” [5i] (Section 1 Role of the Police and Security Apparatus)

- 8.25 The Human Rights Association (IHD), in a report entitled *2009 Human Rights Evaluation*, dated 30 December 2009 noted that:

“Until the end of November [2009], 436 people applied to HRFT [Human Rights Foundation] claiming torture and ill-treatment. According to official statistics of Ministry of Justice, in 2008, 153 cases on torture and persecution crimes were opened and 403 people have been put on trial as crime suspects. Even these numbers are sufficient to show that torture and persecution have continued gravely.” [13c]

- 8.26 The Amnesty International Report 2010: *The State of the World's Human Rights* (AI Report 2010) covering events of 2009, published May 2010, noted that “[t]orture and other ill-treatment continued to be reported, with many abuses taking place away from official places of detention. Those accused of ordinary crimes, as well as people accused of politically motivated offences, were vulnerable to ill-treatment ...” [12h]

- 8.27 Similarly the USSD Report 2009 stated that:

“Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for

political offenses such as speaking out against the government, although they were less likely to report abuse. According to a number of human rights groups and press reports, authorities allegedly tortured some suspects to obtain confessions, while others such as transvestites were regularly subject to abuse by police on 'moral' grounds." [5i] (Section 1c, Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

- 8.28 The USSD Report 2009 stated that "... members of the security forces continued to torture, beat, and abuse persons. Human rights organizations continued to report cases of torture and abuse in detention centers and prisons during the year. They alleged that torture and abuse had moved outside of detention centers and into more informal venues where it was harder to document." [5i] (Section 1c Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)
- 8.29 The HRW World Report 2010 observed: "Police ill-treatment occurs during arrest, outside places of official detention, and during demonstrations, as well as in places of detention. In October Güney Tuna was allegedly beaten by seven police officers in Istanbul, leaving him with a broken leg and serious head injury that were not recorded in a routine custody medical report." [9e] (p457)
- 8.30 However the same source further observed that "[t]here were far fewer reports than in the past two years of police violence against demonstrators during May 1 [2009] demonstrations in Istanbul, although the policing of demonstrations remains a concern..." [9e] (p457)

See also [Prison conditions – Human rights violations](#)

Extra- judicial killings

- 8.31 The USSD Report 2009 noted that:

"The government or its agents did not commit any politically motivated killings; however, security forces killed a number of persons during the year. ... The nongovernmental organization (NGO) Human Rights Foundation (HRF) reported that security forces caused the deaths of seven persons during demonstrations.

"...There were continuing reports that security forces shot and killed civilians who refused to obey a warning to stop. A joint report from the Human Rights Association (HRA) and HRF stated that 46 persons died specifically for refusing to stop, an increase over the previous year. ... Human rights organizations continued to state that the government's failure to delineate clearly appropriate situations for the use of lethal force, in the revised Antiterror Law or other laws, contributed to cases of disproportionate use of force."

"... In 2008 the European Court on Human Rights (ECHR) found 11 violations by the country of the European Convention on Human Rights with regard to right to life or involving the deprivation of life."

“... According to the security forces (military, Jandarma, and the Turkish National Police (TNP), 36 civilians were killed and 115 were injured, 77 members of the security forces were killed and 385 were injured, and 105 terrorists were killed and five were injured in armed clashes related to the struggle against the Kurdistan Workers' Party (PKK) during the year. ... Most of the clashes between terrorists and security forces occurred in the southeast. The numbers of civilian deaths and injuries decreased from 2008. According to the HRF land mines and unattended explosives killed nine civilians and injured 26 during the year, a decline from the previous year. ... On several occasions throughout the year government military aircraft attacked areas controlled by the PKK in northern Iraq.” [5i]

[Return to contents](#)
[Go to list of sources](#)

AVENUES OF COMPLAINT AND MEASURES TO TACKLE HUMAN RIGHTS VIOLATIONS

- 8.32 The following information should be considered in conjunction with material found under [Human rights institutions, organisations and activists](#), giving information on the various institutions constituted to hold the government to account on human rights violations.

Legal reform, training and complaints systems

- 8.33 The Freedom House, *Freedom in the World 2010 report, Turkey*, covering events of 2009, released in May 2010 (Freedom House Report 2010) reported that:

“The current government has enacted new laws and training to prevent torture, including a policy involving surprise inspections of police stations announced in 2008. The 2009 government human rights report found that torture and ill-treatment are declining, although the Human Rights Foundation of Turkey in 2008 reported much higher numbers and a slight increase in violence and ill-treatment since 2005.” [62d]

- 8.34 The USSD Report 2009 observed that:

“The TNP [Turkish National Police] and Jandarma [also known as Gendarmerie] received specialized training in a number of areas, including human rights and counterterrorism. A total of 14,413 TNP personnel received training on human rights. According to the government, the military emphasized human rights in training for officers and non commissioned officers. A total of 32 hours of human rights training is given to officers, NCOs [non-commissioned officers], and Jandarma cadets. In some cases NGOs were invited to provide input or training to security forces during the year.” [5i] (Section 1d, Role of the Police and Security apparatus)

- 8.35 The Report of the UK Border Agency Fact Finding Mission 11 – 20 February 2008 noted that:

“Ms Douglas-Todd, Resident Twinning Advisor, Independent Police Complaints Commission [IPCC] Project Team said that the main strength of the current complaints system in Turkey was that Turkish citizens could go to various official and non governmental bodies to initiate a complaint about a law enforcement officer, which would then be taken forward to the judicial process, if a criminal matter. The main weakness in the system was poor recording of data with regard to complaints against law enforcers. The IPCC project therefore envisaged setting up a framework to publish such data on an annual basis to allow future trend analysis. It was envisaged that the IPCC project would take four years to complete and be conducted in two phases: firstly, to conduct a consultation and set up the necessary legislative changes; and, secondly, to establish the IPCC itself.” [59] [S18.6]

- 8.36 However the EC *Progress Report 2009*, observed that: “... [p]reparations for an independent national mechanism to investigate citizens’ complaints that will cover the police, gendarmerie and coastguard services were completed in June [2009]. A decision by the Minister of the Interior is now awaited before finalisation of the draft law establishing this body and subsequent submission to parliament.” [71d] (p15)

Impunity and prosecution of security force personnel

- 8.37 The Foreign and Commonwealth Office Annual Report 2009, dated March 2010 (FCO Annual Report 2009) stated that: “In Turkey, impunity of law enforcement officers and the armed forces remains a problem, as does the lack of prompt, impartial and independent investigation into torture and inappropriate detention and interrogation by members of security forces and the police.” [4w]

- 8.38 The EC *Progress Report 2009* also observed:

“As concerns the fight against impunity for human rights violations, sixty officials held responsible for the death in custody of Engin Çeber in 2008 were indicted. The trial on this case started in January 2009 and is still in progress. ... However, there is a need to step up efforts to reduce impunity for human rights violations. The report on torture and ill-treatment by the parliamentary Human Rights Investigation Committee, adopted in January, notes that none of the 35 lawsuits filed against 431 members of the Istanbul police for ill-treatment or torture resulted in a conviction. The committee concluded that this leads to suspicions about the effectiveness of proceedings initiated against law enforcement agents. According to the same report, only 2% of police officers are subject to disciplinary sanctions as a result of an administrative investigation of allegations of torture or ill-treatment. The committee concluded that such investigations should not be carried out by fellow police officers.

“The four police officers standing trial for ‘killing outside legitimate self-defence’ Ahmet Kaymaz and his 12 year-old son Uğur in November 2004 were acquitted by the Court of Cassation in June [2009]. The Kaymaz family appealed to the ECtHR [European Court of Human Rights]. [71d] (p16)

- 8.39 The USSD Report 2009 also stated: “[t]he TNP [Turkish National Police] reported that through November 63 judicial or administrative cases were

opened against TNP personnel for excessive use of force and mistreatment. Investigations were dropped in 38 cases because there was 'no need to punish' or 'no need to reach a decision'. Twenty-four cases continued at year's end." [5i] (Section 1, d. Arbitrary Arrest or Detention)

8.40 The same source also reported:

"At year's end the trial continued against police officer Gazi Ozuak from the Van Security Directorate on charges of torturing theft suspect Zeki Simsek in 2008. Simsek claimed that he had been tortured with nails and cigarettes during his interrogation and that the mistreatment was verified by a medical report by the Van State Hospital. While awaiting trial, Ozuak was promoted into the Ankara Antiterror Department." [5i] (Section 1c, Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

8.41 However the USSD Report 2009 did highlight one case in which a police officer was convicted for unlawful killing, as noted "[o]n May 28 [2009], police officer Mustafa Aktas was convicted and sentenced to five years' imprisonment for the 2008 killing of Gokhan Ergun for not obeying a warning to stop." [5i] (section 1a Arbitrary or Unlawful Deprivation of Life)

See also [Prison conditions – Human rights violations](#)

[Return to contents](#)
[Go to list of sources](#)

9. MILITARY SERVICE

TERMS OF SERVICE

9.01 The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008, Turkey*, released 20 May 2008, reported that:

"According to the constitution, 'National service is the right and duty of every Turk' (Article 72). Under Military Law No. 1111, men's liability for military service started in the year they turned 20. Liability continued to the age of 41, except on grounds of health or disability. ...

"Women were not conscripted and could join the armed forces only after attending military school. Length of service was 15 months for private soldiers and non commissioned officers (NCOs) and 12 months for reserve officers. Students could defer conscription until they had completed higher or vocational education. There was no provision for conscientious objectors." [40]

9.02 The Same source also stated that "[i]n times of mobilization or a state of emergency, individuals liable for military service could be recruited from the age of 19." [40]

9.03 *Turkey Interactive 2009*, undated, accessed on 5 July 2010 noted that "Male citizens who reach the age of 20 are recruited in accordance with their level of education and physical state." [36a] (p254) War Resisters International – Turkey,

review updated 23 October 2008, (War Resisters 2008) noted that "...Art. 1 of the Law on Military Service specifies that all males who are citizens of the Turkish Republic, must receive armed military training, irrespective of their age. Law No. 1111 was enacted in 1927 and states that 'fatherland service' is compulsory military service, so refusal to perform 'fatherland service' is a crime punishable by the military penal code." [53a]

9.04 War Resisters 2008 continued:

"The length of military service is 15 months. University graduates may perform 6 months' military service, or 12 months if they are trained to become reserve officers. Certain professional groups (doctors, teachers, civil servants) may be permitted to perform special service. However, this special service is a service within the Armed Forces, and with uniform. Usually, those serving in special service are not sent on combat operations. All men between the ages of 19 and 40 are liable for military service. Men who have not fulfilled their military service by the age of 40 and who have not been legally exempt from service, may still be called up after the age of 40. ...

"Police officers are exempted from military service. Under certain condition, a person whose brother died during his military service might be exempted from military service. Students may postpone their military service up to the age of 29, or up to the age of 35 in the case of postgraduate students. After completion of military service, reservist duties apply up to the age of 40." [53a]

9.05 The same source also noted that: "Different military service regulations apply for Turkish citizens who are living abroad. They can postpone their service up to the age of 38, for a period of three years at a time. Turkish citizens living abroad may also partially buy themselves out of military service by paying a sum of 5,112 Euro. However, in this case they still need to perform one month of military service." [53a]

DOCUMENTATION OF MILITARY SERVICE

9.06 The Immigration and Refugee Board of Canada in an information request response dated 24 February 2009 noted that:

"In a 30 January 2009 telephone interview with the Research Directorate, a consular official at the Embassy of the Republic of Turkey in Ottawa provided the following information. The fact that the section in the Turkish passport pertaining to military service is left blank or has a horizontal line in it, does not definitively indicate whether the holder has completed his military service, but rather that the completion of military service has not been confirmed (Turkey 30 Jan. 2009). There is no significance to the horizontal line; some officials choose to draw a line in this section while others prefer to leave it blank (ibid).

"The Consular Official provided further details during a 13 February 2009 telephone interview with the Research Directorate. In order to obtain a new passport, Turkish men between the ages of 20 and 38 years must demonstrate compliance with the country's military service law (Turkey 13 Feb. 2009). Men over the mandatory military service age are not required to show proof of military

service in order to obtain a Turkish passport (ibid.). However, a man who has completed his military service must submit a 'Document of Completion of Military Service' in order to obtain a passport; a passport officer might indicate that military service has been completed by writing yapmıştir (done) in this section (ibid.). The word yapmamıştir (not done) might appear in the passport of a Turkish student studying abroad who has obtained a deferment of military service (ibid.).

"In newer passports, the bar code is electronically linked to the holder's file, which includes information on his military service (Turkey 13 Feb. 2009). As such, border control officials do not need to look inside a passport to determine whether a holder has completed his military service, as this information is available electronically (ibid.). The Consular Official added that if a person was found to be avoiding military service, he may be detained by border control officials (ibid)." [7a]

[Return to contents](#)
[Go to list of sources](#)

EVASION OF MILITARY SERVICE AND PUNISHMENT

9.07 The War Resisters 2008 noted that:

"Draft evasion and desertion are punishable under the Law on Military Service and the Turkish Military Penal Code. Turkish law actually makes a distinction between evasion of military registration, evasion of medical examination, evasion of enlistment and desertion. According to Article 63 of the Penal Code, draft evasion is punishable (in peacetime) by imprisonment of:

- One month for those who report themselves within seven days;
- Three months for those who are arrested within seven days;
- Between three months and one year for those who report themselves within three months;
- Between four months and 18 months for those who are arrested within three months;
- Between four months and two years for those who report themselves after three months;
- Between six months and three years for those who are arrested after three months
- Up to ten years' imprisonment in the case of aggravating circumstances, such as self-inflicted injuries, using false documents (Articles 79-81 of the Penal Code).

"Desertion is punishable under Articles 66-68 of the Penal Code with up to three years' imprisonment. Deserters who have fled abroad may be sentenced to up to five years' imprisonment, and up to ten years in case of aggravating circumstances (Article 67)." [53b] (Section Draft evasion and desertion – penalties)

9.08 The Immigration and Refugee Board of Canada in an information request response dated 24 February 2009 noted that:

“Monitoring of draft evasion and desertion is strict. The registration of conscripts is, in fact, one of the most effective government registrations in Turkey. Draft evaders and deserters may be arrested after routine checks such as traffic control. They are not able to leave Turkey, as the military registration number is included on identity documents. In addition, police and [gendarme] authorities are responsible for finding draft evaders and deserters and may conduct house searches and arrest them. [7a]

- 9.09 The Immigration and Refugee Board of Canada in an information request dated 21 May 2010 provided further information on the procedures for registering conscription and monitoring draft evaders:

“In 6 May 2010 correspondence with the Research Directorate, an official at the Embassy of the Republic of Turkey in Ottawa stated that male Turkish citizens are required to report to the military draft branches between 1 January and 31 October of the year of their twentieth birthday for the process of ‘final military draft inspection.’ The Official also agreed that the following information, originally submitted to the Research Directorate in 2003 and 2006, remains accurate:

“Those draftees who are not ready for military service have to submit their documents showing the reasons (being a student, being unable to perform military service due to health reasons, being in prison, etc.). If these persons fail to report to their military branches, they become *yoklama kaçagi* (pre-registration draft evaders) as of November 1st of that year.

“Draftees who complete their final military draft registrations join the military during the year that they become 21 years old. Those who do not attend to the call of the military branches or those who fail to join the related military training center or unit after completing their registrations become *bakaya* (post-registration draft evaders).

“Once the government is aware of those who have become *yoklama kaçagi* or *bakaya*, their name and address is forwarded to the security authorities (the police or gendarme) by the administrative authorities (the governorships) and consequently, security authorities are authorized to begin to search for these persons. Simultaneously, the military branches of the persons in question send an official letter to their address, stating that they have become draft evaders and that they have to apply to their military branch to complete the relevant procedures. (Turkey 6 May 2010)

“According to the Official, draft evaders (both *yoklama kaçagi* and *bakaya*) are not allowed to travel abroad until they legalize their situation (ibid.). WRI similarly indicates that draft evaders cannot leave Turkey, and that customs, immigration and police officers would be aware that they are evading military service (WRI 23 Oct. 2008).” [7o]

TREATMENT OF CONSCIENTIOUS OBJECTORS

- 9.10 Amnesty International article entitled *Turkey: Further information: Conscientious objector convicted: Enver Aydemir*, dated 8 April 2010 provided the following information on conscientious objectors:

“In its national law, Turkey fails to recognize the right to conscientious objection and no civilian alternative is available. Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to three years. On release, they often receive new call-up papers, and the process is repeated. Turkey has failed to implement the 2006 ruling of the European Court of Human Rights that required Turkey to amend its legislation to prevent the ‘civil death’ of conscientious objectors repeatedly prosecuted and convicted for their refusal to carry out military service, found by the Court to be a violation of Article 3 of the European Convention on Human Rights (prohibition of degrading treatment).” [53c]

- 9.11 Amnesty International article entitled *Turkey: Conscientious objection is a human right not a personality disorder*, dated 10 June 2010 stated that:

“Conscientious objector Enver Aydemir was released from military custody on 8 June [2008] following a report from the Gülhane Military Medical Academy in Ankara declaring him to be ‘unsuitable for military service’. ... Enver Aydemir had been in custody since 24 December 2009. On 29 March 2010 he was convicted by a military court of ‘desertion’ due to his refusal in 2007 to perform military service. His trial on four counts of ‘persistent insubordination’, also due to his refusal to perform military service was continuing. Amnesty International considered him to be a prisoner of conscience.” [53d]

- 9.12 In a *Bianet* article published 9 January 2008, it was recorded that: “Sanar Yurdatapan, spokesperson for the Initiative against Crimes of Thought, was yesterday (8 January 2008) awarded 2,000 Euros in damages and 1,500 Euros legal costs by the European Court of Human Rights (ECHR). Yurdatapan had been sentenced to two months imprisonment for a statement in support of conscientious objector Osman Murat Ülke.” [102h]

See [Human rights violations committed by the security forces](#) and [LGBT: State and Societal Attitudes and Treatment](#)

[Return to contents](#)
[Go to list of sources](#)

10. JUDICIARY

OVERVIEW

- 10.01 Jane’s *Sentinel Country Risk Assessment* (Jane’s SCRA): *Turkey Report*, last updated 26 April 2010, noted that:

“The independence of the judiciary has been respected (in word if not in deed) in the government since the founding of the Third Republic in 1982. However, a

clogged and underfunded court system meant that judicial processes are often lengthy and has severely limited oversight of judicial impartiality and appellate processes.

“Beginning in 2003 and continuing well into 2005, Turkey reformed its legislation to enshrine respect for human rights and individual liberties, which had previously been de-emphasised due to concern for national unity and Turkish identity. Sceptics of the reforms claim that the changes are cosmetic and that in practice little has changed, except in high-profile cases likely to arouse international interest. They also point out that the new penal code, which was put finally into force in April 2005, still criminalises anti-government speech and gives leeway for prosecutors to pursue those who express views contrary to official ideology. The controversial Article 301, which outlawed ‘denigration of Turkishness’ and which has been used as a means to prosecute journalists and writers, was amended on 30 April 2008. The criminalisation of the ‘denigration of Turkishness’ was replaced by the criminalisation of denigration of the ‘Turkish nation’, while the maximum prison sentence reduced from three to two years and all prosecutions made dependent on approval by the Ministry of Justice. However, critics pointed out that the amendments retained the intimidatory nature of the previous phrasing of Article 301 by continuing to restrict the expression of non-violent opinions.” [81e] (Internal Affairs)

- 10.02 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, observed that:

“Overall, some progress has been made in the area of the judiciary. The adoption by the government of the judicial reform strategy following a process of consultation with all stakeholders is a positive step. The measures taken to increase staff and funding are also positive. However, these efforts need to be continued, and concerns remain with regard to the independence, impartiality and effectiveness of the judiciary, such as the composition of the High Council of Judges and Prosecutors and the establishment of the regional courts of appeal.” [71d] (p12)

[Return to contents](#)
[Go to list of sources](#)

ORGANISATION

- 10.03 The US State Department *Country Report on Human Rights Practices 2009* (USSD Report 2009), Turkey, published on 11 March 2010, noted that:

“The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the country's highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases involving government entities, and the audit court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. The Ministry of Justice reported that none of the regional appeals courts established by 2004 legislation to relieve the high court's caseload were operational at year's end and that the project was

postponed due to delays in building new court houses and assigning judges and prosecutors.

“The Constitutional Court examines the constitutionality of the procedural aspects of laws, decrees, and parliamentary procedural rules, and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider ‘decrees with the force of law’ issued under a state of emergency, under martial law, in time of war, or in other situations as authorized by parliament.” [5i] (Section 1e Denial of Fair Public Trial)

10.04 Jane’s Turkey SCRA last updated 26 April 2010, reported:

“The power of the judiciary is exercised by Judicial (Criminal), and Administrative Military Courts with final rulings passed by superior courts which include the Constitutional Court, the Court of Appeals, the Council of State, the Military Tribunal of Appeals, the Supreme Military Administrative Court, the Court of Jurisdictional Dispute and the Court of Accounts. The Turkish Grand National Assembly has the authority to declare amnesty or pardons for those convicted of crimes other than those specified in the constitution.” [81e] (Internal Affairs)

Civil courts

Civil Courts of the Peace (Sulh Hukuk Hakimliği)

10.05 This is the lowest civil court in Turkey with a single judge. There is at least one in every ilce (district). Its jurisdiction covers all kinds of claims where the amount does not exceed 2,000,000 Turkish Liras for the time being; claims of support, requests or minors for permission to marry or to shorten the waiting period of marriage, eviction cases for rentals by lease and all cases assigned to the court by the Code of Civil Procedure and other laws. There are 846 Civil Courts of the Peace in Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The court system)

Civil Courts of First Instance (Asliye Hukuk Hakimliği)

10.06 This is the essential and basic court in Turkey. Its jurisdiction covers all civil cases other than those assigned to the civil Courts of the Peace. There is one in every il and ilce, and sometimes divided into several branches according to the need and necessity. There are 958 such Courts in Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

Commercial Courts (Asliye Ticaret Mahkemesi)

10.07 The Commercial Courts are the specialized branches of all Civil Courts of First Instance, having jurisdiction over all kinds of commercial transactions, acts and affairs relating to any trading firm, factory, or commercially operated establishment. [18b] (The Turkish Embassy –court system)

- 10.08 The Commercial Courts consist of three judges, one presiding judge, and two members. At present, 35 Commercial Courts exist in commercial centers, throughout Turkey. Where there are no Commercial courts, the Civil Courts of First Instance perform the functions of the Commercial Courts. The competence of the Commercial Courts is clearly described under Article 5 of the Commercial Code. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy –court system)

The Court of Cassation (Yargıtay)

- 10.09 The highest appellate court in Turkey is called the Court of Cassation. It is divided into 30 chambers according to their particular specialized field. There are 20 civil chambers, 10 penal chambers. Each chamber is a five-judge court with a presiding judge and four members. One elected judge by the all judges of the Court of Cassation presides over the entire Court as general President. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy –court system)
- 10.10 All final judgments are appealable, except those less than 400,000 Turkish Liras and, in penal cases, judgments concerning fines up to 2,000,000 Turkish Liras, judgments of acquittal from an offense involving fines not exceeding 10,000,000 Turkish Liras, and judgments which are described in the Criminal Code or other codes as final. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy- Court system)

Penal courts

Penal Courts of the Peace (Sulh Ceza Hakimliği)

- 10.11 This is the lowest penal court with a bench of one judge. There is one in every ilçe, but it is sometimes divided into several branches according to the need and population. There are 840 such Courts in Turkey. They have jurisdiction over penal and municipal misdemeanors and all acts assigned by the Criminal Code, the Code of Criminal Procedure, the Code on the Application of the Criminal Code, and by other laws according to the assignment or to the degree of punishment stated by them. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

Penal Courts of First Instance (Asliye Ceza Hakimliği)

- 10.12 Among the penal courts, this Court with a single judge handles the essential local criminal work. Its jurisdiction covers all penal cases excluded from the jurisdiction of the Penal Court of the Peace and the Central Criminal Court. There is one in every il and in every ilçe, sometimes divided into several branches according to the need and population. Therefore, at the moment there are 899 such Courts in Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

Central Criminal Courts (Ağır Ceza Mahkemesi) (commonly referred to as 'Heavy Penal Courts')

- 10.13 This court consists of a presiding judge and two members with a public prosecutor. Offenses and crimes involving a penalty of over five years of imprisonment, or capital punishment are under the jurisdiction of this Court of which there is one in every il. But it is sometimes divided into several branches according to the need and population. There are 172 Central criminal courts throughout Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

State Security Courts (Develet Güvenlik Mahkemesi)/Regional Serious Felony Courts (sometimes referred to as ‘Specialised Heavy Penal Courts’)

- 10.14 As noted in the European Commission Regular Report on Turkey’s progress Towards Accession 2004, the State Security Courts have been abolished and replaced by Regional Serious Felony Courts (also referred to as Heavy Penal Courts). [71b] According to the previous law, State Security Courts used to handle the criminal offenses described in Article 9 of the said law which were about the security of the state. They consisted of a presiding judge and two members with a public prosecutor. There were 12 such Courts throughout Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

See also [Court of Cassation](#), above

Other courts

Execution Investigation Authority (İcra Tetkik Hakimliği)

- 10.15 A court with a single judge which has jurisdiction over disputes arising during the execution of all civil sentences and judicial decrees; over all acts obstruction or rendering difficult the execution of all civil sentences and judicial decrees. There is one such Court in every ilçe in Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy –court system)

Other Lower Courts

- 10.16 In addition to the ordinary courts, there are 72 courts in Turkey which handle labor disputes; 443 courts which handle land registrations and surveys and 6 courts which handle traffic disputes. There are also 5 juvenile courts in Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy –court system)

Intermediate Courts of Appeal

- 10.17 As recorded in the European Commission 2005 report: “The Law Establishing the Intermediate Courts of Appeal came into force on 1 June 2005. The establishment of the Courts of Appeal will substantially reduce the case load of the Court of Cassation and enable it to concentrate on its function of providing guidance to lower courts on points of law of general public importance. The Law

provides that the Courts are to be established within two years of its entry into force.” [71b] (p16)

Administrative courts

The Council of State (Danıştay)

- 10.18 The highest court for controversies arising from governmental or public services and action, and for general administrative disputes, having judicial and administrative function, is the Council of State. It is the final court for cases under its own jurisdiction and a court of appeal for the decisions given by subordinate administrative courts. The Council of State has 10 judicial chambers. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

Subordinate Administrative Courts (Idare ve Vergi Mahkemeleri)

- 10.19 According to the law, first tier of administrative courts in Turkey are established on regional bases. The courts founded at the regions are, administrative courts (idare Mahkemeleri) and tax courts (vergi mahkemeleri). There are 22 administrative courts and 33 tax courts in Turkey. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

Supreme Military Administrative Court (Askeri Yüksek Idare Mahkemesi)

- 10.20 The jurisdiction of the Supreme Military Administrative Court covers cases arising from administrative acts and actions made by military authorities and also cases arising from administrative acts and actions made by civilian authorities but involving military personnel and relation to military services. The Supreme Military Administrative Court is divided into 2 chambers. (The Turkish Embassy website, undated, accessed 5 July 2010) [18b] (The Turkish Embassy – court system)

Military courts

- 10.21 The USSD Report 2009 stated:

“Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by military personnel. In June [2009] the parliament enacted a law forbidding civilians from being tried in military courts and allowing military officers to be tried at civilian courts for violations of civilian laws. The opposition Republican People's Party (CHP) opened a case in the Constitutional Court in July [2009] to annul the law. The case continued at year's end.” [5i] (Section 1e Denial of Fair Public Trial)

- 10.22 A Reuters US article entitled *FACTBOX – Turkey's contentious constitutional reform project*, dated 22 March 2010, reported that “[i]n January [2010], the Constitutional Court overturned an AK Party-backed law allowing military

personnel to be put on trial in civilian courts. The armed forces had warned that the law could open the door to politically motivated trials.” [120c]

See also [Judicial reform initiatives](#) in this section

Military Criminal courts (Askeri Ceza Mahkemesi)

- 10.23 The INTERPOL website, last modified 29 August 2009, stated in their Turkey Judicial system section that:

“Military justice is carried out through the Military courts and military disciplinary courts. These courts, unless the contrary is stated in the law, have jurisdiction to try military personnel for military offences, for offences committed by them against other military personnel or in military places, or for offences connected with military service and duties. Military High Court of Appeals is the last instance for reviewing decisions and judgments given by military courts.” [34a]

The Military Criminal Court of Cassation (Askeri Yargitay)

- 10.24 As noted by the Turkish Embassy website, accessed 5 July 2010 “According to the law, this court functions as the court of appeal of all decisions and judgments given by Military courts. It is divided into five chambers.” [18b] (The Court System)
- 10.25 The same source continued: “The jurisdiction of these Courts covers all military offenses described in the Military Criminal Code, in the Code Military Criminal Procedure, and in some other laws. there are 37 such Courts in Turkey.” [18b] (The Court System)

See also [Supreme Military Administrative Court](#) above

[Return to contents](#)
[Go to list of sources](#)

The Constitutional Court (Anayasa Mahkemesi)

- 10.26 As recorded by the Turkish Embassy website, undated, accessed 5 July 2010 “The Constitutional Court consists of 11 regular members and four alternate members. All judges of the Constitutional Court hold office until they retire at the age of 65 like all other judges in Turkey.” [18] (The Court System)
- 10.27 The USSD Report 2009 stated that:
- “The Constitutional Court examines the constitutionality of the procedural aspects of laws, decrees, and parliamentary procedural rules, and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider ‘decrees with the force of law’ issued under a state of emergency, under martial law, in time of war, or in other situations as authorized by parliament.” [5i] (Section 1e Denial of Fair Public Trial)

See also [Judicial reform initiatives](#) below

INDEPENDENCE

10.28 Jane's Turkey SCRA, updated 26 April 2010, noted that:

"Judges rule on the basis of the provisions of the Constitution, the laws, jurisprudence and their personal convictions. The Supreme Council of Judges and Prosecutors wields sole authority to make decisions related to the careers of judges and public prosecutors. Judges also assume duties related to the monitoring and overseeing of elections. The judiciary retains vestiges of subservience to politicians, due to the strong influence of the Minister of Justice over the appointment of prosecutors and judges and of the president over appointments to the Constitutional Court." [81e]

10.29 The USSD Report 2009 noted that:

"The law provides for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government on occasion launched formal investigations against judges who criticized the government." [5i] (Section 1e Denial of Fair Public Trial)

10.30 The same source observed:

"The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The Justice Minister serves as chairman of the seven-member council, and the undersecretary of the Ministry of Justice also serves on the council. The council's rules stipulate that one of these two officials must preside over meetings. The council selects judges and prosecutors for the courts and is responsible for oversight of the lower courts. The council is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the council controls the careers of judges and prosecutors through appointments, transfers, promotions, and reprimands. [5i] (Section 1e Denial of Fair Public Trial)

10.31 The EC *Progress Report 2009* similarly found that:

"As regards the independence of the judiciary, concerns remain with regard to the procedure laid down in the Law on judges and prosecutors for the selection of candidate judges and prosecutors. The main feature of the criticism is that the criteria used for this selection are open to subjective interpretation. The case launched by two opposition parties with the Constitutional court for annulment of certain provisions of the legislation is still pending.

"There has been no progress on the composition of the High Council of Judges and Prosecutors or on the reporting lines of judicial inspectors. The Semdinli case, transferred to the Van military court following a decision by the Court of Cassation, is still pending. In 2006, the civilian prosecutor previously in charge of the case was dismissed from office by the High Council of Judges and

Prosecutors. This disproportionate decision raised questions about the independence of the High Council.

“On occasions senior members of the judiciary, of the military and of an association of judges and prosecutors made statements which are likely to be perceived as pressure on individual courts and members of the judiciary, putting thus the impartiality of the judiciary at risk in important cases.” [71d](p69)

Judicial reform initiatives

- 10.32 See also [Recent developments - Constitutional reform](#). In explaining the constitutional reform package being debated in 2010, a Reuter's US article entitled, *FACTBOX-Turkey's contentious constitutional reform project*, dated 22 March 2010, noted:

“Among the most contentious issues is reform of the Supreme Board of Judges and Prosecutors (HSYK), which appoints senior members of courts. The EU has called for reform of the HSYK to ensure its independence, but critics say the AK Party wants to take over the judiciary to push its own agenda. ... The HSYK comprises of five judges, plus the justice minister and his undersecretary. The government wants to expand it to 21 members, a third of whom appointed by parliament. ... The HSYK has frequently clashed with the government, which last month [February 2010] accused the board of dealing a blow to democracy in a case that pitted the executive with members of the judiciary. ... After the government unveiled the package on Monday, the HSYK's deputy president was quoted by media as saying: ‘This is an act by the executive branch against the judiciary.’” [120c]

- 10.33 The same source also noted that the proposed reform package additionally aimed at reform of the use of military courts; “... limiting the power of military courts by allowing military personnel to be put on trial in civilian courts for crimes committed against the security of the constitutional order.”[120c]

See also Recent Developments – [Islamic/Secular tensions: Developments in the ‘Ergenekon plot’](#)

- 10.34 The Reuter's article furthermore explained that with respect to the Constitutional court, the proposed changes sought to “allow the president and parliament to pick all their members”, currently the president selects three members directly, with the remainder appointed by “civilian and military high courts and the Higher Education Board. Under proposed changes, parliament would choose three members and the president 16 members.” [120c] In addition under the package of reforms, the proposals sought to make it harder to ban political parties. As noted:

“The EU has criticised Turkey's political parties law, under which almost 20 parties have been banned since the constitution was adopted in 1982 following a coup. The ruling AK Party itself, which has its roots in political Islam, narrowly survived a court attempt to close it down on the grounds that it contravened the country's secular constitution. ... Under current law, the chief prosecutor can file a case to the Constitutional Court to have a party closed, fined or its members

banned from politics. Critics say the law has been used by conservative secularists in the judiciary to overwrite popular support for political parties they deem a threat to the status quo.

“Under the proposed reform, a closure case could only be launched if it is approved first by a parliamentary commission made up of five members from each political party that has a group in parliament (parliamentary groups have a minimum of 20 MPs). The speaker of the parliament would chair the commission, which would need to pass the motion by a two-thirds majority. ... The AK Party says the reform is needed to promote democracy in Turkey. Critics say AK wants to use its majority in parliament as a cover for encroachment of religious rule and to dilute Turkey's secular order, established by founder Ataturk.” [120c]

- 10.35 Another article by Reuters US, entitled *Turkish Government pushes reform towards referendum*, dated 7 May 2010, noted that parliament had passed the legislative package, with the exception of the proposed changes to the banning of political parties. The reform package would next go before the public in a referendum, planned for July 2010, in order to bring them into force. [120d]

FAIR TRIAL

The following sub-section should be read together with the above information on Independence.

- 10.36 The EC *Progress Report 2009* also reported:

“During the reporting period, the European Court of Human Rights (ECHR) delivered a total of 381 judgments finding that Turkey had violated the ECHR. The court concluded that there had been a violation of the right to a fair trial and/or the right to liberty and security in about one third of these cases. Most of the events on which the judgments are based date back to the 1990s or before the new Turkish Criminal Code (TCC) or Criminal Procedure Code were enacted. The majority of the new applications to the ECHR refer to the right to a fair trial and protection of property rights. A further 11% refer to freedom of expression and 5% to the prohibition of torture. Overall, there were more applications to the ECtHR against Turkey.” [71d] (p14)

Legal system

- 10.37 The USSD Report 2009 noted that:

“Defendants enjoy a presumption of innocence and the right to appeal. There is no jury system; a judge or a panel of judges decides all cases. Courtroom proceedings are public for all cases except those involving minors as defendants. Court files, which contain charging documents, case summaries, judgments, and other court pleadings, are closed to anyone other than the parties to a case. This makes it difficult to obtain information on the progress of, or results in, court cases except through formal channels. The law requires bar associations to provide free counsel to indigents who request it from the court if the potential sentence is more than five years, and bar associations across the

country generally did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. ...

“The law prohibits the use in court of evidence obtained by torture; however, prosecutors in some instances failed to pursue torture allegations, forcing defendants to initiate a separate legal case to determine whether the exclusion of evidence was lawful. Human rights organizations reported that in such instances the primary case frequently was concluded before the secondary case was decided, effectively rendering the secondary case moot and leading to unjust convictions.” [5i] (Section 1e Denial of Fair Public Trial)

See also: [Torture](#) and [Avenues of Complaint](#). See also: [Arrest and Detention – Legal Rights](#)

[Return to contents](#)
[Go to list of sources](#)

Access to legal assistance and judicial efficiency

10.38 The USSD Report 2009, noted that: “[t]he law requires that the government provide indigent detainees with a public attorney in criminal cases where the defendant faces a penalty of more than five years in prison.” [5i] (Section 1d Arrest and Detention)

10.39 The same source continued:

“Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees continued to vary widely across the country. Numerous bar association representatives and human rights organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney.” [5i] (Section 1d Arrest and Detention)

10.40 The USSD Report 2009 further noted that:

“Human rights observers noted that, in most cases where a defendant could not afford an attorney, one was provided; however, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. Provincial bar associations continued to face difficulties providing attorneys because the government was behind on compensation payments for such work.” [5i] (Section 1 Arrest and Detention)

10.41 A Human Rights Watch report *Closing Ranks against Accountability Barriers to Tackling Police Violence in Turkey*, published in December 2008, noted that:

“The immediate right to legal counsel has been one of the major gains of the reform process in Turkey and is set out in the Code of Criminal Procedures (article 149). There are clear risks that a restriction on the right to immediate legal counsel for those suspected of terrorist offenses may reverse the progress made in this area. The European Court of Human Rights has long made clear that access to a lawyer at the initial stages of police interrogation is critical to safeguarding a detainee’s rights.” [9c] (p22)

- 10.42 The same report also noted that: “Lawyers interviewed by Human Rights Watch considered that the presence of lawyers offering legal counsel to detainees in police and gendarmerie stations had in practice constituted an important means of reducing the likelihood of law enforcement personnel resorting to coercion, or otherwise abusing their position or failing in their duty toward detainees.” [9c] (p15)

- 10.43 The EC *Progress Report 2009* noted:

“In relation to the *professionalism and competence* of the judiciary, training of judges and prosecutors and prison staff carried out by the Ministry of Justice and the Justice Academy continued. A new Director of the Justice Academy has been appointed. However, the Justice Academy has still not developed into a strong and independent training provider for the entire magistracy, including at regional level. ...

“As regards the efficiency of the judiciary, the national judicial network project has had positive results on court proceedings. Lawyers are also reportedly using the system increasingly since March 2007; however, problems accessing the system are reported in small cities. Mediation as an alternative to resolve disputes is not used widely; this points to the need to raise awareness amongst the judicial actors and the public concerned. Provisions of the Criminal Procedure Code such as return of the indictment and cross-examination have not been used sufficiently in practice.” [71d] (p69-70)

- 10.44 The USSD Report 2009 observed:

“The law provides for the right to a speedy trial; however, at times trials lasted for years. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials.” [5i] (Section 1e, Denial of fair public trial)

- 10.45 Amnesty International Report 2010: *The State of the World’s Human Rights* (AI Report 2010) covering events of 2009, published May 2010, noted that “Protracted and unfair trials persisted, especially of suspects prosecuted under anti-terrorism legislation. Children were prosecuted under the same procedures as adults and convicted under unfair laws on the basis of unsubstantiated and unreliable evidence for their alleged participation in sometimes violent demonstrations.” [12h] (Section Unfair Trials)

See also [Prosecution of Children](#)

- 10.46 The EC *Progress Report 2009* also reported:

“With regard to liberty and security and the right to a fair trial, access to justice was relatively easier in urban areas while there have been problems in rural areas, in particular in the South East [an area of Kurdish ethnicity]. Children from 15 to 18 years of age detained under the anti-terror law for participating in demonstrations have not had access to a lawyer immediately after detention. Overall, effective legal assistance is limited and a number of criminal defendants remain unrepresented. Defendants' awareness of the availability of free legal assistance needs to be raised.” [71d] (p73)

- 10.47 For information on the trials related to alleged army coup plots, refer to Recent Developments – Islamic/secular tensions: Developments in the ‘Ergenekon plot’ and others 2010

PENAL CODE AND OTHER LEGISLATION RELATED TO HUMAN RIGHTS

- 10.48 The Turkish Criminal Code, Law No. 5237, was passed on 26 September 2004 (listed in Official Gazette No. 25611 dated 12 October 2004). An English translation of the Criminal Code is available from legislationonline.org, via the link [here](#).
- 10.49 The Turkish Ministry of Justice website, listed the Law on Fight Against Terrorism, Law No. 3713, promulgated on 12 April 1991 (listed in Official Gazette No. 20843 dated 12 April 1991). An English translation of the law is available [here](#).
- 10.50 The website Lexadin.nl, entitled *The World Law Guide*, provided a listing of various laws for [Turkey](#). Additionally a search of the Refworld database, under National Legislative Bodies and Turkey, provided several listings, which can be accessed via the link [here](#).

[Return to contents](#)
[Go to list of sources](#)

11 ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 Article 19 of the Constitution provides as follows:

“Everyone has the right to liberty and security of person.

“No one shall be deprived of his liberty except in the following cases where procedure and conditions are prescribed by law: execution of sentences restricting liberty and the implementation of security measures decided by court order, apprehension or detention of a person in line with a court ruling or an obligation upon him designated by law.

“Individuals against whom there is strong evidence of having committed an offence can be arrested by decision of a judge solely for the purposes of preventing escape, or preventing the destruction or alteration of evidence as well as in similar other circumstances which necessitate detention and are prescribed by law.

“Individuals arrested or detained shall be promptly notified, and in all cases in writing, or orally, when the former is not possible, of the grounds for their arrest or detention and the charges against them.

“The person arrested or detained shall be brought before a judge within at latest 48 hours and within at most four days in the case of offences committed collectively, excluding the time taken to send him to the court nearest to the place of seizure. No one can be deprived of his liberty without the decision of a judge after the expiry of the above specified periods. The arrest or detention of a person shall be notified to next of kin immediately.

“Damages suffered by persons subjected to treatment contrary to the above provisions shall be compensated for according to law, by the State with respect to the general principles of the law on compensation.” [20e]

- 11.02 The Republic of Turkey Ministry of Justice report entitled *Turkish Criminal Procedure Code* dated 2009, accessed on 29 July 2010, stated that: “Turkish Criminal Procedure Code has been enacted in 2004 and is in force since June, 1.2005.” [100] To access the full report please click [here](#)

- 11.03 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009 observed that the Turkish legal framework included a comprehensive set of safeguards against torture and ill-treatment and that the government had adopted a zero tolerance policy with regard to mistreatment by the security forces. [71d] (p16)

For further information on the application of the policy in practice see [Human rights violations committed by the security services](#). Also see [Human Rights Institutions, Organisations and Activists](#) for information on the government's efforts to ensure compliance with the legal safeguards to prevent torture and ill-treatment.

[Return to contents](#)
[Go to list of sources](#)

WARRANTS AND COURT DOCUMENTS

- 11.04 The US State Department *Country Report on Human Right Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance such as bail, or order detention if he determines that the accused is likely to flee the jurisdiction or destroy evidence.” [5i] (Section 1 Arrest and Detention)

- 11.05 In correspondence from the Foreign and Commonwealth Office dated 12 May 2009 regarding the issue of power of attorney and procedures for Obtaining Court documents, it was stated that:

“The honorary legal advisor Mr Dogan Yagiz commented that on the issue of power of attorney as below is correct in theory but in practice it could be difficult for a UK lawyer to deal with the Turkish authorities directly. Mr Dogan Yagiz suggested that the power of attorney given to the UK lawyer include an option for him to assign this power to someone else, which would mean that he would be able to identify a Turkish lawyer to act in the case if necessary.

“Obtaining Court Documents: It is possible for a Turkish lawyer, once he has been granted power of attorney by his client, to obtain official court documents relating to his client's case. This is a right granted in the Lawyers Law which was passed early in the history of the Republic. The lawyer simply visits or writes to the relevant court or office of the public prosecutor and requests copies of the documents. He has to give his client's name, but, under the Lawyers Law, he is not required to give a reason for his request.

“There is also a computerised central register of previous convictions which is maintained in Ankara. This register does not contain copies of documents but can be used to obtain a print-out of convictions in finalised cases on request. Applications can be made either in person or through a lawyer on behalf of a client.

“A difficulty for us is that, unless an asylum applicant in the United Kingdom already has a duly authorised lawyer acting for him in Turkey, then he must arrange for the transfer of power of attorney according to Turkish law. The letter confirming power of attorney must be certified or notarised by a person recognised as competent to perform this function under Turkish law, and for all practical purposes this will be a consular official at a Turkish diplomatic post for a client outside Turkey. Clearly there are at least presentational problems if we attempt to compel a person claiming to fear persecution from the Turkish authorities to visit a Turkish diplomatic post. Enquiries have established however that it is perfectly acceptable for an applicant to sign over his power of attorney to his representatives under British law, and his representatives can then visit the diplomatic post to conduct the necessary formalities. Most Turkish asylum seekers have a representative, and there therefore appear to be few obstacles to our seeking documentary confirmation of judicial action in cases where this seems to be appropriate.

“Officials' Unique Numbers: Turkish judges, public prosecutors and bankruptcy/bailiff officers working in the civilian system are all given a unique number when they first take up office. This number normally appears beside their name on official court documents, particularly at the end of documents. For example, the number 21749 appears beside the name of prosecutor who prepared the indictment on page 6 of Annex 6. The numbers are assigned from a consecutive sequence which dates back to the start of the Republic. This means that the unique numbers of judges and prosecutors who are currently active can be determined quite accurately. Active numbers are currently in the range of 15,000 to 40,000.

“It should be clear that if a court document indicates that the judge or prosecutor involved has a unique number such as 100 or 499,000 then the document is unquestionably suspect. Judges or prosecutors holding two or three figure numbers are either dead or retired, and six figure numbers are unlikely to be assigned for a considerable time. The court secretary (Katip) also has a personal number. Numbers of court secretaries are assigned by the justice departments of provinces or cities. In Izmir in 2001, numbers ranged from 1250 to 2800. Clerks in different cities can be given the same numbers.

“Date and Day of Issue: The dates on a large number of documents submitted in support of asylum applications indicate that they have been issued at weekends. It is possible for a document, such as an arrest warrant, to be issued at the weekend, but if this happens the issue will have been authorised exceptionally by the duty judge and this fact will normally be noted in the text of the document. Date of issue should be checked against old calendars to establish the day of issue.

“Karar – Judgement: Judgements, in common with indictments, are not issued on pre-printed forms. The case, ESAS, and decision, KARAR, numbers at the top of the document provide quick checks as to validity. Both of these numbers should be made up of the year then the relevant number (e.g. 1990/601 - sometimes the first digit of the year is omitted as in 990/601). The year given in the decision number may be a later year than that in the case number but it can never be earlier. A case cannot be decided before it comes to court. The year in the decision number should also match the year of the decision as given in the text. For example, the decision number 1990/601 should appear on a decision given in 1990 and the corresponding case number could be 1989/463 but not 1991/463 if the document is genuine.

“Attention should also be paid to the size of these numbers. 1990/130087 would be a highly improbable decision number because it would indicate that the court in question had decided 130,087 cases in 1990 up to that decision. It is also worth noting that each page of the judgement is normally signed at the bottom by the judges and secretary involved in the case.” [4g]

[Return to contents](#)
[Go to list of sources](#)

12. PRISON CONDITIONS

INFRASTRUCTURE

- 12.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“Prison facilities remained inadequate although conditions generally improved during the year. Underfunding, overcrowding, and insufficient staff training were problems ... According to the Turkish Medical Doctors' Association, prisons were not adequately staffed with doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied

appropriate medical treatment for serious illness. The HRF reported that 672 arrestees or convicts could not receive proper medical treatment during the year because they were either not sent to a doctor or taken to a doctor in handcuffs, or because third parties were present during their examinations.” [5i] (Prison and Detention Center Conditions)

12.02 The same report further stated that: “[a]t year’s end the Ministry of Justice reported the country had 367 prisons with a designed capacity of 105,726 holding a total of 114,502 inmates, 59,474 of whom were detainees awaiting trial. The Turkish General Staff reported 25 military prisons with a capacity of 5,300 held a total of 1,036 prisoners, 678 of whom were arrestees with trials in progress.” [5i] (Prison and Detention Center Conditions)

12.03 The International Centre for Prison Studies’ *Prison Brief for Turkey* (last modified on 18 Mar 2010), stated that: “[i]n 2007 the number of establishments / institutions was 458. The official capacity of prison system was 90,558 (April 2008) while the occupancy level was 105.5 per cent (April 2008). The total prison population (including pre-trial detainees/remand prisoners) totalled 118,929 (February 2010) with female prisoners at 3.6 per cent (May 2009).” [78]

12.04 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that:

“Turkey has been pursuing an ambitious prison reform programme for a number of years, which has brought improvements to prison conditions and infrastructure. Further progress was made on implementation of this programme, by constructing new prisons and closing a number of small outdated prisons. There are four centres which provide pre-service and in service training for prison staff. A fifth is under construction and will be completed by the end of the year. Recruitment of 6,000 additional staff for prisons started in July, with the aim of completing the process by the end of the year.” [71d] (p16)

12.05 However the same source observed:

“... implementation of the prison reform programme is uneven. For example, it is difficult to implement in small prisons, which have inadequate resources. The current understaffing of prisons adds to these difficulties, as it prevents for example the organisation of communal activities or rehabilitation programmes for prisoners. This is the case in highsecurity F-type prisons, which still lack communal activities for inmates.” [71d] (p17)

12.06 Similarly the Freedom House *Freedom in the World -Turkey 2010*, noted that: noted that: “Prison conditions can be harsh, with overcrowding and practices such as extended isolation in some facilities.” [62d]

Prison estate

12.07 It was noted by the Canadian Immigration and Refugee Board (IRB) in an information request response *Turkey: Prison conditions and the treatment of*

prisoners in civilian and F-type prisons, including the prevalence of torture and the state response to it, dated 7 June 2007, that:

“Turkish prisons are divided into three security categories: F-type, which are maximum-security; E-type and special type, which are medium-security; and, open prisons and juvenile reformations, which are minimum-security (ibid.). Various sources note that conditions in Turkish prisons have been improving, although there are areas that remain inadequate. According to the European Union (EU), the lack of communal activities, problems regarding prisoner-staff interaction, limited medical and psychological care and the high prisoner-to-cell ratio are the principle areas of concern.” [7m]

- 12.08 The same Canadian Immigration and Refugee Board in an information request response dated 7 June 2007 further noted that Adana E-type prison reportedly held 950 inmates even though it has a capacity of 450; in one case, 22 prisoners were found sharing a 24 square-metre room (COE 6 Sept. 2006, para. 41). In response, Turkey stated that it was building a new prison to alleviate this overcrowding (Turkey 6 Sept. 2006, para. 41). [7m]

- 12.09 A delegation of lawyers from three European countries spent five days in Turkey from 4th to 8th February 2008. Its brief was to investigate whether Turkey is implementing its commitments on prison reform and conditions of detention. Their report entitled ‘*Conditions of Detention in Turkey: Blocking Admission to the EU*’ dated February 2009 observed that:

“The F-type prisons are high security prisons used primarily for persons accused or convicted of ‘terrorist’ offences or organised crime. They are characterised by conditions in which prisoners are held in solitary confinement, or isolated in groups of three from the wider prison population. The regime is underpinned by clear objectives to ensure the preclusion, or otherwise limiting, of association between prisoners sentenced or remanded under the Anti-Terror Law. ...

“The sentences of those convicted under the provisions of this law shall be executed in special penal institutions built with rooms each capable of holding between one and three persons. In such institutions, free visits may not be allowed. Contacts between the convicts and communication with other convicts may be prevented. Those convicts who have served at least one third of their sentences with good conduct and have less than three years to serve before becoming entitled to conditional release may be transferred to other closed penal centres.” [29a]

HUMAN RIGHTS VIOLATIONS

- 12.10 Amnesty International Report 2010: *The State of the World’s Human Rights* (AI Report 2010) covering events of 2009, published May 2010, observed that:

“Allegations of ill-treatment on transfer to prison persisted and, in a number of cases, prisoners’ access to appropriate medical treatment was denied. ... Emrah Alişan, who was serving a three-year prison sentence, made an application for release on medical grounds in April [2009]. The application was

supported by medical reports stating that his health condition could not be treated while in prison. The reports indicated that his health had deteriorated significantly while he was in prison and that he was paralyzed and dependent on nursing care. He remained in prison at the end of the year.” [12h]

12.11 AI Report 2010 further noted that:

“Prisoners’ rights to associate with other prisoners were frequently not enforced. ... In November [2009] five prisoners were sent to the high security prison on the island of İmralı where PKK leader Abdullah Ocalan had been imprisoned in isolation for 10 years. It was announced that the six prisoners would be able to associate with each other for up to 10 hours a week, in keeping with regulations applicable to all prisoners in Turkey’s high security prisons.” [12h]

12.12 The same report stated that: “[o]n occasion, children were held in prison alongside adults, and generally prison regimes for children did not differ from those of adult prisoners. Notably, there was no provision for child prisoners to continue their education.” [12h]

For information about human rights violations committed by the security forces, see also [Torture and mistreatment](#). See also [Fair Trial](#) for information on due process and the legal system in Turkey, which includes reference to use of evidence obtained in places of detention.

Human rights abuses reported within E Type prison estate

12.13 A Bianet article *Children's Situation in Diyarbakır Prison is Desperate* published 19 May 2009 noted that:

“The Human Rights board attached to the Diyarbakır Governor's Office visited the Diyarbakır E-type prison to monitor the situation of the children held there. Such visits are made unannounced in order to be able to identify human rights violations. However, the delegation wrote that it was only given permission to visit two and a half months after their application, and that unannounced visits had been obstructed.” [102a]

12.14 The same Bianet article dated 19 May 2009 also stated that:

“According to prison manager İsmail Gül, there are 23 political detained and convicted children in prison, and 94 other children. Children are washing their clothes by hand, they are not clean. The beds are old, dirty and contain several bacteria. The tables are not hygienically clean, and because the children wash their dishes in an unhygienic environment (on the bathroom floor), this brings serious health problems.” [102a]

12.15 The Bianet article further noted that

“There is no prison doctor. According to the manager, a doctor comes once a week, and an ambulance is called for emergencies. In general, children are transferred to hospital if the gendarmerie is not busy on that day. The delegation noted that one child had had a detached finger stitched back on, but

that the stitches had not been removed for three months. Another child had cuts on his head and hands. He said that they had been stitched six days earlier, but that the wounds had not been bandaged since his detention.” [102a]

Human rights abuses reported within F Type prison estate

- 12.16 The report *Conditions of Detention in Turkey: Blocking Admission to the EU* dated February 2009, provided information on the treatment of those held within F-Type prison facilities. The paper was based on contributions and analysis from a number of organisations, together with oral testimonies from prisoners who had been held in F-type prisons. The [report](#) found:

“IHD [Human Rights Association] receives communications from serving and former prisoners who complain of torture and ill-treatment. One such complaint concerned allegations of ill-treatment during the transfer of prisoners a few months prior to our meeting. Complaints have also been received from lawyers attending clients, that lawyer-client confidentiality is violated as officers’ rooms are located next to interview rooms. The manual searching of lawyers and confiscation of mobile telephones and other electronic devices also impedes the legal support afforded to prisoners. ...

“During its meeting with TIHV [Human Rights Foundation of Turkey] in Ankara on 7th February 2008, the delegation was informed that some 500 applicants accessing the organisation had spent time in F-type prisons. The TIHV, whose publications set out detailed categories of types of torture and ill-treatment complained of and associated effects, had observed differences in the particular difficulties experienced by such prisoners when compared with those who had been held in other types of prison. ...

“They told us that they had only been able to visit the F-type prisons in the summer of 2000, despite having made repeated earlier requests for visits. They observed that the intention to isolate prisoners was easily ascertainable from the architecture of the prisons. Prisoners isolated in groups of three can only interact with each other, not being able to physically see, or otherwise associate with any others save during specifically designated times. ...

“The design of the cells and other areas is such that any lawyer visiting his or her client would not see or have any other interaction with any other prisoner. TIHV told us that they believed it to be common ground amongst all human rights organisations working in Turkey that the F-type prisons are not acceptable because they are based on isolation. TIHV is also of the view that the consequences of small group isolation are similar to those in solitary confinement with attendant direct impacts upon the physical integrity of prisoners and their psychological health.” [29a]

[Return to contents](#)
[Go to list of sources](#)

MONITORING OF PRISON CONDITIONS

The following information should be considered together with information listed [Human rights institutions, organisations and activists](#).

- 12.17 The USSD Report 2009 noted that: “[t]he government permitted prison visits by representatives of some international organizations, such as the CPT, which conducted a periodic visit to the country on June 4-17 [2009]. Domestic human rights organizations and activists reported that prison-monitoring boards composed of government officials and private individuals were ineffective.” [5i] (**Prison and Detention Center Conditions**)
- 12.18 The Kurdish Human Rights Project *2009 Report*, (KHRP 2009) published June 2010 stated that “[t]orture and ill-treatment continued in Turkish prisons. Unless this results in death or grave injury, it is common for little, if any investigation, to investigate reports of torture.” [123]
- 12.19 The Council of Europe in their press release dated 1 February 2010 stated that:
- “A delegation of the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recently completed a two-day visit to Turkey (26 and 27 January 2010).
- “The delegation visited the F-type High-Security Closed Prison on the island of Imralı, in order to examine the conditions under which Abdullah Öcalan and other inmates of the establishment were held. Particular attention was paid to communal activities offered to the prisoners and the application in practice of the prisoners’ right to receive visits from relatives and lawyers. All the prisoners were interviewed by the delegation.” [68c]
- 12.20 The European Commission 2008 report, published 5 November 2009, reporting on prisons generally in Turkey, recorded that:
- “Greater transparency was introduced to the operations of the Penal Institutions and Detention Houses Monitoring Boards. These boards carry out regular visits to prisons and the findings of their reports are now publicly accessible. Furthermore, the Law provides for the publication of an annual report on the activities of the Penal Institutions and Detention Houses Monitoring Boards. However, the national framework for prison monitoring falls short of the requirements of the OPCAT.” [71c] (p14)

For further information on OPCAT refer to the section [Human rights institutions, organisations and activists](#)

[Return to contents](#)
[Go to list of sources](#)

13. DEATH PENALTY

- 13.01 The Hands off Cain website, on country status on the death penalty, accessed 20 April 2010, recorded that:
- “The death penalty has been fully abolished by a package of constitutional and legislative amendments. Constitutional amendments of May 7, 2004 removed all reference to the death penalty from the Constitution. In addition, legislative amendments of July 21, 2004 abolished the death penalty in all circumstances.

The death sentences of 180 people convicted on charges of being members of the Kurdistan Workers' Party and Hezbollah terrorist organizations by the Diyarbakir State Security Courts (DGMs) were commuted to life imprisonment on November 23, 2002 ... On November 12, 2003, Turkey ratified Protocol No. 6 to the European Convention on Human Rights (ECHR), concerning the abolition of the death penalty in peacetime. In addition, Turkey signed Protocol No. 13 to the ECHR on January 9, 2004 and the Second Optional Protocol to the ICCPR on April 6, 2004. On October 6, 2005, Turkey's Parliament passed the Protocol No. 13 to the ECHR, concerning the abolition of the death penalty in all circumstances." [41] (Facts)

[Return to contents](#)
[Go to list of sources](#)

14. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 14.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

"The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. However, the government restricted the activities of a few political parties and leaders. The 2007 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties criticized the 10 percent threshold as unduly high." [5i] (Section 3 Respect for Political Rights)

- 14.02 The Foreign and Commonwealth Office *Annual Report 2009*, dated March 2010 (FCO Annual Report 2009) stated: "... while there has been a significant decline in the number of prosecutions threatening freedom of expression in Turkey, there was some concern over a substantial tax fine issued against the Dogan media group in September for tax irregularities. The Dogan media group had previously been highly critical of the Turkish government ..." [4w]

- 14.03 The Human Rights Association (IHD) report, *2009 Human Rights Evaluation*, dated 30 December 2009, noted:

"The articles of 134, 214, 215, 216, 217, 218, 220/6,7 and 8, 222, 277, 285, 288, 300, 301, 305, 314/3, 318 and 341 of Turkish Criminal law, anti-terror law, misdemeanor law, law of 2911, political parties law, law on trade union, law on foundation and law to protect Atatürk contain very important legal regulations regarding restricting freedom of thought, expression and press. According to findings, in this year, 387 were sentenced in accordance with freedom of thought and expression law, 36 journalist were judged as being under arrest, 31 newspapers and journals were confiscated, 66 books were banned and access to 4662 web were restricted. The number of investigations against press members for their duties rose to thousands. In conclusion, 2009 can be defined

as a black mark in history in terms of freedom of thought, expression and press.” [13c]

- 14.04 Amnesty International Report 2010: *The State of the World's Human Rights* (AI Report 2010) covering events of 2009, published May 2010, reported that: “People who expressed non-violent but dissenting opinions particularly criticisms of the armed forces or of the position of Kurds and Armenians in Turkey faced criminal investigation and prosecution. Among those frequently prosecuted were writers, journalists, Kurdish political activists and human rights defenders.” [12h]
- 14.05 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that: “... [a]s regards freedom of expression, article 301 of the Turkish Criminal Code (TCC) is no longer used systematically to restrict freedom of expression. Revision of this article led to a significant decline in prosecutions compared with previous years.” [71d] (p17)
- 14.06 The same source in the footnote of the report explained:
- “The amendments to article 301 entered into force on 8 May 2008. These amendments introduced amongst other a permission requirement by the Minister of Justice in order to launch a criminal investigation on the basis of article 301. Further to the entry into force of the revised article the Minister reviewed 914 pending cases (either at the prosecution or trial phase) and authorised in total 77 criminal investigations to continue (i.e. 8% of the cases referred to him). Furthermore, the Minister of Justice reviewed 210 investigations initiated after the entry into force of the amendments to article 301 on 8 May 2008, out of which he granted permission to eight criminal investigations to continue (i.e. 3% of the cases referred to him).” [71d] (p17 footnote 20)
- 14.07 Although the EC *Progress report 2009* noted:
- “... the Turkish legal framework still fails to provide sufficient guarantees for exercising freedom of expression and, as a result, is often interpreted in a restrictive way by public prosecutors and judges. There are still some prosecutions and convictions based on Article 301. Furthermore, a number of other provisions of the Turkish Criminal Code are used to restrict freedom of expression, particularly as regards offences against dignity (Articles 125 to 131 of the TCC), public order (Articles 214, 216, 217, 218, 220), state security (Article 305), the constitutional order (Articles 312 and 314) and obscenity (Article 226). In addition, prosecutions and convictions continue on the basis of Article 318 of the TCC (on discouraging people from military service), the Law on Crimes against Atatürk, and the Law on Accepting and Applying the Turkish Alphabet. This legal uncertainty puts journalists, writers, publishers, politicians, academics and others at risk of investigation, prosecution, conviction and imprisonment and could therefore result in self-censorship.” [71d](p18)
- 14.08 On the issue of political inference from the army, it should be noted that several commentators have remarked that the army considers itself “the ultimate defender of secularism”. This has led to tensions between the army and ruling

political party, the AKP. Further information on this is listed under the History – [Recent secular and Islamic tensions: 2002 – 2009](#) and Recent developments – [Islamic/secular tensions: development in the Ergenekon plot](#). Additionally the USSD Report 2009, in considering this political dynamic observed that:

“In a polarized political climate leading up to the 2007 presidential and parliamentary elections, the military issued three statements emphasizing concern over what it regarded as deep threats posed by religious fundamentalism, the military's role as the ultimate defender of secularism, and the alleged weakening of secularism in the country. Human rights groups characterized these statements as attempts to exert pressure on the democratic process that were suggestive of the military's disproportional influence over politics. In an October report, the European Commission noted that the military ‘continued to exercise significant political influence via formal and informal mechanisms.’” [5i] (Elections and Political Parties)

See [Freedom of Association and Assembly](#) below and [Freedom of Speech and Opposition Groups and Political Activists](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.09 The European Commission *Progress Report 2009*, published 14 October 2009, (EC Progress Report 2009), noted that:

“As regards freedom of assembly and association, including the right to form political parties and the right to establish trade unions, the legal framework on associations is broadly in line with European standards. However, associations face disproportionate scrutiny of their activities which in some cases has led to judicial proceedings. There is no progress on amendments to the legal provisions on the closure of political parties.” [71d] (p71)

- 14.10 The Human Rights Association report, *2009 Human Rights Evaluation*, dated 30 December 2009, noted:

“In 2009, cases of the closure of 5 political parties and an association have continued. Especially closure of DTP [Democratic Society Party] revealed a serious violation of that right. Political Parties’ buildings were attacked by unknown persons in 140 times. Security forces made raids on buildings of institutions, especially that of political parties in 48 times. Especially not changing the regime of political parties became effective on continuity of judicial tutelage by the government.” [13c]

See also: [Democratic Society Party \(DTP\)](#) for information on the closure of the party.

- 14.11 A Reuters US article, entitled *Turkish government pushes reforms towards referendum*, dated 7 May 2010, observed that a constitutional reform package, which included an amendment “making it harder to ban political parties ... failed to get sufficient votes to be retained in the reform package that will go to a referendum [in July 2010].” [120d]

For further information on the constitutional reform programme refer to [Judicial reform initiatives](#).

14.12 The USSD Report 2009, stated that:

“The law provides for freedom of association; however, several restrictions on this right continued in practice. Under the law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this placed an undue burden on their operations. ...

“The law provides for freedom of assembly; however, the government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.” [5i] (Freedom of Assembly)

Political demonstrations

14.13 The USSD Report 2009, also observed that:

“The HRF [Human Rights Foundation] reported that security forces killed seven persons during demonstrations and injured 269, and there were reports that police beat, abused, detained, or harassed some demonstrators during the year. The HRF reported that security forces detained 1,414 persons and arrested and charged 369 during demonstrations during the year ... The approximately 180 public events around the country celebrating the Nevruz holiday (the Kurdish and Persian New Year) in March were generally peaceful. The HRF reported no incidents during Nevruz celebrations in the year, compared to numerous deaths and injuries during the previous year.” [5i] (Freedom of Assembly)

14.14 The *EC Progress Report 2009*, observed that:

“Newroz (the Kurdish New Year) and 1 May [2009] demonstrations, which were marred by police violence in previous years, took place peacefully in most places during the reporting period. However, demonstrations in the South-East of the country continued to be marked by violence. Investigation and video-taping of NGOs’ activities by security forces are still being reported, especially in the East and South-East of the country.” [71d] (p19)

14.15 The Freedom House, *Freedom in the World 2010 report, Turkey*, covering events of 2009, released in May 2010 (Freedom House Report 2010) reported that:

“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. The annual clashes between police and May Day protesters were less severe in 2009. A 2004 law on associations has improved the freedom of civil society groups, although 2005 implementing legislation

allows the state to restrict groups that might oppose its interests. Members of local human rights groups have received death threats and sometimes face trial. Nevertheless, civil society is active on the Turkish political scene.” [62d]

See also: [Torture and ill treatment](#) and [Kurds](#)

- 14.16 The USSD Report 2009 further noted that: “On June 12, a court convicted four members of HRA's [Human Rights Association] Canakkale branch, including its chairman, to 18 months' imprisonment each for violating the Law on Demonstrations when they organized a 'September 1 World Peace Day' gathering in 2007. An appeal remained pending at year's end.” [5i] (Section 4 Official Corruption and Government Transparency)

See also: [Treatment of Human Rights Activists](#)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 14.17 The USSD Report 2009 in considering the risk to opposition activists made reference to the findings of the Human Rights Association (IHD), a national human rights monitoring group. According to the source, the HRA asserted that:

“... there were several thousand political prisoners from all sides of the political spectrum [in detention] and contended that the government does not distinguish them as such. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, 2,869 convicts and 2,699 pretrial detainees were being held in prison on terrorism charges as of October 21.” [5i] (Political Prisoners and Detainees)

See also: [Freedom of political expression](#) and [Party political system](#)

Kurdish opposition groups

- 14.18 Jane's SCRA, last updated 26 April 2010, noted that: “Amnesty International has condemned the Turkish government for routine harassment of Kurdish politicians including the regular raids on party offices.” [81d] (Internal Affairs)

The following information relates more specifically to the treatment of individual political groups in Turkey:

Democratic Society Party (DTP) / formerly Democratic People's Party (DEHAP)

- 14.19 The USSD Report 2009 observed that the: “Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism. [5i] (Section 3 Respect for Political Rights: The Right of Citizens to Change their Government)

See also: [Torture and mistreatment](#)

14.20 The same report also observed that: “On April 21 [2009], the Diyarbakir criminal court sentenced two Kurdish politicians, Diyarbakir Mayor Osman Baydemir and former DTP leader Nejmet Atalay, to 10 months in prison for publicly spreading terrorist propaganda by referring to the PKK as ‘guerillas’ instead of ‘terrorists’ in a public speech. Baydemir continued to serve as mayor.” [5i] (Section 2 Respect for Civil Liberties)

14.21 Bianet News reported on 8 July 2009 that:

“Members of the Women's Council of the pro-Kurdish Democratic Society Party (DTP) gathered in front of the Galatasaray Highschool in central Istanbul on Tuesday (7 July) in order to protest against the continuing prosecution of children under the Anti-Terrorism Law.

“Around 3,000 children are on trial, and some have been convicted already. Many of those on trial are being detained.

“The women carried placards with pictures of Uğur Kaymaz, a child who had been beaten on the head with a rifle butt by a police officer, as well as slogans such as ‘Children are our future, don’t touch our future’ and ‘Free detained children’ and ‘Are these children murderers?’” [102m]

See also: [Detention of children](#) and [Treatment of human rights activists](#)

14.22 The USSD Report 2009 noted that:

“On December 11 [2009], the Constitutional Court voted unanimously to close the DTP for ‘being a center of activities against the unity of the state and the nation.’ The court’s decision stated that it closed the party because of DTP members’ involvement in activities that ‘supported the armed attacks’ of the terrorist PKK. The court also found that the DTP was in ‘touch and solidarity’ with the PKK. The closure resulted in the banning of 37 DTP members from politics for five years, including two members of parliament.” [5i] (Section 3 Respect for Political Rights: The Right of Citizens to Change their Government)

14.23 The *Today.AZ* website reported in an article entitled *Turkey’s new party BDP says to put distance between PKK*, dated 6 February 2010, that “[p]oliticians from the Democratic Society Party (DTP) joined the BDP [Kurdish Peace and Democracy Party] last December [2009], enabling them to stay in parliament, after the DTP were banned by the Constitutional Court ...Turkey’s Kurdish Peace and Democracy Party (BDP) has pledged to be more cautious than a predecessor party banned last year for ties with separatist PKK militants.” [45]

Kurdish Peace and Democracy Party (BDP)

14.24 The Bia News Centre on 30 December 2009 reported that:

“... 24 people have been arrested in Van and Batman, cities in the predominantly Kurdish south-east of Turkey, in the course of raids against pro-Kurdish Peace and Democracy Party (BDP). BDP is the succession party of

recently closed Democratic Society Party (DTP). Members of BDP, DTP and of non-governmental organizations are among the people taken into custody on 28 December.

“The prosecutor's office accuses all 24 individuals of membership of KCK (Koma Civaken Kurdistan), the umbrella organization that includes the militant Kurdistan Workers' Party (PKK).” [102q]

- 14.25 *Today's Zaman* in an article entitled *BDP and AK Party trade accusations over reform package*, dated 5 May 2010, stated that:

“Despite the frequency with which pro-Kurdish political parties fall victim to forced closure or the threat of closure in Turkey, the Peace and Democracy Party (BDP) has not budged in its opposition to the government's constitutional reform proposal, though an article now dropped from the package would have made party closure more difficult. ...

“In the first round of voting, five BDP deputies participated in the vote, and the article won 337 votes in favor, 72 opposing and five abstentions. At the time, BDP officials said that although they had boycotted the voting, as members of the now-defunct Democratic Society Party (DTP), which was shut down, they wanted to demonstrate symbolic support of the article.” [24o]

[Return to contents](#)
[Go to list of sources](#)

15. FREEDOM OF SPEECH AND MEDIA

The following section should be read in conjunction with the information contained under [Freedom of Expression](#).

- 15.01 Turkey was ranked 122nd out of 175 countries in the 2009 Reporters without Borders press freedom index dated February 2010 (which ranges from one for the most free to 175 for the least free). [11a]
- 15.02 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in some cases. Some senior government officials made statements during the year strongly criticizing the press. The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the ‘Turkish state’, Atatürk, or the institutions and symbols of the republic. Other laws also restricted speech, such as the Antiterror Law and laws governing the press and elections.” [5i] (Section 2a, Freedom of Speech and Press)

See also [Treatment of Journalists](#)

- 15.03 The USSD Report 2009 further noted that:

“Individuals in many cases could not criticize the state or government publicly without risk of criminal suits or government investigations, and the government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country’s EU membership process, the role of the military, Islam, political Islam, the consideration by Turks of Kurdish and other ethnic or religious origins as ‘minorities,’ and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, persons who wrote or spoke out on such topics, particularly on the Armenian issue, risked investigation, although significantly less than in previous years. The TPA reported that serious restrictions on freedom of expression continued despite legal reforms related to the country’s EU candidacy.” [5i] (Section 2a Freedom of Speech and Press)

- 15.04 The Council of Europe report by Thomas Hammarberg entitled *Human rights of Minorities*, dated 1 October 2009 (The COE Report 2009) stated:

“The Commissioner has been particularly concerned by a number of freedom of expression cases that have been brought before and judgments against Turkey delivered by the European Court of Human Rights, such as those two cases concerning non authorization of a production of a stage play in Kurdish and the institution of disciplinary proceedings against a judge for reading a newspaper and watching a TV channel related to the illegal armed organization of PKK. In both cases the European Court of Human Rights found unanimously violations of Article 10 of the European Convention on Human Rights and the cases are pending for examination before the Committee of Ministers under Article 46, paragraph 2, of the Convention.” [112]

- 15.05 The USSD Report 2009 also observed that:

“Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court under various laws that restricted media freedom; however, judges dismissed many of these charges. Authorities ordered raids of newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government.” [5i] (Section 2a Freedom of Speech and Press)

- 15.06 However the *European Commission Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, found in summary the situation to be more positive than other commentators had observed. As noted:

“Overall, there is an increasingly open and free debate in Turkish society, including on issues traditionally perceived as sensitive. Article 301 of the Turkish Criminal Code is no longer used systematically to restrict freedom of expression. However, there are prosecutions and convictions based on a number of other articles of the criminal Code. Turkish law does not sufficiently guarantee freedom of expression in line with the ECHR and the ECtHR case law. Political pressures on the media and legal uncertainties affect freedom of the press in practice.” [71d]

See also [Torture and mistreatment](#) and also [Treatment of Journalists](#) below

PRINT MEDIA

15.07 The USSD Report 2009 stated that:

“Authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source. On October 2, the media reported that police in Mardin confiscated Kurdish-language textbooks for a new ‘living languages’ institute at the Artuklu University to check them for ‘terrorist propaganda.’ The police returned the books to the university after inspection.” [5i] (Section 2a, Freedom of Speech and Press)

15.08 Reporters without Borders article entitled *Government urged to include press freedom in its opening to Kurdish minority*. dated 2 September 2009. stated that:

“Reporters Without Borders firmly condemns the one-month bans that Istanbul courts have imposed in the past 10 days on two newspapers that defend the rights of Turkey’s Kurds – the daily *Günlük* and the weekly *Özgür Ortam* – for allegedly promoting the cause of the outlawed Kurdistan Workers Party (PKK).

“The one-month suspension of *Günlük* was ordered by Istanbul assizes court No. 13 on 22 August under article 7 of the 1991 Anti-terrorism Law 3713 on the grounds that the newspaper published a column that was deemed to be propaganda in support of the PKK, regarded as a terrorist organisation by both the Turkish government and the European Union. The column was by Amir Hassanpour, an Iranian Kurdish linguist who is currently associate professor at Toronto University’s Department of Near and Middle Eastern Civilizations. Hassanpour often writes about the harassment of Turkey’s Kurdish minority.” [11d]

See also [Kurds](#), together with background information on the [Kurdish issue](#).

TELEVISION

15.09 The USSD Report 2009 noted that:

“The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), as of November there were 210 local, 15 regional, and 22 officially registered national television stations and 929 local, 98 regional, and 35 national radio stations. In addition, 77 television channels operated on the cable network, and RTUK granted eight television enterprises and two radio enterprises satellite licenses and broadcast permits necessary for operation. Other television and radio stations broadcast without an official license.” [5i] (Section 2a, Freedom of Speech and Press)

15.10 The same report further noted that:

“The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used the media as a tool to build pressure against government policies.” [5i] (Section 2a, Freedom of Speech and Press)

- 15.11 The Human Rights Watch *World Report 2010: Events of 2009, Turkey*, published 19 January 2010 (HRW World Report 2010) stated that “[r]estrictions on broadcasting in minority languages were progressively lifted in 2009. January saw the opening of a Kurdish-language state television channel, TRT Şeş, and in November [2009] there was an easing of restrictions on private channels broadcasting in minority languages.” [9e] (p456)

- 15.12 The European Commission *Progress Report 2009*, published 14 October 2009, (EC Progress Report) similarly observed that:

“As regards audiovisual policy, the public broadcaster (Turkish Radio Television, TRT) launched a 24-hour Kurdish TV channel (TRT 6) and radio station. TRT also started broadcasting for half an hour twice a day in Armenian. The effectiveness of the Radio and Television Supreme Council (RTÜK) was strengthened. All decisions taken by RTÜK are published on its website and a forum for consultation with broadcasters has been established. A roadmap on digital switchover was adopted, in line with the objective set by the European Commission for the Member States. RTÜK allowed prospective internet protocol television operators to launch test transmissions.” [71d] (p52)

- 15.13 However the same report also noted that:

“... more than a dozen TV channels were shut down for allegedly operating without licences, although their application had been pending for several years. Time and content limitations continue for private channels broadcasting in languages other than Turkish as does the translation requirement. According to the broadcasters the restrictions make broadcasting in Kurdish technically difficult and commercially non-viable. As a result in 2009, only one TV and two radio stations broadcasted in Kurdish although in total six private broadcasters have licences.” [71d] (p52)

See also [Kurdish Language](#)

- 15.14 The COE Report 2009 stated that:

“Four other judgments were delivered from 2006 to 2009 by the European Court of Human Rights that found unanimously violations by Turkey of Article 10 of the Convention on the ground of unnecessary in a democratic society and disproportionate interferences by the authorities with the right to freedom of expression of certain broadcasting companies in Turkey on the grounds of, inter alia, defamation and incitement to violence and to separatism. The Commissioner has noted with concern that in these cases at the basis of the

violations found by the Court was the Turkish broadcasting legislation (Law 3984 of 1991 as subsequently amended) and its application by the Turkish broadcasting regulatory authority (Radio and Television Supreme Council - RTÜK) and domestic courts.” [112]

INTERNET

15.15 The USSD Report 2009 observed that: “The Internet was widely available in the country. It was used in schools, libraries, private Internet cafes, and other public locations, and the government encouraged its use. There were some restrictions on Internet access. According to International Telecommunication Union statistics for 2008, approximately 33 percent of the country's inhabitants used the Internet.” [5i] (Section 2a, Internet Freedom) The Freedom house report, *Freedom on the Net: A Global Assessment of Internet and Digital Media*, released 30 March 2009, similarly noted that there had been a increasing penetration rate in internet access in the last few years. As noted “[a]ccording to the International Telecommunication Union (ITU), Turkey had approximately 26.5 million internet users as of March 2008 ...There are 97 internet-service providers (ISPs) in Turkey ...” [62c]

15.16 The same report also noted however that “[g]overnment censorship of the internet continues to be relatively common...The procedures surrounding decisions to block websites, whether by the courts or the TIB [Information and Communication Technologies Authority], remain non transparent ...” [62c]

15.17 The same source further added that:

“In May 2007, the government enacted Law No. 5651, entitled ‘Regulation of Publications on the Internet and Suppression of Crimes Committed by Means of Such Publication.’ This law established the responsibilities of content providers, hosting companies, mass-use providers, and ISPs. Its most important provision allows the blocking of websites containing certain types of content, including material that shows or promotes sexual exploitation and abuse of children, obscenity, prostitution, and gambling...The result has been the blocking of at least 1,310 websites, according to the TIB as of December 1, 2008. Although the available records are limited, the majority of blocks appear to have been on objectively harmful content, but at least 50, and possibly many more, were related to alleged crimes against Atatürk.” [62c]

15.18 The USSD Report 2009 similar found that “[t]he Internet law allows the government to ban a Web site if there is sufficient suspicion that the site is committing one of eight crimes: encouraging suicide, sexual abuse of children, facilitation of drug abuse, provision of dangerous substances for health care, obscenity, prostitution, gambling, or crimes regulated in Turkish Code 5816...

“In May 2008 an Istanbul court banned access to the YouTube Web site to block a cartoon video that lampooned the country's founding father, Atatürk. Access remained blocked at year's end.” [5i] (Section 2a, Internet Freedom)

15.19 The *Freedom on the Net: A Global Assessment of Internet and Digital Media* report released 30 March 2009, also mentioned that:

“Despite the constitutional protections, the right to privacy and private communications remains rather problematic. In practice, most forms of telecommunication have been tapped and intercepted. During 2008, several surveillance scandals received widespread media attention, and it has been alleged that all communications are subject to interception by various law enforcement and security agencies, including the Gendarmerie (military police).” [62c]

TREATMENT OF JOURNALISTS

The following information should be read in conjunction with the material listed under Freedom of Speech and Media at the beginning of this chapter.

- 15.20 Reporters Without Borders in an article entitled *Journalists under threat from anti-terrorism law*, dated 30 March 2010, stated:

“Since an amendment to the anti-terrorism law took effect in 2006, media personnel have been exposed to the possibility of long spells in jail just for covering ordinary news developments including judicial proceedings. One of the latest victims is photographer Nurettin Kurt of the daily *Hürriyet*, who is facing a possible three-year jail sentence under article 6-1 of the anti-terrorism law for photographing an army colonel who was giving evidence in an investigation into an alleged plot against the prime minister...*Hürriyet*’s managing editor, Hasan Kiliç, has also been charged under same article for allowing the photo to be printed.” [11c]

- 15.21 The Freedom House Report 2010 stated that:

“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 2004 revised penal code allows journalists and others to be prosecuted 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. People have been charged under the same article for crimes such as insulting the armed services and denigrating ‘Turkishness’; very few have been convicted, but the trials are time-consuming and expensive. An April 2008 amendment changed Article 301’s language to prohibit insulting ‘the Turkish nation,’ with a maximum sentence of two instead of three years, but cases continue to be brought under that and other clauses.” [62d]

- 15.22 The USSD Report 2009 noted that: “... [a]ccording to a joint HRA/HRF report, [two human Rights monitoring groups] 34 journalists were held on speech violations during the year. A total of 29 publications were temporarily banned, and 62 books were confiscated and became grounds for prosecutions during the year.” [5i] (Section 2a, Freedom of Speech and Press) However the AI Report 2010 explained that whilst “[n]umerous laws allowed the state to limit freedom of expression” and “[i]nvestigations and prosecutions for insulting the Turkish nation (Article 301 of the Penal Code), punishable by up to two years’

imprisonment, continued to be initiated most were denied permission to proceed by the Minister of Justice.” [12h] (Freedom of expression)

15.23 There were several articles relating to treatment of journalist found within the public domain, these included:

- An article by the Hurriyet Daily News entitled ‘*Could 302 days stolen from Aylin’s life be returned?*’ dated 25 February 2010 [70e]
- The BIA news Centre website in an article entitled ‘*Journalist Detained for Speaking Kurdish at Court*’ dated 9 April 2010 [102i]
- The AI Report 2010 which referred to charges brought against journalist Mehmet Baransu. [12h] (Freedom of Expression)

See also [Kurdish Language: Extra Judicial Killings](#), and also [Human Rights Institutions, Organisation and Activists](#)

[Return to contents](#)
[Go to list of sources](#)

16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

OVERVIEW

16.01 The *European Commission Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that:

“Turkey expressed its formal intent to take part in the work of the EU Fundamental Rights Agency. There have been no developments on the institutions monitoring and promoting human rights, which lack independence and resources. As regards the establishment of the ombudsman, in December 2008 the Constitutional court ruled that the establishment of institutions not explicitly mentioned in the Constitution would distort the integrity of the administration and that parliament had no legislative power to establish such an institution. The necessary Constitutional amendment for the establishment of the ombudsman has yet to be adopted.

“As regards prohibition of torture and inhuman or degrading treatment or punishment, the government made limited efforts to ensure compliance with the legal safeguards to prevent torture and ill-treatment. Allegations of torture and ill-treatment and impunity of perpetrators remain causes of concern. Pending ratification of the Optional Protocol to the UN Convention against torture [OPCAT], there is no independent national preventive mechanism in place for monitoring places of detention.” [71d] (p71)

16.02 With regard to the ratification of OPCAT, the *EC Progress Report 2009*, further noted that: “[f]ollowing a government decision in September 2009, the ratification of the Optional Protocol to the UN Convention against Torture (OPCAT) is now pending before Parliament. This Protocol requires parties to designate or establish an independent national preventive mechanism for monitoring places of detention.” [71d] (p13)

HUMAN RIGHTS INSTITUTIONS

16.03 The EC Progress Report 2009, stated:

“Several State bodies share the task of promotion and enforcement of human rights. These include the Human Rights Presidency under the Prime Minister’s office and the Human Rights Boards (931 in all). These bodies have the tasks of visiting places of detention (including State-sponsored social services) and of reviewing allegations of human rights violations. Overall, the number of applications to these bodies has increased substantially. Human rights training for public officials, judges, public prosecutors and police officers continued. In-service and on-the-job training for the gendarmerie includes training on human rights and was supplemented by specialist training on techniques to review allegations of human rights violations.” [71d] (p14)

16.04 There are various human rights monitoring bodies in Turkey. The following provides a list of various organisations however this should not be taken as an exhaustive or complete listing. See also [Human rights monitoring in prisons](#)

Human Rights Presidency

16.05 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, stated that: “During the year the HRP [Human Rights Presidency] promoted human rights by showing short films on topics such as freedom of expression, discrimination, children’s rights, and torture. The HRP maintained a free, emergency human rights hotline called ‘Alo 150’ where individuals could report information on human rights violations for transmission to the appropriate government body.” [5i] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

16.06 The USSD Report 2009 also noted that:

“There were provincial human rights councils under the HRP [Human Rights Presidency] in all 81 provinces and their constituent subprovinces. These bodies served as a forum for human rights consultations among NGOs, professional organizations, and the government. They had the authority to investigate complaints and to refer them to the prosecutor’s office. However, many councils failed to hold regular meetings or effectively to fulfill their mandates. The HRA generally refused to participate on the councils, maintaining that they lacked authority and independence.” (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

16.07 The same report further reported that: “The Prime Ministry’s HRP was authorized to monitor the implementation of legislation relating to human rights and to coordinate the work of various government agencies in the field of human rights. Despite lacking a budget and sufficient resources, the HRP carried out a number of projects with the European Commission and Council of Europe.” [5i] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

For more information on this group refer to the link [here](#)

[Return to contents](#)
[Go to list of sources](#)

Human Rights Advisory Board

- 16.08 A report by Professor Baskin Oran, a member of the Human Rights Advisory Board, Turkey, entitled *The Minority Report Affair in Turkey*, dated 14 April 2007 stated that:

“The Advisory Board was established by a law dated April 12, 2001, no.4643 as part of Turkey’s endeavor to abide by the human rights provisions of the Copenhagen political criteria required for Turkish accession to the European Union (‘EU’). This became necessary when the Helsinki Summit declared Turkey a candidate State destined to join the Union on the basis of the same criteria as applied to other candidate States.

“The Advisory Board is established to ensure communications between the relevant public institutions and the NGOs on issues relating to human rights and to function as an advisory body on national and international issues ...[It] shall consist of representatives of ministries, public institutions and bodies and professional associations relating to human rights, representatives of human rights NGOs and persons who have publications and works in this field ...The expenses of the Board shall be met from the budget of the Prime Ministry.” [98]

Human Rights Association (IHD)

- 16.09 The USSD Report 2009 observed that:

“The HRA [Human Rights Association] had 29 branches nationwide and claimed a membership of approximately 10,000. The HRF [Human Rights Foundation], established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana as well as a ‘mobile office’ in the southeastern region. It also 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.” [51] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

- 16.10 The website for the Human Rights Association noted the:

“Human Rights Association (İnsan Hakları Derneği ”IHD”) has been founded, on 17 July 1986, by 98 human rights defenders. IHD was founded in dark period because of the military coup that had been conducted on 12 September 1980. After the military coup, there were so many violations against fundamental human rights-freedoms. For example; torture was practised in police custodies and prisons intensified; deaths were increasingly common, political parties, associations and trade unions were banned and their executives were put into prison.

“The attempt to set up an association was initiated by relatives of prisoners. After about one year period, 98 people including intellectuals, writers, journalists, doctors, lawyers, architects and engineers signed the foundation petition of Human Rights Association or IHD.” [13a]

Prison Inspection Committees and Prison Monitoring Board

- 16.11 For information on the above organisation refer to [Prison Conditions – Monitoring of prison conditions](#)

The Gendarmes Investigation and Evaluation Centre for Human Rights Abuse Issues (JIHIDEM)

- 16.12 As noted on the JIHIDEM website (updated on 15 August 2008):

“Recently human rights have become a very important issue in Turkey, as in other countries... The Gendarmerie Human Rights Violations’ Investigation and Evaluation Center (JIHIDEM) has been founded to investigate and evaluate complaints and applications about the allegations of human rights violations taking place in the Gendarmerie area of responsibility or while carrying out the duties related to Gendarmerie. This is to investigate any allegation about human rights violation, commence a judicial or administrative inspection in case that the allegations are true, inform of applicants about the results or developments of the procedures and ensure that the public will be notified about the current developments.” [104a] (Aim of JIHIDEM)

- 16.13 The JIHIDEM website (updated on 15 August 2008) further stated that in their Human Rights ‘Violations’ Investigation and Evaluation Centre:

“The main mission is to receive complaints and applications about human rights violations forwarded to JIHIDEM by means of various ways (telephone, fax, mail, petition, personal application etc). To evaluate whether or not the complaints and applications received are within the scope of human rights violations. To investigate allegations, and to initiate judicial and administrative investigations in accordance with legal procedures. Furthermore to reply complaints and applications after investigation and to prepare reports about the replies given to the complaints and applications and statistical information about those replies and finally inform the public about activities of JIHIDEM.” [104b] (Mission of JIHIDEM)

See also: [Jandarma / Gendarmerie](#)

TREATMENT OF HUMAN RIGHTS ACTIVISTS

The following information should be read in conjunction with material provided under [Freedom of political expression](#) and [Freedom of speech and media](#). Additionally due consideration should be given to information listed under [Human rights violations committed by the security forces](#).

16.14 The USSD Report 2009 noted that “In December 2008 HRA [Human Rights Association] Adana secretary general Ethem Acikalin stood trial in an Adana court where he faced two years in prison for propagandizing for an illegal organization. Acikalin was charged after chanting slogans during a 2007 press meeting commemorating the death of 28 inmates during a military operation in 2000. The trial continued at year's end.” [5i] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

16.15 The same report also noted that:

“On August 14 [2009], police raided DTP's provincial office in Adana. Acikalin went to the DTP office as an observer joined by the HRA [Human Rights Association] accountant. Police allegedly broke the accountant's arm, and charges were brought against Acikalin for resisting police. The trial had not begun by year's end. On October 7 [2009], the Adana penal court convicted and sentenced to 10 months in prison Acikalin for ‘making propaganda for a terrorist organization’. Acikalin participated in a press conference to discuss the killing of Kevser Mizrak during a police raid in Ankara in January 2008. Acikalin was convicted earlier in the year for remarks he made at a rally to protest conditions in prisons. He appealed that case, which was ongoing at year's end. On October 9 [2009], in another case, Acikalin was convicted to three years in prison for statements he made regarding children who had been tried under antiterror legislation. Numerous other court cases were outstanding against Acikalin at year's end.” [5i] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

16.16 In considering the killing of human rights activists Hrant Dink as part of the ‘Ergenekon’ trial in 2007, the USSD Report 2009 further noted that:

“The trial of Ogun Samast, accused of killing prominent human rights activist Hrant Dink in 2007, continued at year's end. Dink, the editor in chief of the bilingual Turkish-Armenian weekly newspaper *Agos*, was killed outside of his office building in Istanbul. The trial began in 2007; Samast reportedly admitted shooting Dink and identified the weapon he used. The investigation resulted in the arrest and indictment of 19 additional suspects, eight of whom remained in detention. In an October 12 [2009] hearing, Dink family lawyers requested documents from the ‘Ergenekon’ trial, alleging that several suspects in that case had targeted Dink as a tool to destabilize the state. In September 2008 the family of Hrant Dink filed a complaint with the Supreme Board of Judges and Prosecutors against the judges of the regional administration court who did not authorize a trial against the Istanbul security director, Celattin Cerrah, and the Istanbul Intelligence Branch's former director, Ahmet Ilhan Guler. Three state inspectors criticized Cerrah and Guler for not investigating warnings involving Dink that were received prior to the killing.” [5i] (Section 2a Freedom of Speech and Press)

See also: [Treatment of Journalists](#)

- 16.17 International Pen website reported in an article entitled *TURKEY: Publisher Ragip Zarakolu Acquitted - Writer Mehmet Güler Sentenced to 15 months*, dated 11 June 2010, that:

“Ragip Zarakolu, publisher and human rights activist, who has been subject to harassment, trials and periods of imprisonment since the 1970s, was acquitted at a hearing yesterday, 10 June [2009]. On trial in Turkey since May 2009, Zarakolu faces a prison sentence of more than seven years for publishing the novel *More difficult Decisions than Death* written by N. Mehmet Güler. Both Zarakolu and Güler were accused under article 7/2 of the Anti Terror Law of ‘spreading propaganda’ for the banned Kurdish Workers Party (PKK).

“At the same trial, Mehmet Güler was convicted to a fifteen month prison term. While International PEN welcomes the acquittal of Ragip Zarakolu, it is disappointed by the conviction of Mehmet Güler, an act that breaches Turkey’s obligations under the International Convention on Civil and Political Rights and Article 10 of the European Convention on Human Rights. Mehmet Güler remains free as he appeals against the sentence.” [125]

See also: [Fair Trial](#), [Kurds](#) and background information on the [Kurdish issue](#).

[Return to contents](#)
[Go to list of sources](#)

17. CORRUPTION

- 17.01 In its 2009 Corruption Perceptions Index (CPI), released September 2009, Transparency International ranked Turkey 61st out of 180 countries, giving it a CPI score of 4.4. [55a] (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). The 2009 score was a decline from its 2008 CPI score of 4.6 and it’s ranking of 58 out of 180 countries. [55b]
- 17.02 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, observed that: “The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The World Bank Worldwide Governance Indicators reflected that corruption remained a problem.” [5i] (Section 4 Official Corruption and Government Transparency)
- 17.03 Jane’s *Sentinel Country Risk Assessment* (Jane’s SCRA), last updated 2 November 2009 stated that: “[t]urkey has long been plagued by widespread corruption and nepotism. Although prosecutions for corruption have become commonplace, convictions are much rarer and very few of those convicted actually serve any jail time. This is particularly true of high level officials and politicians.” [81d] (Security) The Freedom House in *Freedom in the World -Turkey 2010*, noted that: noted that Turkey struggled with “corruption in government and daily life” and that despite some anticorruption measures, there continued to be concerns raised by international organisations. The report also made

reference to Prime Minister Erdogan's alleged involvement in a scandal over the misuse of funds at a charity called Lighthouse. However the report did observe that "[g]overnment transparency ha[d] improved under a 2004 law on access to information." [62d]

- 17.04 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that: "... [l]imited progress has been made in fighting corruption." [71d] (p12)

See [Impunity and prosecution of security personnel](#)

18. FREEDOM OF RELIGION

For a background to religious groups in Turkey refer to [Ethnicity, Language and Religion](#).

OVERVIEW

- 18.01 The US State Department Report on *International Religious Freedom 2009, Turkey*, published on 26 October 2009 (USSD IRF Report 2009) stated that:

"The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion; however, constitutional provisions regarding the integrity and existence of the secular state restrict these rights. The 1982 Constitution establishes the country as a secular state and provides for freedom of belief, worship, and the private dissemination of religious ideas. The Constitution prohibits discrimination on religious grounds." [5h] (Section II. Status of Government Respect for Religious Freedom)

- 18.02 The United States Commission on International Religious Freedom, (USCIRF Annual Report 2010) *Annual Report 2010 - the Commission's Watch List: Turkey*, published May 2010, covering the period from April 2009 to March 2010, noted that:

"Serious limitations on the freedom of religion or belief continue to occur in Turkey. Turkey's active civil society, media, and political parties influence the climate for religious freedom and help define the debate about the appropriate role of religion in society. Turkey has a democratic government, and the country's constitution calls for the protection of the freedom of belief and worship and the private dissemination of religious ideas. Nonetheless, the Turkish government's attempt to control religion and its effort to exclude religion from the public sphere based on its interpretation of secularism result in serious religious freedom violations for many of the country's citizens, including members of majority and, especially, minority religious communities. The European Union (EU) continues to find that, despite some improvements since its 2001 bid to join the EU, 'Turkey needs to make additional efforts to create an environment conducive to full respect for freedom of religion in practice.'" [92b]

- 18.03 The USCIRF *Annual Report 2010* noted that:

“The 1923 Treaty of Lausanne, a peace treaty signed between Turkish military forces and several European powers that formally established the Republic of Turkey, contained specific guarantees and protections for all non-Muslim religious minorities in Turkey. Since that time, however, the Turkish government has interpreted those treaty obligations as limited to the Greek Orthodox, Armenian Orthodox, and Jewish communities. Nevertheless, despite this unique status, legal recognition of these three religious minority communities, and guarantees cited, have not been implemented in Turkish law or practice, and the Turkish government continues to use the denial of legal personality to these groups as a mechanism to restrict their rights of religious freedom.” [92b]

[Return to contents](#)
[Go to list of sources](#)

RELIGIOUS GOVERNANCE UNDER THE STATE

The Diyanet

18.04 The USSD IRF Report 2009 noted that “... the Government oversees Muslim religious facilities and courses through the Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet is responsible for regulating the operation of the more than 77,500 registered mosques and employing local and provincial imams, who are civil servants.” [5h] (Section II. Status of Government Respect for Religious Freedom)

18.05 The USSD IRF Report further stated that:

“Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Students who complete the first five years of primary school and are more than 12 years old may enroll in Diyanet Qur'an classes on weekends and during summer vacation, although many other Qur'an courses functioned unofficially. Mazlum-Der reported that law enforcement authorities often raided illegal courses for younger children” [5h] (Section II, Restrictions on Religious Freedom)

Religious education

18.06 The USSD IRF Report 2009 reported that “[t]he law makes eight years of secular education compulsory, after which students may pursue study at imam hatip (Islamic preacher) high schools, which cover both the standard high school curriculum and Islamic theology and practice.” [5h] (Section II, Restrictions on Religious Freedom)

18.07 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“The constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities, such as Protestants and Syrian Orthodox, faced difficulties in obtaining exemptions, particularly if their identity cards did not list a religion other than Islam. The government claimed that the religion courses

covered the range of world religions. However, religious minorities asserted the courses reflected Sunni Islamic doctrine.” [5i] (Section 2, Freedom of Religion)

- 18.08 On the subject of exemption from religious study, the same source observed that:

“Religious minorities are exempted legally from compulsory religious and moral instruction in primary and secondary schools. The Government claimed that the compulsory instruction covers the range of world religions, but religious minorities asserted that the courses reflect Hanafi Sunni Islamic doctrine and that antimissionary rhetoric remained in compulsory school textbooks. A few religious minorities, such as Protestants and Syriac Orthodox, faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam.” [5h] (Section II, Restrictions on Religious Freedom)

- 18.09 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, observed that:

“... under Article 24 of the Turkish Constitution and Article 12 of the national education basic law, religious culture and ethics classes remain compulsory in primary and secondary education. In October 2007 the ECtHR [European Court of Human Rights] found that these classes did not just give a general overview of religions but provided specific instruction in the guiding principles of the Muslim faith, including its cultural rights. The court requested Turkey to bring its education system and domestic legislation into line with Article 2 of Protocol 1 to the ECHR. Implementation of this judgment is still pending before the Council of Europe Committee of Ministers.” [71d] (p21)

RESTRICTIONS ON FREEDOM OF RELIGION

Secularism

- 18.10 The USCIRF Annual Report 2010 stated that:

“State secularism in Turkey continues to depend on full government control over all religions, and has resulted in significant restrictions on religious freedom, including for the majority Sunni Muslim community, the minority Alevis (usually viewed as a unique sect of Islam), as well as Christian and other minority communities, such as the Greek, Armenian, and Syriac Orthodox Churches and others. Only Sunni Islam is officially permitted, and the state controls all official mosques, training of Muslim clergy and the content of sermons.” [92b]

- 18.11 The USSD IRF Report 2009 observed that “The Government continued to impose limitations on Islamic and other religious groups and significant restrictions on Islamic religious expression in government offices and state-run institutions, including universities, for the stated reason of preserving the ‘secular state’.” [5h] (Section II, Restrictions on Religious Freedom)

- 18.12 The USCIRF Annual Report 2010 noted that:

“Turkish secularism bans religious dress as well as the wearing of head scarves in state buildings, including public and private universities, the parliament, courts, and schools. Women who wear headscarves, and those who advocate on their behalf, have lost public sector jobs such as nursing and teaching. Headscarf-wearing students officially are not permitted to register even for classes at private institutions. In December 2008, authorities charged five members of the military with ‘lack of discipline’ for allowing their wives to wear headscarves or for performing Muslim prayers. In 2006, a court upheld a school’s decision to fire a teacher who wore the headscarf outside of school hours. More recently, in March 2009, the Supreme Election Committee declared that workers at polling stations could not wear the headscarf during work hours.” [92b]

See also: [Women](#)

18.13 The USCIRF *Annual Report 2010* further observed that:

“In February 2010, the ECtHR ruled that a Turkish court violated the rights of 127 members of an Islamic group, Aczimendi tarikaty, by sentencing them for wearing religious dress in public. According to the ECtHR, the plaintiffs had been punished for wearing these traditional clothes in the street as they walked to a mosque, not in public institutional buildings, where religious neutrality is permitted and can override the right to express one’s religion. The ECtHR also ruled that the Turkish authorities had not proven that the plaintiffs’ dress constituted a danger to public order or that they had proselytized en route to the mosque, putting inappropriate pressure on passersby. The ban on public religious dress is more extensively targeted at non-Muslim groups, as all Christians (Orthodox, Catholic, and Protestant) and Jews are prohibited from wearing clerical garb in the public sphere in general, not only in state buildings.” [92b]

[Return to contents](#)
[Go to list of sources](#)

Religious Minority Groups

Alevis

18.14 The USSD Report 2009 noted that:

“Academics estimated the Alevi population at 15 to 20 million, including ethnic Turks and Kurds. In general, Alevis follow a belief system that incorporates aspects of both Shia and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The government considers Alevism a heterodox Muslim sect; however, some Alevis and Sunnis maintain that Alevis are not Muslims.” [5i] (Section 2, *Freedom of Religion*)

18.15 The USCIRF *Annual Report 2010* stated that:

“The Alevis are Turkey’s largest religious minority community, comprising 15 to 25 percent of the population, though not recognized as an official minority by the state. The beliefs and practices of the Alevis remain a source of debate within Islam, and some Muslims consider the Alevis to be a sect of Twelver

Shi'a Islam that has assimilated some elements of Sufi Islam, Gnostic, and Zoroastrian theology and rituals. The Turkish government generally views the Alevi as heterodox Muslims, although many Sunni Muslims and some Alevi maintain that Alevi are not Muslims. Though not granted status as a religious minority, Alevi reportedly are able to practice their beliefs relatively freely. Nevertheless, the Alevi are still subject to some discriminatory state practices, though their situation has improved in recent years.” [92b]

- 18.16 A map in Eren Özalay’s report *Minorities in Turkey The identity of the Alevi in Accordance with the EU Legislation 2006*, shows the Turkish provinces in blue with a higher concentration of Alevi (more than 10%) and provinces with low proportions of Alevi (less than 10%) in white.



- 18.17 The USSD IRF Report 2009 stated that:

“Alevi freely practiced their beliefs and built ‘cem’ houses (places of gathering), although these have no legal status as places of worship and are often referred to as ‘cultural centers.’ Representatives of Alevi organizations maintained that they often faced obstacles when attempting to establish cem houses. They said there were approximately one hundred cem houses in the country, a number that they claimed was insufficient to meet their needs.” [5h] (Section II, Restrictions on Religious Freedom)

- 18.18 The USCIRF *Annual Report 2010* also stated that:

“Alevi note that while all Turkish taxpayers, including Alevi, fund the construction of Sunni mosques in Alevi villages, Alevi are sometimes denied permission to build cem houses even in areas where they are in the majority. Some of the 300 groups within the large Alevi community have called for the abolition of the *Diyanet* because it exercises state control over Islamic religious life, promotes only Sunni Islam, and is funded by taxes from all Turkish citizens. Alevi leaders – called ‘Dede’ or elders – are not entitled to that title under a 1925 law, which, under the Turkish Constitution, cannot be amended.” [92b]

- 18.19 The Council of Europe report by Thomas Hammarberg entitled *Human rights of Minorities*, dated 1 October 2009 (The COE Report 2009) stated that “[a]s

regards members of the Muslim minority group of Alevis, one of the most widespread faiths in Turkey, the Commissioner notes that Turkey seems not have taken so far appropriate measures to satisfy their right to education in conformity with their own religious Convictions.” [112]

See also: [Religious education](#)

18.20 The COE Report 2009 also observed that: “... unlike Sunni Muslims, Alevi communities do not receive financial aid from the state, while their worship places (*Cemevi*) are not recognized as places of worship, a situation that has reportedly led to the initiation of domestic litigation.” [112]

18.21 The USCIRF *Annual Report 2010* further noted that:

“In the past several years, and most recently in June 2009, the Turkish government held several workshops with the Alevi community to discuss their concerns. The Alevis are seeking to address five key issues: legal status for Alevi houses of worship; the abolishment of compulsory religious education classes; an end to the building of mosques in Alevi villages; the return of Alevi properties confiscated under a 1925 law; and the establishment of a museum at the Madimak Hotel in Sivas where Alevis were killed in a 1993 arson attack. In late 2009, as many as 200,000 Alevis demonstrated peacefully in Istanbul to urge the Turkish government to implement these five requests. According to information received in February 2010 from the Turkish embassy in Washington, DC, a final document from these workshops will be submitted to Prime Minister Erdogan in the spring of 2010.” [92b]

18.22 On education the European Commission *Progress Report 2009*, published 14 October 2009, (EC Progress Report 2009) stated that: “Administrative courts in Antalya, Ankara and Istanbul ruled that Alevi students should be exempted from attending the mandatory religion and ethics course. A similar ruling by the Izmir administrative court was confirmed by the Council of State.” [71d] (p21)

18.23 The USSD IRF Report 2009 noted that:

“Alevi children receive the same compulsory religious education as all Muslims, and many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes in public schools. During the reporting period, Alevis had nearly 20 court cases against the Ministry of Education regarding alleged discrimination. Materials for the proposed new religious course curriculum that includes instruction on Alevism were believed by many Alevis to be inadequate and, in some cases, false.” [5h] (Section II, Restrictions on Religious Freedom)

See also: [Religious Education](#)

[Return to contents](#)
[Go to list of sources](#)

Non Muslim minorities

18.24 The USCIRF Annual Report reported that:

“In Turkey today, there are about 65,000 Armenian Orthodox Christians, 23,000 Jews, and approximately 1,700 Greek Orthodox Christians ... In addition to the three so-called ‘Lausanne minorities,’ at present, there are approximately 15,000 Syriac Christians, 10,000 Baha’is, 5,000 Yezidis, 3,300 Jehovah’s Witnesses, and 3,000 Protestant Christians in Turkey, as well as small Georgian Orthodox, Bulgarian Orthodox, Maronite, Chaldean, Nestorian Assyrian, and Roman Catholic communities. The number of Syriac Christians in southeastern Turkey was once much higher, but government pressures and the war against secessionist Kurdish forces resulted in a major emigration.” [92b]

See also: [Internally Displaced People](#)

18.25 “Despite Turkey’s obligations under the 1923 Lausanne Treaty, the government legally has not recognized minority religious communities as independent entities with full legal status, such as the Ecumenical Patriarchate of the Greek Orthodox Church. The resulting restrictions on religious minority communities, including state policies and actions that effectively deny non-Muslim communities the right to own and maintain property, train religious clergy, obtain and renew visas for religious personnel working for these communities, and offer religious education, have led to the decline—and in some cases the virtual disappearance—of these communities.” (USCIRF Annual Report) [92b]

18.26 The USSD IRF Report 2009:

“There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Threats against non-Muslims created an atmosphere of pressure and diminished freedom for some non-Muslim communities. Many Christians, Baha’is, and heterodox Muslims faced societal suspicion and mistrust, and some elements of society continued to express anti-Semitic sentiments. Additionally, persons wishing to convert from Islam sometimes experienced social harassment and violence from relatives and neighbors.” [5h]

18.27 In considering the religious freedoms of non-Muslim minorities, the EC *Progress Report 2009*, noted that:

“According to the Turkish authorities, ‘Turkish citizens belonging to non-Muslim minorities’ have at the moment 196 places of worship, 42 primary and secondary schools, 138 foundations, 5 hospitals and 9 newspapers. In the context of various legislative and other reforms, a governmental body, the ‘Minority Issues Assessment Board’, in operation since 2004, was created with the aim of ‘addressing and resolving difficulties which citizens belonging to non-Muslim minorities may encounter in their daily lives’.” [71d]

18.28 The USCIRF *Annual Report 2010* noted that:

“... religious groups that fall outside the Turkish government’s view of the Lausanne Treaty’s definition of religious minorities are severely limited in their right to freedom of religion or belief. Over the decades, the absence of legal personality has resulted in serious problems with regard to minority

communities' right to own, maintain, and transfer both communal and individual property. They also face major obstacles in deciding internal arrangements and training religious clergy. In some cases, these obstacles have led to a critical decline in these communities on their historic lands." [92b]

18.29 The same report also noted that:

"A government agency, the General Directorate for Foundations (*Vakıflar*), regulates all activities of non-Muslim religious groups and their affiliated houses of worship and other property ... Contrary to the Lausanne provisions, however, the properties of religious minorities in Turkey, including on the islands of Imvros and Tenedos, have been expropriated— private property of individuals and communal properties such as schools, cultural buildings, churches, and orphanages—and legal personality requirements irregularly are applied or suspended, with arbitrary, and sometimes, no access to the judicial system for recourse." [92b]

18.30 The USSD Report 2009, noted that:

"... the General Directorate for Foundations (GDF), regulated a few administratively critical activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and religious property. The GDF recognized 161 'minority community foundations,' including Greek Orthodox foundations with 74 sites, Armenian Orthodox foundations with 48 sites, and Jewish foundations with 12 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, Armenian Catholic, Protestant, and Maronite foundations. The GDF also regulated Muslim charitable religious foundations, including schools, hospitals, and orphanages, as well as nonreligious foundations." [5i] (Section 2c, Freedom of Religion)

18.31 The USSD IRF Report 2009 stated that:

"Non-Muslim minorities complained that the implementing regulations of the foundations law has led to interference in the elections of foundation boards, the treatment of charitable community foundations as business corporations for tax purposes, the freezing of revenue from real estate transactions, and a ban on transferring surplus income from one foundation to another. Groups are disallowed from using funds from foundation properties in one part of the country to support foundations in other areas. However, according to the amended law, religious community foundations can receive financial grants from individuals and institutions domestically or internationally and can provide such grants to similar foundations and associations either in or outside the country." [5h] (Section II, Restrictions on Religious Freedom)

18.32 The same source also observed that:

"Religious minorities reported difficulties opening, maintaining, and operating houses of worship. Under the law, religious services may take place only in designated places of worship. Municipal codes mandate that only the Government can designate a place of worship, and if a religion has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim

religious services, especially for religious groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments.” [5h] (Section II, Restrictions on Religious Freedom)

- 18.33 With regard to the inclusion of one’s religious affiliation on national identity cards, the USSD Report 2009 stated:

“Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha’i, are unable to state their religion on their cards because it is not included among the options, and have expressed their concerns to the government. The General Directorate of Populations allowed persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the government continued to restrict applicants’ choice of religion to a strict list.” [5i] (Section 2e, Freedom of Religion)

See also: [Citizenship & Nationality](#)

Christians

- 18.34 The USCIRF Annual Report 2010 noted that “[i]n recent years, some older members of the Syriac Christian community have returned to Turkey, and in one case, the Turkish government helped to evict a local group which had occupied homes that belonged to Syriac Christians. Metropolitan Yusuf Çetin of the Syrian Orthodox Church told USCIRF in 2006 that the Turkish government had provided some assistance in restoring churches and monasteries.” [92b]
- 18.35 However, the same report also noted that “Roman Catholics also have had their property confiscated by the Turkish government. In January 2010, Pope Benedict noted that the Catholic Church in Turkey still lacks legal status.” [92b]
- 18.36 The USSD IRF Report 2009, stated:
- “In December 2008 the leader of the Yalova Christian community filed a complaint with the Yalova Security Directorate when posters advertising a conference to be held by a radical nationalist youth group at the provincial Public Training Centre were found depicting Christians as snakes wearing crosses. Upon investigation the police found the posters to be displayed without permission, and police and municipal officials removed some. The conference, however, retained permission to be held in the public venue.” [5h] (Section III, Status of Societal Respect for Religious Freedom)
- 18.37 The USCIRF *Annual Report 2010* further noted that:
- “Roman Catholics in Turkey occasionally have been subjected to violent societal attacks. In February 2006, an Italian Catholic priest was shot to death in his church in Trabzon by a youth angered over the caricatures of the Muslim prophet in Danish newspapers. Prime Minister Erdoğan and other government officials strongly condemned the killing. A 16 year-old boy later was charged with the murder, tried, and sentenced to 19 years in prison. In July 2009, Gregor Kerkeling, a Catholic German businessman, was murdered in an anti-

Christian hate crime by a mentally disturbed young man who later confessed and has gone on trial.” [92b]

- 18.38 The same report observed that “[a]lthough Protestants and their property have, in the past, been subject to violent attacks, reports indicated that there had been a decline in such incidents in 2009.” [92b]

[Return to contents](#)
[Go to list of sources](#)

Jews

- 18.39 The USCIRF *Annual Report 2010* stated that:

“Approximately 96 percent of Jews in Turkey are descendants of those who fled religious persecution in Spain or Portugal in 1492. According to Jewish community representatives in Turkey, their situation is better than in other majority Muslim countries. They are able to worship freely and their places of worship generally receive government protection if needed. Jews also operate their own schools, hospitals, two elderly persons’ homes, and welfare institutions, as well as a newspaper.” [92b]

- 18.40 The USSD IRF Report 2009, noted that:

“Jewish community members reported that the significant rise of anti-Semitism that began in the summer of 2006 continued through the reporting period. Boycotts of Jewish businesses and government-sponsored events following the Israeli offensive in Gaza in December 2008 and January 2009 heightened anti-Semitic sentiments, according to the community leaders. Some businesses in Eskisehir posted notices to prevent ‘Jews, Armenians, and dogs’ from entering. Jewish leaders in the country believed the anti-Semitism was directly related to events in the Middle East, and Jewish community members reported that they were held responsible for these events.” [5h] (Section III, **Status of Societal Respect for Religious Freedom**)

- 18.41 The COE Report 2009 stated: “During his discussion with representatives of the Jewish community in Istanbul the Commissioner also noted that even though members of this community appear to encounter no major problem in their daily lives, they are occasionally affected by anti-Semitic manifestations through citizens’ demonstrations, including hate speech, or press publications, especially in the context of the political developments in the Middle East.” [112]

[Return to contents](#)
[Go to list of sources](#)

19. ETHNIC GROUPS

OVERVIEW

- 19.01 The Minority Rights Group International (MRG 2009) report *State of the World’s Minorities and Indigenous Peoples*, published 16 July 2009, reported that the “... only instrument Turkey will refer to when it comes to protection of minorities is the Treaty of Lausanne, which was signed between the new Republic of

Turkey and the allies of the First World War in 1923.” However this Treaty only guarantees specific rights to non-Muslim minorities, consequently “.. ethnic minorities, including Caucasians, Kurds, Laz and Roma, are not recognized as minorities and are therefore not fully guaranteed a number of rights, inter alia broadcasting and education in mother tongue.” [57c] (p197-198)

For more information on religious minority groups refer to [Non Muslim Minorities](#).

- 19.02 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted:

“A debate on minority-related issues has developed in the country. Several reports by academics and NGOs have been published, in particular on education and discrimination in education. Work is under way to remove discriminatory language from textbooks.

“However, Turkey’s approach to minority rights remains restrictive. While Turkey is a party to the UN International Covenant on Civil and Political Rights, its reservations regarding the rights of minorities and its reservation concerning the UN Covenant on Economic, Social and Cultural Rights regarding the right to education are causes for concern. Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages.

“There is a need for a dialogue between Turkey and the OSCE High Commissioner on National Minorities including on the participation of minorities in public life and broadcasting in minority languages. This would facilitate Turkey’s further alignment with international standards and best practice in EU Member States. ...

“Overall, full respect for and protection of language, culture and fundamental rights, in accordance with European standards have yet to be fully achieved. Turkey made limited efforts to enhance tolerance or promote inclusiveness vis-à-vis minorities.” [71d] (p27-28)

- 19.03 The Freedom House, *Freedom in the World 2010 report*, Turkey, covering events of 2009, released in May 2010, (Freedom House Report 2010) observed that:

“The state claims that all Turkish citizens are treated equally, but because recognized minorities are limited to the three defined by religion, other minorities and Kurds in particular have faced restrictions on language, culture, and freedom of expression. The situation has improved with EU-related reforms, including the introduction of Kurdish-language postgraduate courses in 2009. However, alleged collaboration with the PKK is still used as an excuse to arrest Kurds who challenge the government.” [62d]

See [Kurds](#) and [Kurdish insurgency](#) below. Also see also: [European Union accession negotiations](#) and [Kurdish Language](#) below

KURDS

- 19.04 The Minority Rights Group International, *Turkey Minorities*, undated, accessed on 9 July 2010 noted that:

“Kurds are the largest ethnic and linguistic minority in Turkey. The estimated numbers claimed by various sources range from 10 to 23 per cent of the population. According to the 1965 national census, those who declared Kurdish as their mother tongue or second language constituted around 7.5 per cent of the population. However ... [given restrictions on the use of Kurdish] it is possible that this figure was under-inclusive at the time.

“Kurds speak Kurdish, which is divided into Kurmanci, Zaza and other dialects. The majority are Sunni Muslims, while a significant number are Alevis. Historically concentrated in eastern and south-eastern region of the country, where they constitute the overwhelming majority, large numbers have immigrated to urban areas in western Turkey.” [57f]

For background information on the treatment of Kurdish minorities and the escalation of violence from [Kurdish insurgents](#), notably with the emergence of the Kurdistan Workers Party or PKK in 1982, refer to the History section – [The Kurdish Issue](#)

- 19.05 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that in considering the impact of ethnicity in relation to human rights violations, and specifically cases of state torture and mistreatment, an October 2008 report from the Societal and Legal Research Foundation (TOHAV) reported that as well as an increase in torture cases during 2008, there was in addition a higher incidence of torture being conducted against ethnic Kurds. The study comprised of 275 surveys from “credible sources” of torture between 2006 and 2008. The findings of the study showed that from the 275 individuals surveyed, 210 were found to be ethnic Kurds. [5i] (Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)
- 19.06 Information on the treatment of Kurds should be read in conjunction with various sections listed in the Contents. In addition specific reference to treatment of Kurds can be found under the following sections or subsections:
- [Security Forces](#) – Human rights violations committed by the security forces
 - Judiciary – [Access to Justice](#)
 - Political Affiliation – [Political demonstrations](#) and [Kurdish opposition groups](#)
 - [Freedom of Speech](#)
 - Human Rights institutions, organisations and activists – [Treatment of human rights activists](#)
 - Children – [Detention of Children](#)
 - [Internally Displaced People](#) (IDPs)
- 19.07 On the subject of Kurdish rights, the Human Rights Association (IHD) and Human Rights Foundation of Turkey (HRFT) in a report entitled *Evaluation of*

2009 human rights violations report by IHD and HRFT, noted: “Although the Kurdish question was formally accepted by the state in 2009, as the government did not make any legal or Constitutional regulations for democratic and peaceful solution of Kurdish question armed conflict restarted as of 2010. In 2009, even government’s statements regarding recognition of Kurdish question and to solve it reduced the number of death in clashes.” [13d]

- 19.08 The information below covers several key Kurdish issues, this should be read in conjunction with Recent developments -- [Kurdish issues: November 2009 – present](#).

Kurdish language

- 19.09 The Freedom House *Report 2010* stated that:

“Kurdish-language publications are now permitted. The last restrictions on television broadcasts in Kurdish, which began in 2006, were lifted in 2009, some months after a 24-hour Kurdish-language channel began broadcasting. However, Kurdish newspapers in particular are often closed down and their websites blocked, and some municipal officials in the southeast have faced criminal proceedings for communicating in Kurdish.” [62d]

See also [Freedom of Speech and Media](#)

- 19.10 Minority Rights Group International, in an article entitled ‘*MRG ‘deeply disappointed’ by Europe’s top human rights court ruling on Kurdish names*’ dated 3 February 2010 reported that the European Court of Human Rights had upheld “... the Turkish government’s restriction on the use of Kurdish names ...” The source continued “[e]ight Turkish citizens of Kurdish descent appealed in 2004 and 2005 to the European Court of Human Rights (ECtHR) after Turkish courts had refused to allow them to use the letters ‘Q’, ‘W’ or ‘X’ in their legal names given on their national identity cards. The letters are not officially part of the Turkish alphabet.” The European court ruled that the decision did not violate Article 8 and Article 14 of the European Convention of Human Rights on private and family life and discrimination. [57g]
- 19.11 The USSD Report 2009 noted that “[h]uman rights activists claimed that more than 1,000 cases had been opened against former DTP [Democratic Society Party] and BDP [Peace and Democracy Party] members [two pro Kurdish opposition parties] during the year. Most were investigated and prosecuted for speaking in the Kurdish language or for making statements critical of the government ...” [5I] (Section 2 Respect for Civil Liberties) The same source also stated that “[i]n November [2009] the Izmir penal court convicted local mayoral candidates Cemal Coskun and Seyhmuz Seyhan for using the Kurdish language during their campaigns for the March 29 local elections. They were each sentenced to six months in jail, although the sentences were later converted into fines of 3,000 lira (\$2,000).” [5I] (Section 2 Respect for Civil Liberties)
- 19.12 The same report also noted that Kurdish politician, Osman Baydemir, mayor of Diyarbakir [in south-east Turkey] “... face more than 100 charges and investigations for use of the Kurdish language. At year’s end he faced three

cases for sending Kurdish language holiday cards in 2008. The Diyarbakir penal court acquitted Baydemir in September for the 2007 cases against him for referring to the PKK as the ‘armed Kurdish opposition.’”[5i] (Section 2 Respect for Civil Liberties)

See also [Kurdish Opposition Groups](#) for more information on Baydemir

Teaching in Kurdish

- 19.13 The Minority Rights Group International 2009 report entitled ‘*Forgotten or Assimilated? Minorities in the Education System for Turkey*’, published 16 March 2009 reported that:

“Article 3 of the Turkish Constitution, adopted in 1982 after the 1980 military coup, protects the indivisible integrity of the state with its territory and nation’ and defines ‘Turkish’ as the ‘language of the state. Article 42 states that no language other than Turkish shall be taught as mother tongue to Turkish citizens at any institutions of teaching or education. ... no minority language can be used at public schools as the language of instruction; and none of these languages can be taught at public or private schools as a selective language course.”

- 19.14 The same report also noted that “In its judgment on the closure of the Emek Party, which promoted development of the Kurdish language, the Constitutional Court stated: ‘it is not possible to use the local languages used by some ethnic groups in Turkey as a means of contemporary education’.” [57c]

- 19.15 The COE Report 2009 noted that:

“The Commissioner has noted with concern the existence in the near past of a climate of intolerance towards proposals of teaching the Kurdish language in the University. On 3 March 2009 the European Court of Human Rights in the case of *Temel and others* found unanimously against Turkey for the suspension of eighteen students from the Afyon Kocatepe University in 2002 due to a petition that they had addressed to the University Rector requesting that Kurdish language classes be introduced as an optional module. The Court found that the disciplinary sanctions imposed on the students, which were finally annulled in 2004 and in the meantime had led to the students missing one or two university terms, were neither reasonable nor proportionate and thus violated the student applicants’ right to education, as enshrined in Article 2 of Protocol N° 1 to the Convention. Following this judgment by the Court, the Commissioner was informed about the decision of the President of the Higher Education Council (YÖK) to include Kurdish in the language courses offered in universities’ curricula and the availability of such a course in the first half of 2009 at Bilgi University, Istanbul.” [112]

Kurdish insurgency

- 19.16 The following information should be read in conjunction with information listed above on the [Kurds](#). Background information on the Kurdistan Workers Party or PKK is listed under History section – [The Kurdish Issue](#), whilst the latest

information on the conflict between the PKK and Turkish authorities can be accessed under Latest Developments – [PKK Conflict: April 2009 – present](#)

- 19.17 In considering the ongoing armed conflict with the Kurdish insurgent group the PKK, the Economist in an article entitled '*A never-ending fight: The Turkish army continues its long battle with kurdish rebels*' dated 20 May 2010 reported that "[o]ver the past month clashes between the army and the PKK have escalated. Hundreds of Kurds have flocked to the conflict zone to become 'human shields' for the rebels. In Turkey's west, the rise in attempted mob lynchings by nationalist vigilantes is a worrying portent of more violence between ordinary Turks and Kurds." [126]

- 19.18 However the Freeom House *Report 2010* stated that:

"... in 2009, the government began serious peace negotiations with the PKK to end the Kurdish conflict in the southeast, including the announcement of a major government initiative to improve democracy and minority rights. However, the fate of this initiative is in doubt since the banning of the DTP [Democratic Society Party] sparked protests at year's end [2009]. Bombings in other parts of the country by various radical groups are not infrequent, although there were no serious incidents in 2009." [62d]

See also [Kurdish opposition groups](#)

- 19.19 In considering human rights violations against PKK collaborators or perveived sympathisers, Jane's SCRA, updated 2 November 2009, noted that:

On 9 June 2004, Orhan Dogan, Hatip Dicle, Selim Sadak, and Leyla Zana were freed from jail pending an appeal of their 1994 conviction for collaborating with the PKK. They appeared in front of the Ankara High Criminal Court once again on 22 October 2004, and the case has since been dismissed. ...

"However, in April 2008, Zana was convicted of 'spreading terrorist propaganda' after she grouped imprisoned Ocalan [leader of the PKK] with the Iraqi Kurdish leaders Massoud Barzani and Celal Talabani as the 'three leaders' of the Kurds. In December 2008, Zana was sentenced to another 10 years in prison after being convicted of violating the Turkish penal code and the Turkish anti-terrorism law in nine different speeches." [81d] (Internal Affairs)

Additionally see: [Freedom of speech](#) and also Annex B: [PKK](#)

ARABS

- 19.20 Countrystudies website, in their review entitled *Arabs*, undated, accessed on 15 June 2010, stated that:

"In 1995 Turkey's ethnic Arab population was estimated at 800,000 to 1 million. The Arabs are heavily concentrated along the Syrian border, especially in Hatay Province, which France, having at that time had mandatory power in Syria, ceded to Turkey in 1939. Arabs then constituted about two-thirds of the population of Hatay (known to the Arabs as Alexandretta), and the province has

remained predominantly Arab. Almost all of the Arabs in Turkey are Alevi Muslims, and most have family ties with the Alevi (also seen as Alawi or Alawite) living in Syria. As Alevi, the Arabs of Turkey believe they are subjected to state-condoned discrimination. Fear of persecution actually prompted several thousand Arab Alevi to seek refuge in Syria following Hatay's incorporation into Turkey.” [127]

See also: [Alevi](#)

CAUCASIANS

- 19.21 The Minority Rights Group International (MRG) report *Forgotten or Assimilated? Minorities in the Education System of Turkey*, published 16 March 2009¹, stated that: “Caucasians consist of various groups of peoples of Caucasian origin, each of which has its own language. Ninety per cent of Caucasians in Turkey are Circassian, while the majority of the remaining 10 per cent are Abkhaz. All Caucasians are Muslim. According to the Federation of Caucasian associations, there are 6 million Caucasians in Turkey.” [57d] (p10)
- 19.22 The Encyclopedia of the World’s Minorities 2005 noted that there are Circassian diaspora communities in Turkey believed to be the largest in the world, with estimates numbering more than 4 million; however they are scattered throughout the entire country. [46] (p313–316)

ARMENIANS

- 19.23 The MRG report *Forgotten or Assimilated? Minorities in the Education System of Turkey*, published 16 March 2009¹, stated that: “Armenians are among the native people of Anatolia. The majority of Armenians in Turkey today belong to the Orthodox Church, while there are also some Catholic and Protestant Armenians. Their number was around 2 million during the Ottoman Empire. Today, slightly more than 60,000 remain. Armenians run private schools providing primary and secondary education in their mother tongue.” [57d]
- 19.24 The *Telegraph* on 17 March 2010 in an article entitled ‘Turkey threatens to expel 100,000 Armenians over ‘genocide’ row’ stated:
- “Recep Tayyip Erdogan, the Turkish prime minister, said the position of the immigrants, many of whom have lived there as refugees for a generation, was being reviewed in the wake of the row. ... Tensions with Armenia have recently escalated as a well-organised worldwide campaign has persuaded the American Congress and Swedish parliament to adopt resolutions condemning the incidents as ‘genocide’.” [110b]

ROMA

- 19.25 The MRG report *Forgotten or Assimilated? Minorities in the Education System of Turkey*, published 16 March 2009¹, stated that: “Roma live all across the country and their population is estimated to be around 2 million. The vast majority of Roma are Muslim (nearly half Sunni and half Alevi), while there are a

small number of Rum Orthodox.” [57d] (10) The COE Report 2009 also observed that the Roma were a sizable population, with an average estimated population of 2,750,000. [112]

19.26 The same source continued:

“The Turkish authorities consider Roma as a ‘disadvantaged group’ which ‘although increasingly integrated within the communities they live in, in certain localities they face difficulties stemming from general problems such as poverty and unemployment’. According to the authorities, this situation is caused by ‘inadequate living conditions, low levels of education, early marriages and irregular temporary employment, none of which is specific to [Roma] ... These difficulties are addressed within the general policy of the Government directed at alleviating poverty and social exclusion’.” [112]

19.27 The same report further observed that:

“... the Roma continue to constitute a group of the population facing hardships and serious problems of discrimination ... Recent reports by Roma expert organizations have highlighted a worrying marginalization of Roma in Turkey, their serious difficulties in enjoying effectively certain social and civil rights, such as those concerning adequate housing, employment, health care and social assistance, and violence by police and nonstate actors.” [112]

19.28 The USSD Report 2009, noted that:

“Roma continued to face persistent discrimination and problems with access to education, health care, and housing. The government took no apparent steps during the year to assist the Romani community. The European Roma Rights Center, the Helsinki Citizens Assembly, and the Edirne Roma Culture Research and Solidarity Association conducted a program to train the Romani community on civil society organization and activism. Literacy courses for Romani women offered by the Roma Culture and Solidarity Association of Izmir continued. Associations celebrated International Roma Day in Ankara.” [5i] (Section 5, National/Racial/Ethnic Minorities)

19.29 The same source further noted that “[t]he Roma living in the Sulukule neighborhood of Istanbul faced the destruction of their homes and were relocated outside of the city due to an urban renewal project sponsored by the municipality.” [5i] (Section 5, National/Racial/Ethnic Minorities)

See also [Freedom of Religion](#)

[Return to contents](#)
[Go to list of sources](#)

20 LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PERSONS

LEGAL RIGHTS

101 The main text of this COI Report contains the most up to date publicly available information as at 18 June 2010. Further brief information on recent events and reports has been provided in the Latest News section to 9 August 2010.

20.01 The International Lesbian and Gay Association report, *State-sponsored Homophobia 2009*, released 13 May 2009, noted that Turkey has considered homosexual acts as legal since 1858 and has had a specific law on gender recognition after Gender Reassignment treatment since 1988. [54a] (p48)

20.02 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, reported that:

“While the law does not explicitly discriminate against homosexuals, organizations working with lesbian, gay, bisexual, and transgender (LGBT) individuals claimed that references in the law relating to ‘the morals of society’ and ‘unnatural sexual behavior’ were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that ‘no association may be founded for purposes against law and morality.’ This article was applied in attempts to shut down or limit the activities of NGOs working on LGBT matters.” [5i] (**Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**)

20.03 The Global Gayz website, undated, accessed on 2 June 2010, on their Turkey country page, noted that:

“The human right of LGBT people in Turkey is one of the most controversial human rights issues in Turkey. Homosexuality is not illegal as such in the Republic of Turkey. However, owing to conservative values embedded in Muslim-majority Turkish society, homosexuality remains a taboo topic in public discourse. The desire of Turkey to join the European Union has forced the government to grant official recognition to LGBT rights organizations, respect a greater degree of the freedom of speech and the press and to entertain gay rights legislation. Gay themed conferences and gatherings now regularly take place, particularly in Istanbul and Ankara. The major LGBT community-based civil rights organization is KAOS GL, established in 1994 in Ankara. Lambda Istanbul, a member of ILGA-Europe, was established in 1993 in Istanbul. It was recently threatened by the District Governorship. The prosecution argued that its name and activities were ‘against the law and morality.’ But they lost the case against Lambda.” [32]

20.04 The Pink News website in their article entitled *European Parliament says candidate countries must offer gays protection*, dated 12 February 2010, stated:

“The European Parliament has said that Croatia, Macedonia and Turkey must prove they can offer ‘genuine protection’ to gay people in order to join the European Union. The three countries have been criticised for their records on LGBT rights and reports given to the European Parliament reminded the candidates that protections such as anti-discrimination laws were ‘non-negotiable’... In Turkey, the country’s penal code raised concerns for ‘allowing for the systematic persecution’ of gay, bisexual and trans people ...” [113]

20.05 The HRW Report 2008 noted that:

“In Turkey, the Penal Code criminalizes encouraging or facilitating sex work; however, prostitution in licensed brothels is legal. Transgender people are

commonly compelled to do sex work, but only women (by birth) have the right to work in the licensed brothels. Hence transgender sex workers are driven onto the street, at the mercy of the police. There, they are subject to arbitrary arrest, prohibitive fines, and repressive regimes of medical testing: a steady round of humiliations, where revulsion at their not conforming to 'maleness' or 'femaleness' adds to the intensity of abuse." [9d]

See also Section 22: [Women](#)

[Return to contents](#)
[Go to list of sources](#)

STATE AND SOCIETAL ATTITUDES AND TREATMENT

- 20.06 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that:

"Provisions of the Turkish Criminal Code on 'public exhibitionism' and 'offence against public morality' are sometimes used to discriminate against the lesbian, gay, bi-sexual, transvestite and transgender (LGBT) community. Homophobia has resulted in cases of physical and sexual violence while courts have on occasions applied the principle of 'unjust provocation' in favour of perpetrators of crimes against transsexuals and transvestites." [71d] (p72)

- 20.07 The Human Rights Watch (HRW) report *We Need a Law for Liberation*, dated May 2008, noted that:

"Many lesbian, gay, bisexual, and transgender (LGBT) people in Turkey lead lives of fear, paralyzed by stigma. When singled out for harassment, violence, or other abuse—still an everyday occurrence for many—they also fear going to the authorities for assistance, and often for good reason: they have long experienced harassment and sadistic treatment by police and dismissive attitudes among judges and prosecutors. Despite reforms, new cases of such mistreatment continue to emerge, as this report demonstrates ... The picture is not unrelentingly bleak; there have been positive developments in recent years. Turkey today is full of mixed signals. The situation was illustrated most pointedly by the process leading to the adoption of a revised version of the Criminal Code in mid-2005. A year before the new code was adopted, the Justice Commission of Turkey's Parliament voted to include new language in the provision barring discrimination in a wide range of areas of public life: it would have included 'sexual orientation' as a protected status. The move almost certainly came in response to Turkey's pending application for admission to the European Union (EU)." [9d] (p2)

See also: [Avenues of Complaint](#)

- 20.08 The same report continued:

"Ultimately, the language mentioning sexual orientation was dropped and replaced with that found in Article 10 of Turkey's Constitution—promising equality 'irrespective of language, race, color, sex, political opinion, philosophical belief, religion, and sect, or any other reasons.' This defeat was

perhaps predictable—since in late 2003, the prime minister’s spokesman said, ‘homosexuals cannot be members’ of the ruling party: ‘They can establish their own.’ However, activists were hopeful because Turkey had seen many positive legislative changes in preceding years, many in order to comply with the EU accession criteria.” [9d] (p3)

- 20.09 The Canadian Immigration and Refugee Board (IRB) in an information request response *Treatment of homosexuals in the military; process to establish that a man is gay; consequence of refusing to undergo this process*, dated 5 April 2007, noted that:

“Turkey is the only member of the North Atlantic Treaty Organization (NATO) whose army considers homosexuality a psychological disorder and the Turkish Army follows the guidelines established in the Diagnostic and Statistical Manual of Mental Disorders and deems homosexuals unfit to serve.

“In a highly publicized case involving a conscientious objector named Mehmet Tarhan, the Turkish Army requested that Tarhan apply for a discharge on the grounds of his sexual orientation, rather than his conscientious objection. The requirement for homosexuals to undergo a psychiatric assessment in order to become exempt from military service on account of their sexual orientation is corroborated by the Human Rights Association (IHD) of Turkey. A psychiatrist might ask that the recruit provide a photograph showing homosexual intercourse, have the recruit undergo an anal examination ... despite the fact that such degrading physical examinations have been conclusively discredited. (13 Sept. 2006).” [7k]

- 20.10 The Human Rights Watch (HRW Report 2008) report entitled *We Need a Law for Liberation*, dated May 2008, observed that:

“While the predicament faced by LGBT people in Turkey is similar to that faced by this community in many other countries, stringent norms for ‘masculinity’ and ‘femininity’ are particularly ingrained in both Turkish society and the state itself. The endurance of such norms, reflected in this report, perpetuate inequality and promote violence in many of the cases we document.

“Every transgender person and many of the gay men Human Rights Watch spoke to report having been a victim of a violent crime—sometimes multiple crimes—based on their sexual orientation or gender identity. Beatings in cruising areas, robberies by men or gangs who arranged to meet their victims over the internet, and attempted murder were among the documented abuses.

“The lesbian or bisexual women Human Rights Watch spoke with reported pressure, often extreme, from their families. Some were constrained to undergo psychological or psychiatric ‘help’ to ‘change’ their sexual orientation. Many faced physical violence.” [9d] (p4)

- 20.11 The HRW Report 2008 reported that despite greater visibility to LGBT groups:

“... violence has followed visibility. Lesbian, gay, bisexual, and transgender people’s greater exposure has led to greater danger for many ordinary people.

This report provides evidence of those dangers in five areas: abuses against gay men, still too often abetted and at times perpetrated by the police themselves; continuing family strictures on lesbian women, with often violent repercussions, again with woefully inadequate police response, if not police complicity; the particularly severe stigmatization and violence faced by transgender individuals; discrimination in the military and medical profession; and continuing restrictions on LGBT groups' freedom of association and expression.

"Homophobic violence has come to the attention of Turkish authorities as an endemic problem, and the first uncertain steps are being taken to address it. In 2003 Dr. Şevki Sözen, professor of forensic medicine at Istanbul University, and a former doctor in the sexual-violence unit of the Justice Ministry's Forensic Sciences Department, gave Human Rights Watch figures that he said came from a study launched by the ministry. Among gays and lesbians interviewed for the study, he said, 37% reported having undergone physical violence and 28% reported sexual violence. Among transvestites and transsexuals, 89% reported physical violence, and 52% sexual violence. Among all cases, Dr. Sözen told us, only 42% of victims sought help and only 26% turned to police. Less than one-sixth of the latter said that their cases had been adequately addressed by the criminal justice system." [9d] (p4-5)

20.12 The HRW Report 2008 noted that:

"Human rights violations against lesbian and bisexual women and girls in Turkey are inextricable from the abuses that women in Turkish society face in general. Human Rights Watch interviewed 24 lesbian or bisexual women and girls in 2003 and 2007. The most overwhelming factor that they cited to Human Rights Watch is the subjection of women and their sexualities to the family and its values—including honor or custom. As women and girls whose sexualities move beyond the norms and expectations of heterosexuality, lesbians and bisexual women and girls feel these pressures in especially acute ways, and feel and fear the steady possibility of family violence." [9d]

20.13 The HRW Report 2008 report also noted that: "In recent years, the Turkish government has made advances in protecting women...The Law on the Protection of the Family; passed in 1998, in May 2007 a reform extended the definition of victim of domestic violence to include all members of the family, whether living or not in the same household." [9d]

See: [Women](#), [Honour Killing](#), [Assistance available to women](#) and [Conscientious objectors](#)

LGBT ORGANISATIONS

20.14 Amnesty International article entitled *Turkey urged to end discriminatory clampdown on gay rights group*, dated 10 February 2010 stated:

"Amnesty International called on the Turkish authorities to end its harassment of lesbian, gay, bisexual and transgender (LGBT) organizations after a new attempt to close down an LGBT group through the courts began on Tuesday.

The case against the Black Pink Triangle association, which has worked in the city of Izmir to combat discrimination against LGBT people in since it was founded in February 2009, was adjourned after the first hearing, amid fears that the Turkish authorities will engage the group in a protracted - yet groundless - legal battle. The association faces closure following a complaint by the Izmir Governor's Office that its aims violate 'Turkish moral values and family structure' ... Amnesty International is concerned that this closure case follows similar cases targeting LGBT associations in recent years." [12f]

- 20.15 The Human Rights Watch *World Report 2010: Events of 2009*, Turkey, published 19 January 2010 (HRW World Report 2010) stated that: "The Court of Cassation ruled against the closure of the lesbian, gay, bisexual, and transgender (LGBT) Lambda Istanbul Solidarity Association in April [2009]. However, the court's ruling included the discriminatory condition that the association not 'encourage lesbian, gay, bisexual, transvestite and transsexual behavior with the aim of spreading such sexual orientations.'" [9e] (p456)

- 20.16 However the HRW Report 2008 report stated:

"Conditions in Turkey are still in flux today, with greater freedom and invidious attitudes coexisting. On the positive side, civil society in Turkey is notably freer than it was a decade ago, and gays and lesbians feel it; so too do some in Turkey's large communities of transgender people. Lambda Istanbul, KAOS-GL, and the Ankarabased transgender support group Pink Life (Pembe Hayat)—though small, hampered by legal difficulties and harassment—benefit from an environment in which censorship is relaxing, and civil society enjoying greater if still restricted space. In February 2005, a member of parliament from the ruling party and a representative of the Ministry of Health attended a conference in Ankara on the human rights of LGBT people—a significant symbolic step. [9d]

- 20.17 The Canadian Immigration and Refugee Board (IRB), in an information request response Turkey: *Treatment of gay, lesbian and transgender people by Turkish society; treatment by authorities; legislation, protection and services available*, 11 June 2007 stated that:

"As of February 2007, Turkey had several legally registered LGBT organizations: Kaos GL (Ankara), Lambda Association (Istanbul), Pink Life (Ankara), and the Rainbow Association (Bursa). Kaos GL was informally established in 1994 as Turkey's first non-governmental organization to promote LGBT rights. Kaos GL cooperates with other LGBT organizations, such as the International Lesbian and Gay Association. It obtained legal NGO status by the Interior Ministry on 15 July 2005." [7j]

- 20.18 There are organisations in Turkey that advance the interests of LGBT people working towards legal changes; promoting anti-discrimination; social or support groups:

- The International Lesbian and Gay Association (ILGA) - The International Lesbian and Gay Association is a world-wide network of national and local groups dedicated to achieving equal rights for lesbian, gay, bisexual and transgendered (LGBT) people everywhere. [88]

See also [The International Lesbian and Gay Association \(ILGA\) website](#)

- International Lesbian and Gay Association-Europe (ILGA-Europe) - ILGA-Europe is a non-governmental umbrella organisation which represents its members, principally organisations of lesbian, gay, bisexual and transgender persons, at the European level. [88]
See also: [International Lesbian and Gay Association-Europe](#)
- KAOS GL - KAOS GL was founded in September 1994, to unite Turkey's homosexuals in the struggle against discrimination. The group's underlying philosophy is that the liberation of homosexuals will also free heterosexuals. KAOS GL has been publishing the journal KAOS GL (now a quarterly) since it was founded. [96]
- See also: [KAOS GL](#)

TRANSGENDER PERSONS

20.19 The Canadian Immigration and Refugee Board's (IRB) website, dated 11 June 2007, also reported that: "... many Turkish transvestites and transsexuals work as prostitutes because they cannot find regular jobs due to the prejudice they face ... In August 2006, a group of transsexuals were reportedly denied the right to set up an association in the city of Bursa for reasons of public morality (Kaos GL 5 Oct. 2006)." [7j]

20.20 The Netherlands Ministry of Foreign Affairs 2002 reported that:

"Turkish law does not prohibit transvestism. Nor does government policy discriminate against transvestites in any way. Attitudes to transvestites in Turkey are also ambivalent. Some nationally known transvestites from the world of show-business are highly regarded in Turkey. Huysuz Virjin is a famous transvestite who presents a popular talk show on television. The transvestite singer Zeki Müren, who died in 1996, was given a state funeral for his services as a singer." [2a] (p142)

20.21 The IRB in an information request response *Turkey: Treatment of gay, lesbian and transgender people by Turkish society; treatment by authorities; legislation, protection and services available*, 11 June 2007 stated that:

"Although sex changes are legal in Turkey (Kaos GL 5 Oct. 2006), Lambda activists report that transsexuals and transvestites experience more discrimination than gay and lesbian Turks because they are visibly more different (Turkish Daily News 9 Apr 2007). Reuters reports that human rights organizations have noted an increase in police action against transsexuals since the centre-right Justice and Development Party (AKP) (US 31 May 2007) took power in 2002." [7j]

20.22 The IRB in an information request response *The treatment of sexual minorities, particularly lesbians, homosexuals and transsexuals, by state and non-state agents, including the police; protection available to sexual minorities who have been victimized*, dated 5 April 2007, noted that: "Transsexuals are persecuted in Turkey and the police often torment them by forcibly shaving their heads:

Long hair is a symbol of femininity and cutting it off is a potent assault on the victim's sense of identity.” [71]

- 20.23 The Human Rights Watch Letter entitled *Letter to Turkish Government on Violence and Murders Targeting Transgender People*, dated 22 February 2010, stated that:

“Since November 2008, at least eight transgender women have been murdered in Ankara, Istanbul and Antalya. In two cases, suspects were arrested, convicted, and sentenced to life imprisonment. In two other instances, suspects remain in pre-trial detention. The remaining murders are being investigated. ... The targeted killing of transgender women is part of a broader pattern of violence against LGBT people in Turkey.” [91]

[Return to contents](#)
[Go to list of sources](#)

21. DISABILITY

- 21.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities, and access in most cities was limited. The Presidency Administration for Disabled People under the Prime Ministry is responsible for protecting the rights of persons with disabilities.” [51] (Section 5, Persons with Disabilities)

- 21.02 The same source further noted that:

“In November 2008 a clandestinely filmed documentary on the state of public facilities for children in the country was broadcast in the United Kingdom. Earlier in the year, Duchess of York Sarah Ferguson used a disguise to enter and film two care centers for children with mental and physical disabilities for use in the documentary. The expose showed children tied to their beds with fabric and poor caretaking conditions at Saray Rehabilitation Center in Ankara and Zeytinburnu Center for the Care of Disabled Children in Istanbul. Prosecutors opened an investigation into Ferguson's activities, accusing her of breaking privacy laws when she clandestinely filmed the children. Press reports in September indicated that the government requested the United Kingdom to extradite Ferguson to the country to stand trial. There was no movement on the case by year's end.” [51] (Section 5, Persons with Disabilities)

See also: [Violence against Children](#)

- 21.03 The *BIA News Center* on 4 December 2008 reported in an article *Turkey Ratifies the Convention for the Rights of the Disabled*,¹ that:

“The Parliament has unanimously ratified the UN Convention on the Rights of Persons with Disabilities. Turkey had signed this convention on March 30, 2007, but not ratified it until today [4 December 2008]. The convention imposes on the state obligations regarding incorporating the persons with disabilities into the society, protecting them from discrimination and stigmatization, making all the services accessible to them and in the matter of equality before the law.

“The optional protocol, on the other hand, provides the individuals and the groups with the ability to apply directly to the UN Commission for the Rights of the Persons with the Disabilities, once all the internal legal means in their countries are exhausted.” [102j]

[Return to contents](#)
[Go to list of sources](#)

22. WOMEN

OVERVIEW

- 22.01 The United Nations Development Programme report entitled *Enhancing Women's Political Participation*, dated April 2010, stated that

“The Republic encouraged the presence of women in education, health care and civil service. While many of these policies were successful, women's participation in local and national politics and their presence in key state bodies remain weak...the rate of women's representation is much lower in local assemblies than in parliament: Following the 2009 local elections only 0.9 percent of mayors were women (26 out of 2877), 3.5 percent of women were members of the provincial council (115 out of 3166) and 4.5 percent were municipal council members (1471 out of 30921).” [111]

- 22.02 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, found that:

“Overall, the legal framework guaranteeing women's rights and gender equality is broadly in place. However, further significant efforts are needed to turn the legal framework into reality and narrow the gap between men and women in economic participation and opportunity, political empowerment and access to education. Domestic violence, honour killings and early forced marriages remain serious problems in some areas of the country. There is a need for further training and awareness-raising on women's rights and gender equality, for both men and women.” [71d]

- 22.03 The UN Treaty Database, accessed 12 July 2010, recorded that Turkey is a signatory to the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). [20h]

LEGAL RIGHTS

- 22.04 The Constitution of the Republic of Turkey, as amended on 22 May 2004, states under Article 10 the following:

“All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

“Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.

“No privilege shall be granted to any individual, family, group or class.

“State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.” [36c]

22.05 The Women for Women’s Human Rights (WWHR) website, accessed on 2 April 2010 noted that the new civil code had taken “... a new approach to the family and to women’s role in the family”. The source further reported that “... [t]he terms ‘the wife’ and ‘the husband’ are replaced by ‘the spouses’”. In addition, the WWHR website observed that other terms within the civil code used to reflect ‘the family’ similarly promoted gender equality. [95b]

22.06 The BBC news reported in an article entitled *Turkey bans trips abroad for artificial insemination*, dated 15 March 2010 that “A new law passed in Turkey has made it a criminal offence for a woman to go abroad and get pregnant via artificial insemination. Artificial insemination is already illegal, but women have until now been able to go overseas to seek sperm donors. Now they will face punishment of one to three years in prison for doing so.” [66e]

POLITICAL RIGHTS

22.07 The United Nations Development Programme report entitled *Enhancing Women’s Political Participation*, dated April 2010 reported that: “Women in Turkey gained the right to vote in 1934.” [111]

22.08 The European Commission *Progress Report 2009*, published 14 October 2009, (EC Progress Report 2009) noted that:

“Political representation of women, at both national and regional levels, is very low. The local elections held on 29 March 2009 did not change this: there are only two female mayors at provincial capital level and seventeen at district town level. Overall, despite the pre-electoral rhetoric, political parties did not place a sufficient number of female candidates in electable positions. Finally, the Law on Political Parties and the statutes of the parties contain no provisions that could lead in practice to adequate political representation of Turkish women.” [71d] (p23)

22.09 The EC *Progress Report 2009*, further noted: “... [w]omen’s NGOs launched campaigns to increase female participation in local elections, such as the ‘50/50 equality’ campaign simultaneously with the European Women’s Lobby’s ‘50/50 no modern European democracy without gender equality’ campaign.” [71d] (p23)

22.10 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, reported that

110 The main text of this COI Report contains the most up to date publicly available information as at 18 June 2010. Further brief information on recent events and reports has been provided in the Latest News section to 9 August 2010.

“[t]here were 49 women in the 550-seat parliament and two female ministers in the 27-member cabinet.” [5i] (Section 3, Elections and Political Parties)

SOCIAL AND ECONOMIC RIGHTS

- 22.11 The Freedom House, *Freedom in the World 2010 report, Turkey*, covering events in 2009, released in May 2010, (Freedom House Report 2010) noted that: “The amended constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 129 out of 134 countries surveyed in its 2009 Global Gender Gap Index.” [62d]
- 22.12 The COE Report 2009 stated that: “The extremely limited access of women to the labour market in the southeast raises also very serious concerns as to the enjoyment by them of the fundamental social right to work. According to the same expert report only 65 of every 1 000 women in Southeastern Anatolia have access to labour markets, whereas the remaining 935 are excluded from the labour force.” [112]
- 22.13 The BBC News reported in an article entitled ‘*Spotlight on Turkish Women’s rights*’ dated 23 September 2004, stated that “Turkish women do enjoy greater freedoms than those in many other Muslim nations. For decades they have had the right to vote, access to education, the right to divorce and the right to abortion. Turks even elected a female prime minister in 1993.” [66f]
- 22.14 However the Institute for War and Peace reporting, *Women’s Economic Empowerment Urged*, 31 October 2009, on a conference in Damascus promoting the rights for women to play a stronger part in business noted that “Nimet Cubukcu, Turkey’s minister for women’s affairs cautioned that improving the status of women would be ‘a long process requiring huge efforts’. Legal rights are very important in improving women’s conditions, but they are not sufficient, as cultural and economic factors must also be taken into account.” [20f]

Employment

- 22.15 The USSD Report 2009 noted that:

“Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions as well as in government. According to a November report by the European Commission, the levels of women’s employment and their political participation nationally and regionally were low. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the retail, restaurant, and hotel sectors worked as unpaid family labor. The World Economic Forum reported during the year that women earned 61 percent of what their male counterparts earned for similar work. The European Commission’s report in October stated that men involved in manufacturing work earned twice as much as women in the same field.” [5i] (Section 6, Women)

- 22.16 Today's Zaman reported in an article entitled *Inequality, violence hot issues on International Women's Day*, dated 9 March 2010 stated that: "... a majority of Turkish women are employed in jobs that pay less and offer no health insurance. In Turkey, only about 25 percent of the labor force is composed of women, which is far below the global average of 52.6 percent. Seventy percent of women in rural Turkey work in their houses as free laborers." [24j]

Marriage

- 22.17 The Office of the Prime Minister, Directorate General of Press and Information, accessed 6 April 2010, recorded that the legal minimum age for marriage for both women and men as 18 (it was previously 17 for men and 15 for women). [36d]
- 22.18 The Turkish Statistical Institute, Prime Ministry, *Republic of Turkey: Marriage and Divorce Statistics for the Year 2009*, reported that: "591 742 couples got married in 2009; ... [w]hile 641 973 couples got married in 2008, this number decreased to 591 742 in 2009. Crude marriage rate is 8,23 per thousand in 2009. ... 114 162 couples got divorced in 2009 ... [w]hile 99 663 couples got divorced in 2008, this number increased to 114 162 in 2009. Crude divorce rate is 1,59 per thousand in 2009." [89e]
- 22.19 A Nationwide Survey report by Sabanci Univerisity entitled *Violence against Women in Turkey 2009*, stated that in the Turkey sample under Forms of Marriage, 82 per cent of the women were married both civilly and religiously. 15 per cent were only married civilly, while 2 per cent were married only religiously. For the Eastern Turkey sample, the figure for those civilly married only falls to just 3 per cent. (p20) Nearly all of the women interviewed identified themselves as believers of Islam. [99] (p27)

VIOLENCE AGAINST WOMEN

- 22.20 The EC *Progress Report 2009* noted that:
- "Domestic violence, honour killings and early and forced marriages are still serious problems. The report on national research on domestic violence against women illustrated the gravity of the problem: 39% of the women said that they had been victims of physical violence and 15% victims of sexual abuse. One out of every four women had been injured as a result of physical or sexual violence. Furthermore, the poll found that 48.5% of the victims had told no-one about the abuse, while only 4% had sought help from the police and a mere 1% refuge in State-run shelters. Most Turkish women are still not fully aware of their rights and significant further efforts are needed in this regard." [71d] (p23)
- 22.21 In a report by The Women Living Under Muslim Laws, entitled *Government failing in its commitments to protect women from violence*, dated 6 April 2010, stated that:
- "Data released by the Human Rights Association in Turkey shows that from 2007 to 2010, nine women were killed by the Turkish gendarmerie, 91 women were murdered in the name of honour, 169 women were victims of domestic

violence, 226 women committed suicide because of domestic abuse, 92 women were raped and killed (including by security forces). In Turkey, statistics show that 3 women are killed every day.” [122]

22.22 Women’s Aid organisation defines Domestic violence as:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality. This can include forced marriage and so-called ‘honour crimes’. Domestic violence may include a range of abusive behaviours, not all of which are in themselves inherently ‘violent’.” [88]

Forced Marriages

22.23 Flying Broom website in their article entitled *Forced Marriages Lead to Suicide*, dated 18 February 2008, stated:

“... 80% of young men and women who are uneducated are forced to get married by their families and that it is impossible for them to resist the pressure... the majority of those forced marriages result in divorce. Young wives or husbands who cannot afford to get divorced or oppose to their families may end up trying to commit suicide. Both families and the young people, especially in the eastern part of Turkey have to be educated and informed about the harmful ways of the forced marriages, which result in divorce or suicide ...” [114]

22.24 Today’s Zaman reported in an article entitled *Ending forced marriage requires persistence, legal implementation*, dated 22 June 2008, noted that:

“Despite improvements in women’s rights legislation and gradually changing social norms, forced marriages still occur throughout Turkey and the world. Particularly in Turkey’s eastern regions, the practice persists due to poor implementation of existing laws and inadequate resource practice.

“Forced marriage takes on various expressions across Turkey, including ‘be? ik kertmesi,’ a form of arranged marriage in which families barter newborn children and force them to marry as soon as they come of age, and ‘berdel,’ the practice of exchanging brides between families to avoid wedding/marriage expenses. Regardless of the expression, forced marriage is a violation of women’s rights.

“Türkan Bakır, a social worker from the Directorate of Social Services and Child Protection (SHÇEK) Family Counseling Center in İzmir, emphasizes that forced marriage is not just eastern Turkey’s problem. There are, for instance, many immigrants from the Balkan countries in İzmir, and they also come to ask for help. Many people from many different backgrounds apply to SHÇEK, ...

“As reported by rights group Women for Women’s Human Rights (WWHR)-New Ways, 51 percent of women were married against their will and 51.6 percent did not meet their husbands before getting married in eastern and southeastern Turkey, according to research conducted in 1996.” [24p]

- 22.25 Buzzle.com website, in an article entitled *Young Girls Forced into Living Nightmares*, undated, accessed 30 June 2009, reported that: "In Turkey a 23 year old woman succeed in divorcing the man her parents forced her into marrying, only to be shot in the head three times by her brother." [106]

See also [Customary marriages](#)

[Return to contents](#)
[Go to list of sources](#)

Domestic Violence

- 22.26 The USSD Report 2009 noted that:

"Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse, but the government did not effectively enforce it. In April [2009] the government created a program to train judicial personnel on the prevention of violence against women. From May to October [2009], the government conducted seven seminars to train more than 90 judges and 90 prosecutors. Domestic human rights organizations reported these laws were partially but increasingly effective; more women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports." [5i] (Section 6, Women)

- 22.27 The USSD Report 2009 further noted that: "Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001 and 2005, the latest period for which statistics were available." [5i] (Section 6, Women)

- 22.28 The EC *Progress Report 2009* stated that:

"After an initial improvement in cooperation between public institutions, brought about by the Prime Ministerial circular on combating honour killings and domestic violence against women, concerns arose about this issue over the reporting period. The local coordination boards envisaged in the circular from the Ministry of the Interior have not been established as provided under the law. There is reportedly lack of awareness among law enforcement forces and public administrations of the Ministry of the Interior's circular on violence against women and children." [71d] (p24)

- 22.29 The *Globalpost* news website recorded in an article Turkey's shocking domestic violence statistic, published 20 February 2009, that:

"Four out of 10 women in Turkey are beaten by their husbands, according to the recent study entitled 'Domestic Violence against Women in Turkey,' which has collected the first official statistics on this topic in Turkey. Even more disturbing, the study reveals that a significant number of abused women, almost 90 percent, do not seek help from any organization. This is such a silent problem that most people don't believe you when you give them the numbers, said Henriette Jansen, team leader of the study, which was conducted by the General Directorate of the Status of Women (KSGM). It shows how much

women suffer alone and the huge stigma attached to violence against women.” [43]

- 22.30 The Report of the UK Border Agency Fact Finding Mission to Turkey (UKBA FFM) 11 – 20 February 2008, interviewed a number of sources on the issue of violence against women. The Social Services and Child Protection Agency (SHCEK) said that most cases of domestic violence in Turkey involved women who suffered violence from their husbands. SHCEK advised that, in Turkish society, men were seen as the dominant power and the use of violence against their wives was culturally condoned. [59] (S11.4)

See Nationwide Survey “[Violence against Women in Turkey](#)”

Honour killings

- 22.31 *The Telegraph* in a report entitled *Teenage girl buried alive in Turkey for talking to boys*, dated 5 February 2010, stated that:

“A 16 year old girl has been buried alive by her relatives in Turkey as punishment for talking to boys ...Medine Memi was found in a sitting position with her hands tied, in a two-metre hole dug under a chicken pen outside her home in Kahta, in the south-eastern province of Adiyaman. Her father and grandfather have since been arrested and are due to face trial over her death. Her mother was also charged but has since been released.” [110a]

- 22.32 The USSD Report 2009, noted that:

“Persons convicted of honor killings may receive life imprisonment. The TNP [Turkish National Police] reported 43 honor killings and three attempted honor killings through August [2009]. Most of these were in conservative families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform such killings.” [5i] (Section 6, Women)

- 22.33 The USSD Report 2009, further noted that: “... [d]ue to penalties for honor killings, family members pressured girls to commit suicide in order to preserve the family's honor. Government officials worked with advocacy groups to hold town hall meetings and set up rescue teams and hotlines for endangered women and girls.” [5i] (Section 6, Women)

- 22.34 The same report further stated:

“KA-MER, the leading women's organization in the southeast, reported 63 women from the eastern and southeastern parts of the country contacted it to report that their family had threatened them with honor killings. Of these, 17 were between 13 and 18 years old, 29 were between 19 and 30 years old, and 17 were between 31 and 44 years old. The father or husband decided the fate of the woman in the vast majority of the cases ... KA-MER complained that, while in the past the police had shared statistics on suicides in such situations, the police did not share that information during the year.” [5i] (Section 6, Women)

- 22.35 The Independent News in an article entitled *Women told: 'You have dishonoured your family, please kill yourself*, on 27 March 2009 stated:

“So-called ‘honour killings’ in Turkey have reached record levels. According to government figures, there are more than 200 a year – half of all the murders committed in the country. Now, in a sinister twist, comes the emergence of ‘honour suicides’. The growing phenomenon has been linked to reforms to Turkey’s penal code in 2005. That introduced mandatory life sentences for honour killers, whereas in the past, killers could receive a reduced sentence claiming provocation. Soon after the law was passed, the numbers of female suicides started to rocket.” [116]

- 22.36 Channel 4 news documentary *Unreported World* shown on 27 March 2009 travels to Turkey to investigate honour killings, which have now reached record levels with more than 200 girls and women killed in the past year alone. The programme highlights a chilling new development in which a new law outlawing honour killings may have led to a huge increase in girls being forced to commit suicide instead. [51] (Killing for Honour)

See also [Female suicide](#) below and the Report of the Special Rapporteur on [Violence against Women, Its Causes and Consequences, Mission to Turkey](#), published 5 January 2007.

[Return to contents](#)
[Go to list of sources](#)

Female suicides

- 22.37 The *Hurriyet* newspaper reported on 5 April 2010 that:

“The attempted suicide by a girl who is 54 years younger than her husband lights up once again the long-running controversy surrounding early marriages in Turkey, many of which are pursued for financial reasons according to one women’s rights organization ...

“This is a marriage for economic reasons, which is the general norm in many child marriages,’ said Selen Doğan, general coordinator of Uçan Süpürge, or Flying Broom, a women’s research organization that has been leading projects to stop child marriages for several years.

“This suicide attempt should have been expected, as she was a 17-year-old girl under pressure ...” [70d]

See also: [Children](#)

Virginity testing

- 22.38 Washington College of Law’s Human Rights Brief entitled *Virginity Testing in Turkey: A Violation of Women’s Human Rights 2002*, accessed on 12 July 2010 reported that: “In February 2002, Turkey issued a decree banning forced virginity testing. This followed an announcement in July 2001 by Turkey’s

Health Minister, Osman Durmus, that midwife and nursing students were required to be virgins, and that testing would be used to ensure compliance.” [128]

- 22.39 However, in an article by Associated Content entitled *Female Virginity Tests in Muslim Turkey, a Varied Perspective*, dated 2 October 2005, stated that:

“In the mostly Muslim culture of Turkey, it’s a social norm for females to remain virgins until marriage. Female virginity is not only highly valued, it’s expected. Virginity is celebrated and is symbolic of the woman’s importance as mother of the home and of how her body belongs only to her husband. This belief is so emphasized in the Turkish culture, that it’s a normal cultural practice to test a female’s virginity, even against her will. This is done for many reasons including, verifying the virginity of a potential bride, certifying that sexual relations did not occur prior to a divorce, suspicion of consensual sexual intercourse, and lack of vaginal bleeding after first marital intercourse. Unmarried females found not to be virgins experience great shame and legal discrimination. Proof of un-chastity is a valid reason for the permanent expulsion of females from the formal educational system. A female that is found to not be a virgin is labeled unfit to marry by most of the society. The shame is so great that there have been many reports of girls committing suicide before such a test.” [129]

- 22.40 United Press International (UPI) in an article entitled *Virginity testing at Turkish Schools*, dated 28 November 2008 reported that: “[a] lawyer and the head of an education union in Turkey have objected to virginity testing incidents at two universities in Istanbul. Lawyer Yasemin Oz and Zubeyde Kilic, president of the Education and Science Workers Union, said virginity testing at schools unfairly victimizes female students, ...” [130]

Treatment of women in detention

- 22.41 *Conditions of Detention in Turkey: Blocking Admission to the EU* a book by Haldane Society of Socialist Lawyers published February 2009 (CDT: Blocking Admission to the EU 2009) investigates whether Turkey is implementing its commitments on prison reform and conditions of detention. The source noted that:

“The delegation welcomes the reports it has received that indicate that the treatment of women in detention has improved in recent years. In particular, we welcome the fact that the indications are that the practices of rape and of stripping women naked for interrogation have largely been eliminated. However, the delegation, based on what it has heard, remains concerned about the treatment of women in detention.” [29a] (*Women and Detention* p 28)

- 22.42 The same source also added that:

“The delegation met with Erin Keskin on 5th February 2008 in her offices in Istanbul, a lawyer who established and works on a project called ‘Legal Aid for Women Raped or Sexually Assaulted by State Security Forces’, she is concerned that change has only occurred because of the EU, that is, because

of external pressure: she believes that the real change will only happen if there is internal change – there remains a contradiction between the written law and actions in practice... She told us that since 2003-4, she has heard of virtually no cases of rape perpetrated in prison, fewer cases where women are stripped naked and interrogated, although she told us that this still happens in all cases involving transsexuals.” [29a] (*Women and Detention* p 28)

22.43 The book further mentioned that: “Nevertheless, she [Erin Keskin] remains concerned about the treatment of women in custody. She told us that the state authorities have been using different methods of torture, citing an increase in the number of women reporting that they have been beaten with sandbags so as not to leave marks and that there are more reports of psychological torture.” [29a] (*Women and Detention* p 28)

22.44 In a recent *BIA News* article ‘*Sexual Violence in Detention*’, dated 27 November 2008, it was noted that:

“The Legal Aid Bureau against Sexual Harassment and Rape in Detention has announced the data regarding the applications between January and November. In 2008, 35 women applied to the bureau. According to the information supplied by the bureau, there was no rape application in 2008, but there were sexual harassment complaints. Harassment was done by touching using one’s hand or other objects, threat of rape and verbally about woman’s sexuality.” [102f]

22.45 CDT: Blocking Admission to the EU 2009 also added that: “The delegation spoke to a woman former prisoner D, who believed that the psychological torture that she had suffered as a result of the isolation regime in prison had been far worse than any physical torture. She told the delegation that she had spent 14 years in the same room with the same two people, having no contact with any other prisoners.” [29a] (*Women and Detention* p 28)

22.46 Mr Öndül, Chairman of the Human Rights Association also said that while avenues of legal redress were available to individuals who had been subjected to mistreatment at the hands of the police authorities, police impunity remained a problem. Officers were able to continue their police duties while prosecutions against them are ongoing. [59] (S4.8)

See also [Prison Conditions](#) and [Human rights institutions, organisations and activists](#)

ASSISTANCE AVAILABLE TO WOMEN

Government Assistance

22.47 The USSD Report 2009 noted that: “In 2007 the government established a hotline to prevent the exploitation of women, children, persons with disabilities, and senior citizens. From the beginning of the year until October 31 [2009], the hotline received 80,995 calls: 5,328 were from women exposed to violence asking to be put into shelters, and 5,739 regarded negligence and exploitation of women.” [5i] (*Section 6, Women*)

- 22.48 However, in a *BiaNet* news article entitled *Purple Roof, Celebrates 18th Year*, dated 16 March 2010, it was reported that:

“The Turkish state is not able to protect the women who apply to official institutions because they have been exposed to violence. Yet, according to the Constitution, the legislation and international agreements, it is the duty of the state to provide a safe life to those women.

“Four women who had applied to state institutions became victims of violence during the last five days in Turkey. Newspapers reported about the case of Yasin İlbaşı in Adana (eastern Mediterranean coast) who killed his former mother-in-law Gülten Sansür and injured his wife Cemile Seçil Sansür. According to the news, Sansür had previously applied for help because of her violent husband. At the weekend, primary school teacher Saadet Ulus was killed by Yasin Akbaş, about whom she had filed a criminal complaint precedingly. On Monday (15 March) a person from Bingöl in south-eastern Anatolia cut off the nose and the ears of his pregnant wife because of a three-month prison fine imposed on him due to the complaint of his wife.” [102n]

See also [Domestic Violence](#), in this chapter

- 22.49 A letter from the British Embassy in Ankara to the Country of Origin Information Service, dated 27 March 2007, sets out details of the complaints procedure for women mistreated in custody, in terms of answers to a series of questions:

“I refer to your letter of 21 February [2007] for additional information on the complaints procedures available for women, who have been mistreated in custody in Turkey. The answers to your questions follow.

1. What precisely does a Turkish woman need to do in order to complain about her treatment by the Turkish police either during her arrest/questioning or while being held in police detention?
There are currently a number of different avenues of complaint available in Turkey:
 - a) The most usual route is to submit a written allegation to the Provincial Chief Prosecutor, who will then arrange an investigation.
 - b) Alternatively, complaints about police treatment can be submitted directly to the Interior Ministry
 - c) A third option is to submit a complaint to the provincial Human Rights Board. The Boards consist of local government and non-governmental representatives and have responsibilities across the full range of civil and political rights. They are unable to instigate a prosecution but they do have investigative powers and will submit their findings to the prosecutor.
2. What forms does she need to fill in?
 - a) This option does not require a form, although complaints must contain details of places, times, persons and their actions. A lawyer may submit a complaint on the victim's behalf.

- b) This option is most commonly pursued via an online form available on the Ministry of Interior Website at www.icisleri.gov.tr. The form must be completed in Turkish.
 - c) The Regional Human Rights Boards use a standard 4-page application form, copies of which are available on-line, from public and NGO offices. The form can be filled in personally, or by a relative or representative. Forms can be submitted by e-mail, fax, post or via a 'human rights application box' located in various public buildings in every town. An English version is available from the Prime Ministry website at www.basbakanlik.gov.uk. Applications must be submitted in Turkish.
3. If she is required to attend in person can she be accompanied by a lawyer or other representative, such as a representative of an NGO?
If required to attend in person, she may always be accompanied by a lawyer. NGO representatives are unlikely to be allowed to attend police interviews, but may accompany the plaintiff at other stages of the proceedings.
 4. Can the complaint be lodged from a different police district from the one where the alleged ill-treatment took place?
As outlined above, complaints are not submitted directly to the police. Complaints to the prosecutor and human rights board are submitted in the same province (an average province in Turkey has a population of 700,000 - 1 million). Complaints to the Interior Ministry are handled centrally, but involve local prosecutors.
 5. How effective are these remedies in practice?
Investigations into allegations of mistreatment occur after almost all allegations are submitted, but as outlined in the 2006 Progress Report, impunity remains a problem in Turkey. Prosecutions are often made but convictions are rarer.
 6. Are there any human rights groups active in Turkey who provide assistance to women in this situation?
There are no human rights groups focusing exclusively on women in this situation, but a number do provide this service to men and women. The most important of these is the Human Rights Association, which has branches in 35 cities in Turkey. Each can be contacted by phone or e-mail. Details are available from the website www.ihd.org.tr. The Human Rights Foundation will also compile medical evidence for submission to prosecutors and rehabilitation for torture survivors. It has offices in Ankara, Istanbul, Izmir, Adana and Diyarbakir. Contact details for each branch are available on the website www.tihv.org.tr. [4r]
- 22.50 A letter from the British Embassy in Ankara to the Country of Origin Information Service, dated 17 April 2007, sets out details of the complaints procedures available for women who have been mistreated in custody by the National Guard or Jandarma:
- "1. Complaints are dealt with by a centralised body known as the Gendarme Human Rights Violations Investigation and Assessment Centre (JIHIDEM),

which is responsible for the investigation and assessment of complaints and their submission to the prosecutor for action. Applications can be made to JIHIDEM in a variety of different ways:

- Via an on-line form available on the Gendarmerie website (an English version is available at <http://uyg.jandarma.tsk.mil.tr/JIHIDEM/FORM/frmlngBasvuruGD.aspx>)
 - In person, by phone or by petition to the relevant provincial command centre
 - In person, by phone, fax, letter, petition directly to JIHIDEM.
2. Contact details for JIHIDEM are as follows
 JIHIDEM
 Jandarma Genel Komutanligi
 Korg. Hulusi SAYIN Kislasi 06500
 Bestepe, Ankara
 Phone: 0312 456 1186
 Fax: 0312 212 8463, 0312 215 1417
3. I can find no indication that applications must be made in Turkish, but this is highly likely to be the case. Information about the complaints procedure and forms are available only in Turkish and English (for the diplomatic community). As outlined in my previous letter (above), there are various human rights groups in Turkey who will assist anyone wishing to make a complaint. [4p]

Provision of shelters

22.51 The USSD Repot 2009 noted that:

“The Institution for Social Services and Orphanages operated 29 women's shelters with a total capacity of 650 for female victims of domestic violence and rape. The municipalities operated 19 women's shelters with a capacity of 609. The government reported that provincial government offices, municipalities, and NGOs operated 54 shelters and that one private foundation operated a shelter. Observers noted an inadequate number of shelters in towns with populations of more than 50,000.” [5i] (Section 6, Women)

22.52 In a *BIA News* article entitled *Turkey not able to protect Women*, dated 20 March 2008, it was reported that:

“Since 1990, the ‘Purple Roof Women’s Shelter Foundation’ has offered shelter for women trying to change their lives. Gülsun Kanat is responsible for meeting the women applying for shelter, while Yalcin is responsible for media and public relations. Zelal Yalcin studied statistics. As a student, she was part of a feminist initiative, and after working in the private sector for a while, she found a job at the foundation. The most important issues for women’s shelters are that their locations remain secret ... When people dial the telephone number directory and ask for a women’s shelter, the operators today automatically give them the number of ‘Purple Roof’.” [102i]

See also: Children: [Legal Rights](#)

Women's NGOs

- 22.53 The Stop Violence against Women website, accessed 17 June 2009, stated that

“Nongovernmental organizations, or NGOs, play vital roles in articulating and enforcing international human rights standards. NGOs lobby on national and international levels for strengthened human rights standards ... As advocates for social change, NGOs have been instrumental in achieving legal reform and have played important roles in advancing 'women's rights as human rights. Despite their diversity, NGOs can be broadly defined as independent voluntary association[s] of people acting together on a continuous basis, for some common purpose.” [97a]

- 22.54 The same Stop Violence against Women website further noted the six different Women NGOs listed in Turkey as follows:

Foundation for Women's Solidarity (Kadin Dayanisma Vakfi)
Mithat Pasa Caddesi, No. 10/11 Sihhiye
Telephone: 90-312-430-4005 Email: Kadindv@yahoo.com.tr

Human Resources Development Foundation (Insan Kaynagini Gelistirme Vakfi)
Sira Selviler Caddesi, Kristal Apt. No. 152/3-4 Beyoglu
Telephone: 90-212-293-16-05 Email: ikgv@ikgv.org

Flying Broom
Büyükelçi Sokağı 20/4 Kavaklıdere, Ankara, Türkiye 06700
Telephone: 90-312-427-00-20 Email: ucansupurge@ucansupurge.org
Fax: 90-312-466-55-61
Website: <http://www.ucansupurge.org/>

Foundation for the Support of Women's Work
İstiklal Cad. Bekar Sokak, No: 17 Beyoglu - Istanbul/TURKEY
Phone: 90-212-292-26-72, Email: kedv@kedv.org.tr
Fax: 90-212-249-15-08
Website: <http://www.kedv.org.tr/>

Human Rights Association
HRA Headquarters, İHD Genel Merkezi
Tunalıhımi Cad. 104/4 Kavaklıdere, Ankara, Turkey
Telephone: 90(312)-466-49-13-14, Email: posta@ihd.org.tr
Website: <http://www.ihd.org.tr/index.html>

Kadin2000
Arjantin Caddesi 22/10, Kavaklıdere 06700, Ankara, Turkey
Telephone: 0312-467-13-37, Email: info@kadin2000.gen.tr
Fax: 0312-468-18-33
Website: <http://www.kadin2000.gen.tr/>

Women for Women's Human Rights - New Ways Foundation

İnönü Caddesi, 37/6 Saadet Apt. Gümüşsuyu, 80090, İstanbul-TURKEY
 Telephone: 90-212-251-00-29, Email: wwhrist@superonline.com
 Fax: 90-212-251-00-65
 Website: <http://www.wwhr.org>
 [97b]

[Return to contents](#)
[Go to list of sources](#)

23. CHILDREN

OVERVIEW

- 23.01 UNICEF in Turkey: Country Profile page, accessed on 15 April 2010, summarised the position of children in Turkey: "Children are the country's largest demographic group. The current estimated total of 27 million people under 19 years of age represents 36% of the total population with under-fifteen-year-olds and under-five-year-olds constituting 28% and 9% of the total respectively. The proportion of children is expected to decrease slightly to 33% by 2015." [91b] (UNICEF Country profile)
- 23.02 The same source indicated that though children face difficulties in Turkey, it was observed that:
- "Levels of poverty have decreased since 2002, dropping from 30% to 16% ... Rates of child poverty have also dropped over the same period. However, children continue to live with a much higher risk of poverty than adults ... Notably, the 40% poverty rate of children in rural areas represents only a minute drop by comparison with 2002 ... Low levels of education, entrenched social attitudes and customs also affect the protective environment for children of both sexes, especially the most vulnerable. Although there has been no systematic monitoring of the situation to date, available research and anecdotal information indicate that incidence of child abuse, neglect and deprivation of parental care is on the increase. The lack of preventive measures, policies and poor enforcement of legislation reflects a weak institutional response in this respect." [91b] (UNICEF Country profile)
- 23.03 The European Commission *Progress Report 2009 (EC Progress Report 2009)*, published 14 October 2009, noted that "...the poverty rate of children under 15 years of age increased by 0.9% to 26.1% in 2007. In rural areas the rate is as high as 42%." [71d] (p25)
- 22.04 Turkey signed the Convention on the Rights of the Child on 14 September 1990 and ratified it on 9 December 1994. The Convention came into force on 11 December 1994. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in the armed conflict was signed on 8 September 2000 and ratified on 16 October 2003, coming into force on 18 March 2004. [20a]
- 23.05 The European Commission 2008 Progress report, published 5 November 2008, on Turkey noted that Parliament has ratified the Hague Convention on the Civil

Aspects of International Child Abduction, which provides for a simplified procedure for returning children to their legal custodian. [71c] (p21)

- 23.06 The UNICEF Turkey Country background page, accessed 15 April 2010, noted that:

“More than 100 hospitals have been certified as ‘Baby Friendly,’ accounting for 70 per cent of hospital births...

The government’s ongoing efforts to improve prenatal care, increase educational opportunities for girls and promote breastfeeding have had profound effects on infant and under-five mortality rates. Infant mortality dropped to 33 per 1,000 by 2003. The number of women who breastfeed exclusively has dropped over the past five years.

In a joint venture with Procter & Gamble, UNICEF has helped to educate 250,000 mothers about better parenting.

A Girls’ Education Campaign has led to the enrolment of 74,500 additional girls in primary schools. Some 52,800 additional boys were also enrolled.

A new civil code gives women equal rights with men, though most women still face discrimination.

A juvenile justice system is in its infancy. Judges are learning about child-sensitive detention centres, alternative dispute resolution and due process for children in conflict with the law.” [91e] (Background)

See subsection [Education](#)

Basic legal information

- 23.07 The Child Information Network in Turkey website, defines a child as: “... below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.” [80] The website for the Turkish Grand National Assembly, observed that the right to vote and participate in referenda was 18 years of age. [109] (The Turkish Grand National Assembly and its Working order)

- 23.08 The US Department of Labor’s 2008 findings on the *Worst forms of Child Labour*, (USSD Worst Forms of Child Labour 2009) published on 10 September 2009, stated that noted that:

“The law establishes the minimum age for employment at 15 years, and prohibits children under 16 years from working more than 8 hours per day. The law, however, allows children who are 14 years of age and have completed their primary education to perform light work that does not interfere with their education and does not hinder their physical, mental, or moral development. Such children are prohibited from working more than 2 hours per day or 10 hours per week.

“The Ministry of Labor and Social Security (MOLSS) has published a list of prohibited occupations for children 15 to 18 years. The law prohibits underground and underwater work for females of any age and for boys under 18 years of age. The law prohibits the employment of children under 18 years in industrial night work. Seasonal agricultural work, dangerous conditions in small-

and medium-sized enterprises, and child labor in the streets are classified as the worst forms of child labor in Turkey.” [5c]

[Return to contents](#)
[Go to list of sources](#)

LEGAL RIGHTS

- 23.09 In a letter from the Foreign and Commonwealth Office dated 22 July 2008, it was noted that:

“It is obligatory to register your child at birth in Turkey. However, registration can only be carried out at offices in the provincial capitals (81 cities in Turkey) which can make it difficult for rural communities to register. Notwithstanding this, registration is very high, because communities are aware that they cannot claim benefits for their children unless they are registered. This means that there is a high level of registration overall - 85% - and no difference between registration of girls and boys, or of Sunni Turks and other minority groups such as Roma.

“If a child is not registered at birth, they are registered by the authorities on entering the education system, which means that the majority of children are registered. One problem that remains is the tendency of rural communities not to register children who die, or not to register a younger child given the same name as a dead elder sibling.” [4k]

Legal protection of children

- 23.10 UN Committee on the Elimination of Discrimination against Women (CEDAW), 6th periodic report of States parties on Turkey dated 24 November 2008 noted that “The Law on Child Protection, effective as of 15 July 2007, resolved that appropriate shelters be provided to individuals with children with no means of sheltering and to pregnant women in fatal danger and that the addresses of these individuals be kept confidential upon their request.” [20g]

- 23.11 The USSD *Worst Forms of Child Labour 2009*, stated that:

“The law prohibits prostitution under the age of 21 years, and the sexual exploitation of children in the production of products. Child sexual abuse is punishable by 3 years to life in prison. The use of children in pornographic materials is punishable by imprisonment for 5 to 10 years. The law prohibits trafficking for both sexual exploitation and forced labor with penalties ranging from 8 to 12 years imprisonment. In 2008, 58 trafficking offenders were convicted, however only 13 under Article 80, while the rest were convicted under an older anti-trafficking statute, Article 227, which, for cases of children, prescribes 4-10 years imprisonment.” [5c]

See also: [Trafficking](#)

- 23.12 Mr Yilmaz said that there were a number of Turkish byelaws related to the prevention of child labour but that constitutionally, article 50 of the Turkish

Labour Law was the strongest provision in place. Byelaws concerning the education of children and the prevention of child labour included:

- “- Law no 4857 (Article 71 of the Turkish Labour Law) which prohibits children from being engaged in hard labour.
- Law no 222 which concerns the obligation to complete compulsory primary and secondary education for 8 years (6 to 14yrs).
- Law no 2821 which concerns the syndicate trade union law provision on child labour.
- Law no 2559 which concerns the provision of guidelines for the police and local authorities on preventing child labour.
- Law no 1580 which concerns the responsibilities of municipalities regarding child labour.
- Law no 2828 which pertains to social services and child care services.
- Law no 5395 which concerns child protection.” [59] (S15.2)

23.13 The Report of the UK Border Agency Fact Finding Mission to Turkey 11 – 20 February 2008 includes information regarding Legislative Framework for Children obtained from interviews with a number of sources. Mr Yilmaz Head of the Department of Child Labour told the mission that the Turkish government had adopted laws and regulations relating to the prevention of child labour in line with international standards. There were also many international organisations operating in Turkey that worked with the Government to regulate child labour, such as the International Labour Organization (ILO) and the United Nations (UN). [59] (S15.1)

See also: [Provision of Shelter](#)

Prosecution of children

23.14 The EC *Progress Report 2009* stated that:

“... under the 2005 Law on Child Protection all Turkish citizens up to 18 years of age are considered children and enjoy children’s rights. However, amendments to the 2006 Anti-Terror Law, in particular regarding Articles 220 and 314 of the Criminal Code, provide that children between fifteen and eighteen years of age can be tried as adults. In practice, the number of cases lodged against children in this age group on the basis of the amended Articles 220 and 314 of the Criminal Code has increased considerably.” [71d] (p25)

23.15 The EC *Progress Report 2009* noted that: “Under the 2005 Law on Child Protection, child courts need to be established in all 81 provinces of the country. The number of such courts increased this year to 73 from 40 last year. These are located in 33 out of the 81 provinces in the country. Child Heavy criminal courts for handling more serious charges exist only in 7 provinces.” [71d] (p24-25)

See also [Childcare & Protection](#) below and also [Judiciary: Organisation](#)

23.16 The Deputy Representative of United Nations Children’s Fund (UNICEF) Mrs Pieters stated that 60 Bar offices across the country had offices known as ‘Child Rights Commissions’ but only 40 of these were quite active. [59] [S3.11]

VIOLENCE AGAINST CHILDREN

- 23.17 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, reported that: "... [c]hild abuse was a problem. There were honor killings of girls by immediate family members, sometimes by juvenile male relatives. There were reports that children were trafficked for sexual exploitation." [5i] (Section 6, Children)

See also: [Trafficking](#), [Women](#) and its subsection [Honour Killing](#)

Customary marriages

- 23.18 The USSD Report 2009 noted that:

"Child marriage occurred, particularly in poor, rural regions; however, women's rights activists claimed that underage marriage became less common in the country in recent years. The law defines 17 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies. In rare instances families engaged in 'cradle arrangements,' agreeing that their newborn children would marry at a later date, well before reaching the legal age." [5i] (Section 6, Children)

- 23.19 The United Nations Development Programme (UNDP) report on Youth of Turkey 2008 notes that "Although the law prohibits children from marrying, families — particularly those in remote rural areas — have sufficient leeway to give their adolescent daughters in marriage, owing to inadequate birth registration procedures. Furthermore many rural communities consider an imam nikah or religious ceremony sufficient to formalise a union. As a result many marriages remain officially unregistered and essentially invisible to the State." [35b]

- 23.20 The same UNDP report on Youth of Turkey 2008 also noted that:

"... in many cases, child marriage is motivated to a considerable extent by fear that a girl's family honour will be ruined if her virtue is compromised in any way. The same fear is at the root of the issue of honour killings — a persistent threat to adolescent girls and young and adult women alike especially in rural areas where hundreds of Turkish women die each year by way of reparation for their family's allegedly damaged reputation." [35b]

- 23.21 The Report of the UK Border Agency Fact Finding Mission to Turkey 11 – 20 February 2008, noted that Mrs Pieters the Deputy Representative of the United Nations Children's Fund (UNICEF) in Turkey said that underage marriages affected particular sections of society including the Kurdish, Roma and Arab communities. Mrs Pieters advised that 99 per cent of such marriages did not get prosecuted owing to cultural stigma. [59] (S3.12)

See also: [Ethnic Groups](#), [Honour Killings](#) and [Female Suicides](#) and [Forced Marriages](#)

Detention of children

23.22 The following information should be considered together with information listed under Prosecution of children.

23.23 The EC *Progress Report 2009* noted that:

“... minors participating in demonstrations, particularly in the South-East, face charges of ‘membership of a terrorist organisation’ and, hence, disproportionate, long prison sentences. Judgments are often based on statements by police officers and are not backed by firm evidence. Children have been allegedly ill-treated after their arrest and before being taken to the prosecutor and have been prevented from seeing their lawyer during that time. The absence of child prosecutors at the child courts and the conditions of imprisonment have also been criticised. Finally, the psychological assessments of children cannot be properly prepared due to the shortage of competent staff.” [71d] (p25)

See also [latest news section](#) for more recent information on the prosecution of child demonstrators

23.24 The same source also noted that: “... [t]here are concerns about imprisoned juveniles, the majority of whom are in pre-trial detention in adult prisons, due to limited capacities of Juvenile Reformatories. The physical conditions and the quality of the services provided in juvenile detention centres need to be improved. More effective use of the probation system should reduce the number of children in prison.” [71d] (p25)

23.25 The COE Report 2009 stated that:

“During his visit to Turkey, the Commissioner was informed that over the previous nine months approximately 250 children of Kurdish origin, more than 190 of them between 13 and 17 years of age, had been arrested and detained, after having taken part in demonstrations organized by Kurdish groups and thrown stones at police forces. In particular he has been informed that four children aged between 16 and 17 have been detained in the Diyarbakir prison since 14 July 2008, charged with membership of a terrorist organization as a result of participating in a protest in the above town.” [112]

23.26 The Human Rights Association (IHD 2009) in their Press release on 3 June 2009 said that:

“The Heavy Penal Courts of Adana imprisoned two children M.Ö (15) and I.S (16) for 8 years and 2 months each on 09.03.2009 under the accusation of joining demonstration ... In addition to that the court decided that these children would not be released but stay in prison, who have been in prison for three months, on the basis of the period of the imprisonment ... Moreover all these trials are being held in a manner that is contrary to international conventions namely the UN Convention on the Rights of the Child. The UN Convention on the Rights of the Child and other international instruments state that arrest of

children and putting them into prison must be the last method to apply. However arrest is the first action that is taken in Adana.” [73d]

- 23.27 The IHD Monitoring report entitled *Human Rights Violations in Adana in January, February and March 2009*, dated 8 April 2009, further noted that:

“In January, February and March 2009, 82 children between the ages of 13 and 17 were taken into custody. Twenty-eight out of these 82 children were placed in pre-trial prison detention, and 54 children were released pending trial... Adana 6th, 7th and 8th High Penal Court sentenced 33 children to a total of 129 years, 3 months and 15 days of imprisonment for ‘making propaganda for a terrorist organization or its aims’ and being a member of a terrorist rganization.” [73c] (Children received disproportionate and unjust sentences)

- 23.28 The Report of the UK Border Agency Fact Finding Mission to Turkey 11 – 20 February 2008, noted that a judge from the International Affairs Department of Prisons and Detention Facilities explained that children 13-15 years old convicted of crimes were sent to one of 133 probation centres which implemented non-custodial sentences and provided social and psychological support to prisoners after conviction and to victims. Children 16-18 years old convicted of crimes were sentenced to either non-custodial or custodial according to the nature of the crime. He also explained that in Turkey all victims of crime were also supported by probation centres. Each probation centre has a protection board which consists of people from local businesses, civil society organisations, public organisations and which provides support to both victims and prisoners and provides work for them. [59] (9.13)

- 23.29 Bianet News article entitled *Children Were Tortured in Maltepe Prison*, dated 8 April 2010, stated that:

“Children who are accused of having supposedly attended demonstrations are tried under the same conditions as adults according the Anti-Terror Law (TMK). The same children are exposed to maltreatment in prison. ... Prison guards raided cells no. C-11 and B-6 with 18 children who are detained under allegations of attending a demonstration on 19 December 2009. The children were beaten during the raid.

“Lawyer Sezin Uçar told bianet that the children started the hunger strike because two of their young fellow inmates got seriously ill and were not taken to hospital for medical treatment. Moreover, they wanted to force the transfer of four children who are kept in cell B-6 with other detainees to their own cell. ... The prison guards carried out the raid under the excuse that the children did not take part in the counting. The children were beaten. The guards applied psychological pressure on the children by shouting at them that they were ‘terrorists’. The children were beaten in the blind spots of the security cameras in particular.” [102o]

See also [Freedom of Political expression](#) and [Freedom of Association & Assembly](#)

Child labour

23.30 The following information should be considered together with information listed under legal protection of children.

23.31 The USSD Report 2009 noted that:

“There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement them. There were four child victims documented in 2008, with the number of Uzbek and Turkmen victims increasing. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. Some parents forced their children to work on the streets selling tissues or food, shining shoes, or begging.” [5i] (Section 7, Prohibition of Child Labor and Minimum Age for Employment)

See also [Legal Rights](#) above

23.32 The USSD *Worst Forms of Child Labour 2009* observed that:

“MOLSS [Ministry of Labour and Social Security] inspectors are responsible for enforcing the child labor laws in Turkey and are instructed to prioritize complaints alleging child labor. As of February 2009 there were 603 labor inspectors operating in Turkey. According to the Labor Inspection Board (LIB), all have been trained in child labor issues, including how to identify underage children in the workplace ... MOLSS conducted enforcement in workplaces that were covered by the labor law, including medium-and large-scale industrial and service sector enterprises. However, a number of sectors are not covered by the law, including agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.” [5c]

23.33 The USSD Report 2009 observed:

“In a child labor survey conducted in the last quarter of 2006 and released in April 2007, the State Statistical Institute reported that the number of child laborers between the ages of six and 17 was 960,000. These figures represented a decrease over previous years. The study found that 84.7 percent of children ages six to 17 attended school and that the 31.5 percent of children in that age group who were employed were also attending school at least part-time.” [5i] (Section 7, Prohibition of Child Labor and Minimum Age for Employment)

See also CHILD LABOUR: [Give Girls a Chance: Tackling child labour](#), a key to the future published 15 June 2009

CHILDCARE AND PROTECTION

23.34 The USSD *Worst Forms of Child Labour 2009*:

“The Government of Turkey has developed a National Timebound Policy and Program Framework designed to eliminate the worst forms of child labor by

2014 ... Eleven provinces have developed provincial action plans to eliminate the worst forms of child labor in street work... From 2004 to 2008, the project withdrew 461 children and prevented 2,009 children from exploitive labor. The Government of Turkey provides rehabilitation services to children withdrawn from the worst forms of child labor at 44 centers throughout the country.” [5c]

- 23.35 The Report of the UK Border Agency Fact Finding Mission includes information regarding child care and orphanages obtained from interviews with a number of sources. Mrs Nurdan Tornaci, Deputy Director General, and Nilgun Geven, Head of Department for Women’s Branch Department of Services for Women, Children and Society (SHCEK), told the mission that SHCEK provided orphanages for children aged up to 12, dormitories and nurseries to educate children aged between 13-18, rehabilitation centres for children working on the street, homes for the elderly and the disabled, and shelters for women subject to domestic violence. SHCEK also worked on child custody issues, particularly in cases of children of foreign nationals. [59] (S11.3)

See also: [Provision of shelters](#), [Disability](#) and [Mental Health](#)

- 23.36 The UN Secretary-General's database on violence against women accessed 14 April 2010 noted the measures on Family counseling centers and community centers in Turkey as:

“The family counseling centers and community centers which are run by the General Directorate on Social Services and Child Protection (SHÇEK) provide legal-psychological assistance. The victims are given legal assistance, especially in case of lack of means to afford the costs associated with court procedures, and provided with a free of charge attorney by the bar association. There are currently 41 family counseling centres and 77 community centres in Turkey.” [77]

EDUCATION

- 23.37 The Child Information Network in Turkey, accessed 26 August 2008, noted that Article 28 recognised the right of the child to education [91c]

- 23.38 The USSD Report 2009 noted that:

“The government was committed to furthering children's welfare and worked to expand opportunities in education and health. While education through age 14 or the eighth grade was free, universal, and compulsory, only 40 percent of children received a high school diploma, according to the Organization for Economic Cooperation and Development. One in 10 girls reportedly did not attend compulsory primary school.” [5i] (Section 6, children)

- 23.39 The EC *Progress Report 2009*, noted that:

“the gender gap in primary education was halved from 2.3% in 2007/2008 to approximately 1% in 2008/2009. The number of children in pre-school education increased by 14% from 2007 to 2008, taking the overall pre-school education rate up to 33%. The number of teachers in pre-school education also

increased by 14% from 2007 to 2008. The e-school system enables the Ministry of National Education to identify and reach children who are out of school at any given time. However, regional disparities in primary school enrolment persist: there is a difference of more than 10% between some western and eastern parts of the country. As regards continuation to secondary school, the net enrolment rate drops from 96.5 % at primary school to 58.5% at secondary school.” [71d] (p72)

- 23.40 The COE Report 2009 noted that: “... [e]ducational levels in the southeast are also reported to be ‘far below the national average’; classrooms are reported as the most crowded in Turkey, while the system of appointing contracted instead of permanent teachers is reported to reduce the quality of education ...” [112]
- 23.41 Mrs Pieters, the Deputy Representative of United Nations Children’s Fund (UNICEF), reported that Turkey did not have enough schools for its 10.8 million school age children, despite the fall in the pace of population growth. [59] (S3.6) She further said that there were some parents who were willing to send both their daughters and sons to school, but in cases of financial hardship, the sons were given preference to continue schooling, as daughters were more likely to be asked to stay at home to help out with domestic chores. [59] (S3.7)

See also: [Women](#), and also [Religious Education](#)

[Return to contents](#)
[Go to list of sources](#)

24. TRAFFICKING

OVERVIEW

- 24.01 The International Organization for Migration (IOM) *Turkey Country Profile*, released October 2008, stated that:
- “Turkey ratified the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Article 80 of the new Criminal Code, enforced on 1st of June 2005, defines THB and foresees sanctions of eight to twelve years of imprisonment and also prescribes judicial fines up to an amount corresponding to 10,000 days in prison. The article includes also punitive measures for legal entities that commit this offence intentionally. On 19 December 2006 the expression ‘forced into prostitution’ was included in the definition of THB in article 80 of the Turkish Criminal Code” [86a] (6.6 Policies to address trafficking in human beings)
- 24.02 Stop Violence against Women website accessed 8 July 2009 also added that: “Turkey signed a Co-operation Protocol with some countries of origin, including Moldova, Ukraine, Georgia and Kyrgyzstan, in order to investigate trafficking cases effectively and to provide assistance to victims.” [97c]
- 24.03 The International Organization for Migration (IOM) Turkey country profile released October 2008 stated that: “IOM signed a Memorandum of

Understanding with the Organization of the Black Sea Economic Cooperation (BSEC) in 2006. One of the main aims of this agreement is to enhance cooperation in addressing irregular migration and combating trafficking in persons in the Black Sea region, an area that experiences significant migration challenges as a transit, origin, and destination hub for migrants.” [86a] (p7)

TRAFFICKING VICTIMS

24.04 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, stated that: “The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and within the country for sexual exploitation and labor ...” [5i] (Section 6, Trafficking in Persons)

24.05 The USSD *Trafficking in Persons Report 2010*, published June 2010, (USSD Trafficking in Persons Report 2010) stated that: “Turkey is a destination and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and for some women and men in forced labor. Victims originate predominately from the former Soviet Union and Eastern Europe. Officials identified an increased number of women subjected to forced prostitution from Uzbekistan, Turkmenistan and Kyrgyzstan in 2009.” [5k]

24.06 The Council of Europe report by Thomas Hammarberg entitled *Human rights of Asylum Seekers and Refugees*, dated 1 October 2009, stated:

“Trafficking in human beings for labour or sexual exploitation is a major problem in many European countries and sadly Turkey is no exception being a destination and to a lesser extent a transit country. Turkey demonstrated continuous strong anti-trafficking law enforcement and prosecutorial efforts including judicial action against public officials and in one case a judge, for assisting traffickers, mediating prostitution or accepting bribes. The authorities also sustained their prevention efforts with more frequent meetings of their interagency task force and an awareness raising campaign for their telephone hotline but did not yet adopt the new national action plan.” [112b]

24.07 The IOM 2008 country profile also stated that: “The majority of the victims of human trafficking identified in Turkey are between 18 to 24 years old, with mainly secondary school education. Istanbul, Antalya, and Trabzon are the main ports of entry for trafficked individuals, majority of whom enter Turkey legally with a tourist visa ... Illegal profits from trafficking total more than 1 billion US dollars annually.” [86a] (5.3 Figures and information on trafficking in human beings)

PROTECTION AGAINST TRAFFICKING

24.08 The USSD *Trafficking in Persons Report 2010* noted that: “The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government expanded use of its anti-trafficking law, aggressively prosecuted sex trafficking offenders, established a third trafficking shelter in the country, and improved its capacity to identify potential sex trafficking victims.” [5k]

- 24.09 The European Commission Progress Report 2009 (EC Progress Report 2009), published 14 October 2009, stated:

“Some progress can be reported on combating human trafficking. Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings in March 2009. In 2008 a total of 253 traffickers were arrested and 120 victims identified, while as of August 2009, 258 traffickers have been arrested and 67 victims identified. Following the 2005 amendment of the Penal Code introducing tougher penalties for human trafficking, the number of prosecutions against traffickers continued to increase. In 2008 a total of 273 suspected traffickers were prosecuted, a significant increase from 160 suspected traffickers prosecuted in 2007. Institutional capacity to combat human trafficking was further strengthened, in particular by means of training for judges, prosecutors and law enforcement officers. The National Task Force on Combating Human Trafficking, coordinated by the Ministry of Foreign Affairs (MoFA), continued to meet regularly. Voluntary return of victims is provided for in co-operation with IOM, NGOs, law enforcement bodies and relevant institutions in source countries (543 cases between 2005 – 2008, of which 78 in 2008).” [71d] (p76)

See also: [Foreign Refugees](#) and [Migration in Turkey country profile 2008](#) [86a]

[Return to contents](#)
[Go to list of sources](#)

SUPPORT AND ASSISTANCE TO VICTIMS OF TRAFFICKING

- 24.10 The USSD *Trafficking in Persons Report 2010* noted that: “The government’s lack of funding for NGOs providing critical services to victims and inconsistent application of its procedures for identifying trafficking victims continued to affect Turkey’s ability to deliver consistent, comprehensive protection services to victims of trafficking, particularly those who are victims of forced labor.” [5k]

- 24.11 The same report further noted that:

“It did not, however, provide adequate financial support to its specialized anti-trafficking shelters during the reporting period. In July 2009, the police, in partnership with IOM and an NGO, signed a tri-party agreement to establish the country’s third anti-trafficking shelter in Antalya; the municipality donated the facility. The government reported that it made securing long-term funding a priority in 2009; however, it has yet to provide adequate funding to either of its shelters in Ankara and Istanbul.” [5k]

- 24.12 The USSD Report 2009 noted that:

“NGOs operated three shelters for trafficking victims in the country, located in Ankara, Istanbul, and Antalya. The Antalya shelter opened in June. The shelters in Ankara and Antalya received free rent from the municipalities, and the Ministry of Health provided free medical care to victims in the shelters. The Istanbul municipality stopped funding the shelter there in June 2008, but core

services were not affected. Government financial support for these protection mechanisms was inconsistent. During the year the Istanbul shelter assisted 44 victims; through December the Ankara shelter assisted 37 victims.” [5i] (Section 6, **Trafficking in Persons**)

- 24.13 The *USSD Trafficking in Persons Report 2010* also observed that: “The government reported that consular and border officials continued to insert anti-trafficking material in passports it reviewed; this material publicized its national IOM- run anti-trafficking (‘157’) hotline.” [5k]

See [EC Project Bulletin – March 2009](#)

[Return to contents](#)
[Go to list of sources](#)

25. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 25.01 The *CIA World Factbook*, updated on 26 January 2010, indicated the life expectancy at birth is 70.12 years for males and 73.89 years for females. [103c]

- 25.02 The World Health Organisation *Country Brief on Turkey*, last updated March 2007, recorded that:

“Health care is provided by public, semi-public, private and philanthropic organizations, including the Ministry of Health (MOH), universities, the Ministry of Defense and private health professionals. Provincial Health Directorates (81 provinces) are responsible for service planning and provision at provincial level. Primary health care is provided through health centres, health posts, Maternal and Child Health (MCH) and Family Planning (FP) centres and tuberculosis dispensaries; municipalities play a role in environmental health and sanitation. The health financing system is also fragmented, with four explicit publicly funded insurance schemes as well as direct supply subsidies to MOH health facilities. Despite this, approximately 10-20% of the population is not covered by any of the existing statutory insurance schemes.” [37f]

- 25.03 The Health Transformation Program in Turkey, *Progress Report January 2009* stated that: “In the last 6 years 1.249 health facilities were opened. 402 of these are hospitals and side buildings... The number of patient beds added was 20,000. 80% of the patient rooms built in this period has private bathrooms and toilettes...In 2002, the number of fully equipped intensive care beds was 869 and it has increased to 6.701 by January 2009” [117]

- 25.04 A June 2007 Pharmaceutical Pricing and Reimbursement Information report commissioned by the European Commission, Health and Consumer Protection Directorate-General and the Austrian Ministry of Health, Family and Youth recorded:

“In general, access to health care has improved since 2004 with radical changes in the provision side. In the past, the Social Insurance Organization

(SSK) had its own hospitals with restricted access to its members and in many cases low standard facilities. In 2005, as part of the ongoing reforms, the competence of these facilities were transferred to the Ministry of Health (MoH) and all MoH hospitals were opened to the SSK members increasing the opportunities of access. Second, access to prescriptions was also improved after allowing SSK enrollees to obtain pharmaceuticals from private pharmacies. In the past, the SSK members were only allowed to buy pharmaceuticals from their hospitals' pharmacies. After the transfer of these hospitals to the MoH, the SSK beneficiaries also started to purchase their prescriptions from private pharmacies as well. Last but by no means the least, in the past, the Green Card Scheme for the poor covered only in patient care hence excluded outpatient care and prescriptions. In 2005 the scheme was extended to cover all health care expenditures easing access of the poorest segments of the society." [75] (p6)

PHARMACIES

- 25.05 The Yellowpages.com website provides a list of Pharmacies (Eczanes) or Nöbetçi Eczane in Turkey accessed 19 April 2010; to access the site click on the link [Turkey Pharmacies](#)

HOSPITALS

- 25.06 The US State Department's *Consular Information Sheet* on Turkey dated September 2009 stated:

"Turkish hospitals vary greatly. The new, private hospitals in Ankara, Antalya, and Istanbul have modern facilities and equipment, numerous U.S.-trained specialists, and international accreditation. However, they still may be unable to treat certain serious conditions. ... Those planning to remain in Turkey for a prolonged period of time should consider bringing or securing a supply of necessary chronic medications (e.g., heart medications, birth control pills) to cover them while they are in the country, as certain medications are difficult to obtain in Turkey. Nursing care and diagnostic testing (including mammograms) meet American standards at specific institutions in the larger cities. Health care standards are lower in small cities in Turkey in comparison to bigger cities such as Ankara, Istanbul, Izmir, and Adana." [5f]

- 25.07 The Foreign and Commonwealth website provides a list of Hospitals for Turkey; Ankara: [Turkey Hospitals](#)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 25.08 The Turkish Ministry of Health (MoH) *Country Report of 2010*, accessed via the UNAIDS website, recorded that:

"Turkey is among low prevalence countries in Central Europe for HIV/AIDS. The first case of HIV infection was reported in 1985, and by the end of June 2009, a total of 3898 cases had been identified. Turkey is considered to be at a low level epidemic ...

“Since 1994, a coding system has been utilized to keep the patient’s identity anonymous while reporting the HIV infections in Turkey. Moreover, the MOH provides both preventive and treatment services in fighting with HIV/AIDS. In terms of the legal framework, people living with HIV have the same rights compared to the other people in the country.” [39b]

CANCER TREATMENT

25.09 As recorded in the World Health Organisation’s (WHO) Impact of Cancer for Turkey 2005: “In 2005 cancer killed approximately 52,000 people in Turkey, 37,000 of these people were under the age of 70.” [37b]

25.10 Today’s Zaman in an article entitled *150,000 people get cancer in Turkey every year*, dated 5 February 2009, reported that:

“According to a report prepared by the Turkish Ministry of Health’s Anti-Cancer Branch, cancer is only second to heart disease as the leading cause of death in the world and in Turkey. Statistics show that while the number of cancer patients was 8,879 in 1999 in Turkey, this figure increased to 12,772 in 2003 and continues to rise. According to data provided by the Turkish Association for Cancer Research and Control (TKASK), 150,000 people are diagnosed with cancer every year in Turkey. The most frequently seen types of cancer are lung cancer, stomach cancer, bladder cancer, colon cancer, larynx and prostate cancer in men and breast cancer in women.

“A new Early Cancer Diagnosis, Screening and Education Center (KETEM) opened in Ankara on World Cancer Day. Turkey’s 86th such center opened as part of the Ankara Oncology Education and Research Hospital ...” [24m]

25.11 The World Health Organisation (WHO) report on *Strengthening cervical cancer prevention in Europe*, of May 2007, noted:

“In Turkey, cancer of the cervix is the eighth leading cause of cancer in women and the age-standardized incidence rate is relatively low (4.5 per 100 000 women). There are several arguments against the introduction of HPV [Human papillomavirus] vaccines in Turkey ... ‘Guerrilla marketing’ of HPV vaccines gives the impression that their introduction is a high priority. In Turkey, however, introducing organized screening is considered much more important and more feasible at the moment. It is essential that WHO policies are country-based and take the different scenarios into account.” [37e] (p22)

KIDNEY DIALYSIS

25.12 The National Kidney Federation website provides a list of Dialysis Centres across Turkey.

[Dialysis Centres in Europe](#)

TUBERCULOSIS (TB)

25.13 The World Health Organisation report entitled *World Health Statistics 2009*, recorded that for Turkey, 91% of new smear-positive patients registered for treatment under DOTS [Directly Observed Therapy] were cured (with laboratory confirmation) or completed their course of treatment in 2006. [37c]

25.14 Today's Zaman in an article entitled Tuberculosis still a threat though it is curable, dated 8 January 2008, reported that:

"Although Turkey has long been committed to activities to counter tuberculosis and has achieved great success in the last few years in fighting against the disease, experts have said it continues to pose a threat to the society as hundreds of people contract tuberculosis each year. There has been a significant increase in the number of services to fight tuberculosis in the past two to three years, yet we cannot say that it will be eradicated in the short term, said Ali Rıza Erdoğan, the secretary-general of the Ankara-based Federation of National Associations of the Fight against Tuberculosis (TUVSDF) in a phone interview with *Today's Zaman*." [24a]

25.15 The same article continued:

"TUVSDF Chairman Dr. Ferit Koçoğlu, in an interview with the Anatolia news agency, noted there are some 20,000 people with tuberculosis in Turkey, around 13,000 of whom are male patients. ... Almost 88 out of every 100 cases of tuberculosis can be treated in Turkey because we have waged a successful fight against this disease. There are many volunteer doctors and nongovernmental organizations that battle tuberculosis. They continue their struggle against this ailment under unfavorable conditions,' he noted... The [Directly Observed Treatment Short Course (DOTS)] project has made health officials accessible to 89 percent of all tuberculosis patients, with 85 percent of these patients being treated." [24a]

MENTAL HEALTH

Overview

25.16 The European Commission *Progress Report 2009 (EC Progress Report 2009)*, published 14 October 2009, noted that:

"... mental health is an area of concern. The CPT [Committee for the Prevention of Torture] stressed the need for legislative reforms to safeguard the rights of mentally ill patients, in particular to ensure that they are given the opportunity to consent to or refuse treatment, either personally or via a guardian. Courts and mental health institutions are not adequately applying the provisions in the Civil Code on involuntary placement in mental health institutions. Further efforts are needed as regards treatment programmes, physical infrastructure and training. There is no independent body in Turkey to carry out inspections of mental health institutions." [71d] (p25-26)

25.17 The same report further observed that:

“Little progress can be reported on mental health. A joint working group has been established together with the Ministry of Health and Social Services and the Child Protection Agency. The group is working with the WHO on a community-based service delivery model. However, Turkey still has limited resources in the field of mental health. Establishment of community-based services as an alternative to institutionalisation is crucial. Specific efforts are needed to provide for health care tailored to children and young people in this field. The mental health action plan has yet to be finalised. Preparations in this area are at an early stage.” [71d] (p83)

Mental health facilities

- 25.18 The World Health Organisation *Mental Health Atlas 2005* (WHO Atlas 2005), accessed on 12 July 2010 reported that:

“The mental health department was established within the Ministry of Health in 1983 with the primary tasks of improving mental health services, development and dissemination of preventive mental health services, integration of mental health with primary care, community education and protection of the community from harmful behaviours. The means of achieving these aims were through determination of standards, training programmes, data collection, research, creation of counselling and guiding units, creation of psychiatric clinics in state hospitals, assigning proper tasks to personnel, developing rehabilitation facilities, carrying out public education through the help of media, educating the public on harmful behaviour, and taking care of those who succumb to those behaviours.” [37a] (Section on Other Information)

- 25.19 The same reported further noted that:

“The country has disability benefits for persons with mental disorders. After being approved by a mental health board as a chronic mental health patient, the patient can benefit from the social security services ... Mental health is part of the primary health care system. Actual treatment of severe mental health is available at the primary level ... Mental health in primary care is available in only some provinces ... Regular training of primary care professional [sic] in the field of mental health is present and the approximate number of personnel trained over the last two years totalled 3,000.” [37a] (Section on Mental Health Financing)

- 25.20 However, the US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“According to the European Commission, mental health hospitals and rehabilitation centers did not provide sufficient medical care or treatment. In November the Initiative for Human Rights in Mental Health reported on research conducted in 12 mental health care centers between June 2007 and October 2008 with permission of the Ministry of Health and Social Services and the Child Protection Agency. The report cited a need to increase the number of professional care staff, to improve hygienic conditions, to vary treatment beyond only antipsychotic drugs and antidepressants, and to allow for greater freedom of movement.” [5i] (Section 6, Persons with Disabilities)

- 25.21 A Mental Health Economics European Network (MHEEN) report of January 2008 recorded that there was virtually no social care or community care provisions for the mentally ill in Turkey. [22] (p9) It further added that: "... although psychiatric care is almost entirely provided in nine psychiatric hospitals and there are virtually no social care homes or community-based services, there has also been a slight decrease from 4140 beds in 1990 to 3777 in 2004. ... there are now some beds available in psychiatric wards in general hospitals but figures are difficult to obtain and the only data available are for 2003 when there were 1876 beds, and for 2004 when there were 2467 beds." [22] (p8)
- 25.22 The *WHO Atlas 2005* states that there are 1.3 psychiatric beds per 10,000 population, one neurosurgeon, one neurologist, one psychologist and one social worker per 100,000 population. [37a] (Section on Mental Health Financing)

Medication

- 25.23 The WHO Atlas 2005 recorded that "The following therapeutic drugs are generally available at the primary health care level:
 Carbamazepine,
 Ethosuximide,
 Phenobarbital,
 Phenytoin,
 Sodium valproate,
 Amitriptyline,
 Chlorpromazine,
 Diazepam,
 Fluphenazine,
 Haloperidol,
 Lithium,
 Biperiden,
 Carbidopa and
 Levodopa." [37a] (Section on Therapeutic Drugs)

[Return to contents](#)
[Go to list of sources](#)

26. FREEDOM OF MOVEMENT

- 26.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that: "The constitution provides for freedom of movement within the country, ... however, at times the government limited these rights in practice. ... The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints ..." [5i] (Section 2, Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

See also: [Citizenship & Nationality](#)

[Return to contents](#)
[Go to list of sources](#)

27. INTERNALLY DISPLACED PEOPLE (IDPs)

IDP POPULATIONS

- 27.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“There are IDPs in the country from the PKK conflict, which began in 1984, continued at a high level through the 1990s, and continued during the year. The government reported that 368,360 citizens from 62,448 households migrated from the southeast during the conflict, with many others departing before the fighting. According to the TNP [Turkish National Police], 187,861 citizens returned voluntarily to their villages during the year in the southeast. Academic observers reported the number of displaced to be much higher, ranging from 953,680 to 1,301,200 persons between 1986 and 2005. They stated the reason for the large discrepancy between government and NGO [Non Governmental Organisations] figures was that the government included only persons evacuated by the security forces from settlements, and not those who were forced to flee because of general violence or for a combination of security and economic reasons. Other factors contributing to displacement that the violence in the southeast exacerbated included rural-to-urban economic migration, large-scale development projects, and natural disasters.” [5i] (Section 2 Internally Displaced Persons (IDPs))

- 27.02 Minority Rights Group International, *Turkey Minorities*, undated, accessed on 15 June 2010 stated that “[w]ith the outbreak of armed conflict in 1984 between the Turkish army and the Kurdistan Workers’ Party (Partiya Karkerên Kurdistan, PKK), more than 1 million Kurds were forcibly evicted from rural and urban areas in eastern and south-eastern Turkey. The displaced settled in urban centres in the region as well as towns in western and southern Turkey, and many fled to Europe.” [57f]

- 27.03 The Internal Displaced Global Monitoring Centre in their report entitled *Need for Continued improvement in response to protracted displacement*, dated 26 October 2009, (IDMC Report 2009) stated:

“Around one million internally displaced people (IDPs) in Turkey continue to face protracted displacement, with many obstacles still standing in the way of durable solutions. Prevailing insecurity in south-eastern Turkey, the continuing presence of village guard militias and of mines, and under-development continue to bar their return. Integration in urban areas is still fraught with difficulties in the absence of targeted assistance, as IDPs, most of them Kurdish, face socio-economic marginalisation and discrimination.” [3b]

- 27.04 The IDMC Report 2009 also reported that: “The issue of the place of Kurdish people in Turkey dominates the situation of displacement, and in recent years the government has taken limited but unprecedented steps to address the Kurdish question. These steps are still fraught with challenges, but this

approach, if continued, has the potential to reconcile Turkish society and favourably affect the national response to displacement.” [3b]

See also: [Kurds](#) and [Kurdish issues: November 2009 - Present](#)

GOVERNMENT RESPONSE

27.05 The IDMC Report 2009 further stated: “...the government has taken notable steps to address the internal displacement situation. In the last four years, it has commissioned a national survey on the number and conditions [sic] of IDPs; drafted a national IDP strategy; adopted a law on compensation; and put together a comprehensive pilot action plan in Van Province which addresses rural and urban [sic] situations of displacement.” [3b]

27.06 However the European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, instead clarified that the “... government’s efforts to establish a national strategy to address the situation of IDPs, based on a pilot action plan for the Van district, ha[d] yet to be finalised. In this context, the insufficient institutional capacity of the department responsible for IDPs in the Ministry of the Interior remains a challenge.” [71d] (p31)

27.07 More generally, in considering the plight of IDPs in Turkey the *EC Progress Report 2009* noted that:

“The situation of IDPs in urban areas remains a cause for concern. IDPs suffer from economic and social marginalisation and have little or no access to social, educational and health services. The return of IDPs is prevented by a number of factors, mainly the poor security situation and existing land mines, lack of basic infrastructure and of capital, limited job opportunities and the threat posed by the village guard system.” [71d] (p31)

27.08 The COE Report 2009 stated:

“The Commissioner remains worried by the fact that a large number of IDPs, most of them of Kurdish origin, remain trapped today in a protracted displacement situation. International experts have made clear that Turkey should deploy more and strenuous efforts in order to effectively protect and promote the IDPs’ right to return to their homes or provide them with other durable solutions such as voluntary resettlement and local integration.” [112]

REINTEGRATION

27.09 The USSD Report 2009 noted that: “The law to compensate IDPs allows persons who suffered material losses during the conflict with the PKK to apply for compensation. In 2007 parliament extended the duration of the law so that applicants could apply for compensation through May [2009].” [5i] (Section 2, **Internally Displaced Persons (IDPs)**)

27.10 The USSD Report 2009 further noted that:

“NGO observers noted that the law was being implemented in a way contrary to the government's stated purpose and principles of fair and appropriate redress. Rulings by provincial commissions charged with the law's implementation were described as inadequate and hindering those IDPs who would like to return to their preconflict homes, and IDPs had no avenue of appeal. Local NGOs and regional bar associations maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR [European Court of Human Rights]. The government denied it implemented the law unfairly.” [5i] (Section 2, Internally Displaced Persons (IDPs))

27.11 The USSD Report 2009 also noted that: “Voluntary and assisted resettlements were ongoing. In a few cases, persons could return to their former homes; in other cases, centralized villages were constructed. The TNP [Turkish National Police] reported it had provided compensation of 349,982,716 lira (approximately \$233,000,000) during the year related to losses stemming from the fight against PKK terrorists.” [5i] (Section 2, Internally Displaced Persons (IDPs))

27.12 However the IDMC Report 2009 commented that:

“The number of returnees has remained quite low, despite a series of government programmes such as the Return to Village and Rehabilitation Project (RVRP) launched in 1994. According to statistics collected in the 14 provinces in which the RVRP has been implemented, a little over 150,000 people had returned to their places of origin as of July 2009.” [3b]

[Return to contents](#)
[Go to list of sources](#)

28. FOREIGN REFUGEES

REFUGEE PROTECTION

28.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that: “...The government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees (recognized as such with certain geographical limitations), returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern.” [5i] (Section 6. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

See also: [Freedom of Movement](#)

28.02 The Amnesty International report *Stranded: Refugees in Turkey denied protection*, (Amnesty International April 2009), published 22 April 2009 stated that:

“UNHCR which conducts refugee status determination for non-European asylum-seekers in Turkey, received in 2008 12,980 new applications, representing a 70 per cent increase from the previous year [2007] ... In addition

to this number, the Office of the Head of the Turkish Armed Forces announced in October 2007 that more than 29,000 irregular migrants had been apprehended by the armed forces between January and October 2007.” [12a]

28.03 The same report further noted:

“Amnesty International is concerned that no European asylum-seeker has been recognized as a refugee and the vast majority of European persons who may be in need of international protection are not given access to an asylum procedure. In particular, Chechen persons who may be in need of international protection have not been granted access to an asylum procedure and many Chechens have remained in Turkey since 1999 without any official status.” [12a]

28.04 On the same issue the Council of Europe report by Thomas Hammarberg entitled *Human Rights of Asylum Seekers and Refugees* (The COE Report 2009), dated 1 October 2009, stated:

“In Turkey, asylum seekers from Europe fall under the 1951 UN Refugee Convention. Although this group is comparatively small, Turkey in the past was faced with refugees from Bulgaria, Bosnia and Herzegovina, Kosovo and in particular Chechnya. The Commissioner has been informed that so far there have been 43 persons recognized as refugees under the Convention. In fact, it appears to be the practice of the authorities to simply tolerate their stay in Turkey giving them a ‘guest’ status which is somewhat unclear. As a result, they do not enjoy international refugee protection and have no access to UNHCR procedures, excluding them from resettlement in third countries. Their ‘guest status’ can be revoked any time.” [112b]

28.05 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that: “Work is progressing on setting up the country of origin information and asylum case management systems...The Turkish authorities have started screening apprehended illegal migrants, although not in a consistent manner, in order to identify persons in need of protection.” [71d] (p74)

28.06 The EC *Progress Report 2009* further stated:

“Turkey maintains the geographical limitation on the 1951 Convention relating to the Status of Refugees and the related 1967 Protocol. High-quality preparatory studies and an adequate setup with sufficient capacity to cater for the large number of persons registered every year are lacking. Limited progress was made on establishing a network of six centres for reception, screening and accommodation of refugees and asylum-seekers, two centres for illegal migrants and a new set of procedures and management rules for these centres. Specific training curricula for asylum and migration staff and a mechanism to keep the trained staff in the system are missing. ...

“Key priorities in the field of asylum remain fair, equal and consistent access to asylum procedures for everyone (including in airport transit areas), access to legal aid and to UNHCR staff, reduction of the waiting time for asylum procedures and access to judicial review of decisions. ...

“With 11,248 new asylum seekers in 2008 the number nearly doubled in comparison to 2007 (5,831 new asylum seekers). Out of the 11,248 applicants 6,877 are Iraqis, 1,997 Iranians, 1,571 Afghans, 396 Somalis and 407 citizens of other nations. In comparison to 2007 these figures show an increase of 210% for Afghans, 194% for Iraqis and 15% for Iranians while the figure for Somalis decreased by 145%.” [71d] (p74)

PROTECTION TO OTHER ILLEGAL MIGRANTS

28.07 The USSD Report 2009 noted that:

“The government provided temporary protection to individuals who may not qualify as refugees, including individuals of non-European origin. According to the Ministry of Interior, during the year the government provided temporary protection to 8,478 foreigners referred by the UNHCR for resettlement to a third country. Refugees were not authorized to work in the country and needed permission from Ministry of Interior authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies.” [5i] (Section 2, Protection of Refugees)

28.08 The EC *Progress Report 2009* observed that:

“Turkey remains a very important transit and destination country for irregular migration. In 2008, 65,737 illegal immigrants were apprehended by Turkish law enforcement agencies, followed by another 15,701 in the first six months of 2009. This figure shows a slight increase in comparison with 2007 (when the total was 64,290). The number of smugglers apprehended also increased, from 1,242 in 2007 to 1,305 in 2008, the vast majority (1,235) still being Turkish citizens. The capacity of the accommodation for illegal migrants remains low, although two new units were inaugurated with capacity for an additional 290 persons⁵³, thus raising the total to 2,881.” [71d] (p74)

See also [Trafficking](#)

DEPORTATION

28.09 The Council of Europe report by Thomas Hammarberg entitled *Human Rights of Asylum Seekers and Refugees* (The COE Report 2009), dated 1 October 2009, stated:

“The Commissioner notes with concern that NGOs as well as UNHCR continue to report incidents of deportation and refoulement of UNHCR recognized refugees and registered asylum seekers. He is aware that the UN Committee on the Elimination of Racial Discrimination (CERD) also expressed concern over these reports and called upon Turkey to refrain from deporting refugees or persons registered with UNHCR as asylum seekers.” [112b]

28.10 The COE Report 2009 further noted:

“... the Commissioner was informed of the situation of a group of Iranians who used to be members of the People’s Mujahedin of Iraq (PMOI) and were recognized as refugees in May 2006 under UNHCR’s mandate while they were residing in the Ashraf camp, Iraq. Some individuals among this group have crossed the border with Turkey trying to find a durable solution which was considered unattainable in Iraq. The Turkish authorities have deported them back to Iraq, allegedly in some cases resorting to irregular measures, putting the refugees’ lives at risk.” [112b]

28.11 The same source also observed:

“Reports indicated that in 2008 there was an increase in forcible returns of refugees and asylum seekers to countries where they were at risk of serious human rights violations including irregular deportations resulting in the death or injury of asylum seekers, one example being a group of Uzbek refugees twice forcibly returned to Iran, first in September and then in October 2008. During the first forcible return, members of the group were said to have been beaten and threatened with rape unless they crossed back into Iran.” [112b]

See the [USCRI 2009 World Refugee Survey](#) – Turkey country report

See Map of Turkey, [Refugees and Asylum-seekers](#), 9th June 2008

[Return to contents](#)
[Go to list of sources](#)

29. CITIZENSHIP AND NATIONALITY

29.01 Turkish citizenship law is set down in Law No 5901, *Turkish Citizenship Law*, dated 29 May 2009. The Law was promulgated on 12 June 2009 and entered into force on the same day ([Refworld](#), *Turkish Citizenship Law*, 29 May 2009). The new law was the fourth amendment to the 1964 Turkish Citizenship Law, with previous amendments introduced in 2003 and 2004 (Mymerhaba.com, ‘*Amendment to Turkish Citizenship Law*’, undated, accessed 15 June 2010).

29.02 The website HG.org, in an article entitled *Turkish Citizenship Act is Now in Force*, dated 24 July 2009, reported:

“The new act brought about some important changes in the law regarding the acquisition and loss of citizenship, notably, a condition to renounce an individual’s original citizenship, if the former country does not allow dual citizenship. The act also provides that if a foreigner is eligible to use the expedited method of acquiring Turkish citizenship, the only requirement is that he or she shouldn’t be designated a threat to national security or public order. The same requirement applies in cases of adoption of a minor by a Turkish citizen. Expatriation is not regarded as a way to lose Turkish citizenship.

“The conditions for loss of citizenship are more limited when compared to the previous act. The reasons for loss of citizenship relating to military service are no longer found in the new law. In addition, the fact that a Turkish citizen has dual citizenship and a weak connection to Turkey does give rise to the risk of

loss of citizenship. The new act also abolishes the requirement of getting permission for individuals who would like to acquire a foreign citizenship, while maintaining their Turkish [citizenship](#).”

29.03 The columnist Berk Cektir, of *Today's Zaman*, provided a series of articles on the revised citizenship laws please refer to each of the links below to access these:

- ‘New Turkish Citizenship Law (1)’, 1 June 2009
- ‘New Turkish Citizenship Law (2)’, 3 June 2009
- ‘New Turkish Citizenship Law (3)’, 8 June 2009
- ‘New Turkish Citizenship Law (4): Acquisition of Turkish Citizenship’, 10 June 2009

29.04 To access Turkey’s Citizenship Law, (No.5901, dated 29 May 2009), refer to the link [here](#).

DOCUMENTATION

NÜFÜS CARD / IDENTITY CARD

29.05 The Netherlands Ministry of Foreign Affairs 2002 reported that: “The population registry has responsibility for issue of identity cards (in Turkish: nüfus cüzdanı) often referred to in other languages too as nüfus cards. The nüfus card is the only valid domestic identity document, and everyone is required to carry it at all times. Births have to be registered to the population registry for the place of birth without delay, so that a nüfus card can be issued straight away.” [2a] (p19)

See website of the [Directorate General for Population and Citizenship Affairs](#) [84a]

See TR Identity Number and Identity card sample [84c]

http://www.nvi.gov.tr/English/Mernis_EN.Mernis_En.html?pageindex=1

When changing an identity card or being issued with one for the first time, the TR Identity Number is being printed on the identity card. [84c]

See also Section 31: [Exit/entry procedures](#)

[Return to contents](#)
[Go to list of sources](#)

ADDRESS REGISTRATION SYSTEM (AKS)

29.06 The website of the Directorate General for Population and Citizenship Affairs updated 17 February 2009 mentions the method to register one’s address which can be put on the ID card as:

“The Address Registration System, abbreviated AKS in Turkish, is a centrally administered system established by the Civil Registration Services Law No 5490 where up to date domicile and other address information of Turkish nationals and foreigners domiciled in Turkey is maintained electronically.

“The system is integrated with the Central Civil Registration System (MERNIS) where records such as the ‘Name, Surname, Mother’s and Father’s Name, Place of Birth and Information on Civil Status Events’ related to the identity of the person are stored and accessed using the Turkish Republic Identity Number (TR Identity Number).” [84b]

See also – [Türkiye Cumhuriyeti: T.C. İçişleri Bakanlığı](#) for details on how to make an address change notification

See also: [Exit/entry procedures](#)

PASSPORTS

29.07 It was noted by the Canadian Immigration and Refugee Board (IRB) in an information request response entitled *Release of biometric passports; requirements for acquiring special or service passports [TUR103453.E]*, dated 1 June 2010 that:

“In 1 June 2010 correspondence with the Research Directorate, an official at the Embassy of the Republic of Turkey in Ottawa reported that Turkey released new biometric passports on 1 June 2010. Several media sources corroborate the plans for releasing Turkish biometric passports on this date (OANA 9 Apr. 2010; Anadolu Agency 26 Mar. 2010; *Hürriyet Daily News* 25 Mar. 2010). According to one media source, the Turkish Interior Minister stated that the biometric passports will be ‘in line with international standards’ (OANA 9 Apr. 2010). Similarly, another media source indicates that the new passports are set to conform to European Union (EU) standards (*Hürriyet Daily News* 25 Mar. 2010). Sources report that biometric passports use electronic technology to verify the identity of a passport-holder (OANA 9 Apr. 2010; *Hürriyet Daily News* 25 Mar. 2010). The Organisation of Asia-Pacific News Agencies (OANA) explains that a biometric passport (also known as an e-passport), is a combined paper and electronic passport, with an embedded computer chip that contains details about the passport-holder (9 Apr. 2010).

“Some sources indicate that the colour of the new biometric passports issued to ordinary Turkish citizens will be red (Turkey 27 Apr. 2010a; OANA 9 Apr. 2010), while another source describes the colour as burgundy (*Hürriyet Daily News* 25 Mar. 2010). Sources report that new diplomatic passports will be black (ibid.; Turkey 27 Apr. 2010a; OANA 9 Apr. 2010).

“In 27 April 2010 correspondence with the Research Directorate, an official of the Embassy of the Republic of Turkey in Ottawa explained that Turkish citizens can apply for the biometric passports at embassies and consulates abroad, but that the applications will be forwarded to the passport centre in Ankara where the biometric passports will be issued (Turkey 27 Apr. 2010a). After the passports are produced, they will be sent back to the embassies and consulates for distribution to applicants (ibid.). The Official explained that the measure of issuing all passports from Ankara was put in place in order to prevent fraud (ibid.). One media source similarly reports that the new passports will be printed in the state mint (*Hürriyet Daily News* 25 Mar. 2010).

“The Official stated that biometric passports will be valid for ten years (Turkey 27 Apr. 2010a). He also indicated that under the biometric passport system, children will be required to have a separate passport from their parents (ibid.).

“Sources indicate that old passports can be used during the transition time until 2015 (ibid.; OANA 9 Apr. 2010; Hürriyet Daily News 25 Mar. 2010). According to the Istanbul-based Hürriyet Daily News, non-biometric Turkish passports are dark blue for ordinary citizens and red for diplomatic passports (ibid.). Old passports were valid for a maximum period of five years (Turkey 27 Apr. 2010a; OANA 9 Apr. 2010). The Official noted that under the old passport system, passports were valid from six months to five years; passports with longer durations were more expensive (Turkey 27 Apr. 2010a).” [7p]

[Return to contents](#)
[Go to list of sources](#)

30. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 30.01 The Canadian Immigration and Refugee Board reported in an information request response *Security and administrative procedures in place to guard against the issuance of fraudulent Turkish passports or to guard against the issuance of Turkish passports by fraudulent means*, dated 28 April 2005, that:

“Articles 350 and 351 of Law 765 of the Turkish Penal Code contain provisions that could be used to indict people engaged in the falsification of passports and of other official documents in relation to irregular migration. Article 201a of the Penal Code adds that those involved in the procurement of false identification or travel documents, for the illegal arrival, stay or departure of an individual...shall be sentenced to two to five years' imprisonment and imposed a fine of not less than one billion liras [CAN\$915]. The competent authority [issuing] passport [in Turkey] is the General Directorate of Security, or the District Security Office in smaller districts. In addition, [t]he Turkish National Police receive special training, funded by the EU [European Union] and administered by UNHCR [United Nations High Commissioner for Refugees], in areas such as visa fraud, passport forgery, and illegal entries.

“Passport applicants in Turkey are subject to thorough investigation. Entries and exits of persons are recorded in the computer network and checked with criminal information. A draft Passport Law is in process, which foresees heavier sentences for illegal border crossings and a new type of Turkish passports more difficult to forge (ibid. n.d.b).” [7g]

See also: [Corruption](#) and also [Warrants and court documents](#)

[Return to contents](#)
[Go to list of sources](#)

31. EXIT AND RETURN

- 31.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“The constitution provides for ... foreign travel, emigration, and repatriation; however, at times the government limited these rights in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (e.g., military service), or criminal investigation or prosecution.” [5i] (Section 2, Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

- 31.02 The Legislationline website notes the Entry visa obligations under Passport No. 5682 of 15 July 1950. See also the [Legislationonline website](#)

PROCEDURES RELATING TO THE RETURN OF TURKISH NATIONALS

- 31.03 The Canadian Immigration and Refugee Board noted in an information request response *Procedures that must be followed by, and documents that must be provided to, Turkish airport and land border authorities for a Turkish citizen and/or foreign national to be allowed to enter or leave Turkey; the security/law enforcement personnel present; action taken in cases where a person is wanted by the Turkish authorities*, dated 29 April 2005, that:

“Exit and entry procedures, as well as the documents required of persons entering or leaving Turkey, are the same at airports as they are at land borders... The regulations concerning entry into and exit from Turkey of Turkish and non-Turkish nationals fall under the Turkish Passport Law Number 5682, which stipulates that all travellers, whether Turkish or not, require a valid passport or travel document whenever they leave or enter Turkey.

“Turkish citizens who do not have a valid passport or travel document are still entitled to enter Turkey if they show their Turkish identity card (Nüfus Cüzdanı), or another valid identity card, to border authorities. According to the Embassy, [t]hose who demonstrate by other means that they are citizens are also accepted in, pending the police assessment that they are citizens. However, non-Turkish citizens require a valid passport and a valid visa to enter Turkey. The Embassy added that exceptions could be made to the visa rule through bilateral agreements and other arrangements. Permission for foreign nationals to enter Turkey without a visa is subject to approval by security authorities.” [7h]

See also: [Documentation](#)

- 31.04 The Turkish Consul General in London, in a letter to the Home Office dated 11 January 2006, the Turkish Consulate General in London noted:

“A Turkish national who wishes to obtain an Emergency Travel Document from the Turkish Consulate General in London should meet the following requirements: 1. He/she must be a Turkish national; 2. He/she must apply in person to the Consulate General so that the applicant can be interviewed; 3. He/she should submit the following documents:

- Any identity document issued by official Turkish authorities (Nufus card, driving licence etc).
- A flight ticket (or reservation);
- Two photos;

“If the applicant does not possess any official document of identity, he/she is required to provide his/her identity details during the interview at the Consulate. The purpose of the interview is to ascertain that people who apply for Emergency Travel Documents are indeed Turkish citizens. The Turkish Consulate would not refuse to issue an Emergency Travel Document to a Turkish National under any circumstances. [An] Emergency Travel Document is issued without delay if the Consulate is satisfied that the applicant is a Turkish national. The application is referred to the relevant authority in Turkey for approval – i.e. the Ministry of Interior of the Republic of Turkey if the Consulate is not satisfied that the applicant holds Turkish nationality. Passports checking at borders, ports and airports are carried out by security officers. People returning to Turkey on an Emergency Travel Document go through the same procedure as anyone returning there on a standard passport. There is only one type of Emergency Travel Document in use. However, Turkish nationals travelling with Emergency Travel Documents will be interviewed by security officials on their arrivals to Turkey.” [31a]

See also: [Documentation](#)

- 31.05 The Consulate General for the Republic of Turkey in London, gives information on visa applications, consular matters, useful addresses and general information about Turkey. [31] For further information refer to the [Turkish Consulate website](#)

[Return to contents](#)
[Go to list of sources](#)

ENTRY CHECKS

- 31.06 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that:

“Common training sessions have been organised on visa and passport procedures for current and would-be consular staff of the Ministry of Foreign Affairs, with the participation of relevant staff from the Ministry of the Interior. However, the training did not focus enough on document security issues. Since May 2009 most of the Turkish representations abroad have been connected to ‘Konsolosluk.net’, the Ministry of Foreign Affairs database on persons banned from entering Turkey. This is also interlinked with ‘Polnet’, the police database in order to share information with a view to more secure and faster processing of the applications.” [71d] (p75)

- 31.07 The Swiss NGO Schweizerische Fluchtlingshilfe (Swiss Organisation for Refugees) stated, in a report on Turkey published in June 2003, that:

“There are a number of different information systems in Turkey. The central information system is known as the GBTS (Genel Bilgi Toplama Sistemi –

General Information Gathering System). This system lists extensive personal data such as information on arrest warrants, previous arrests, foreign travel restrictions, avoidance of military service, desertion, refusal to pay military tax and delays paying tax. Served sentences are as a rule removed from this information system and entered onto the database of criminal records (Adli Sicil).” [8] (p41)

See also: [Security Forces](#)

[Return to contents](#)
[Go to list of sources](#)

32. EMPLOYMENT RIGHTS

EMPLOYMENT RIGHTS AND WORKING CONDITIONS

- 32.01 The US State Department *Country Report on Human Rights Practices 2009*, Turkey (USSD Report 2009), published on 11 March 2010, noted that:

“The national minimum wage of 693 lira (\$465) per month did not provide a decent standard of living for a worker and family. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board...

“The law establishes a 45-hour workweek with a weekly rest day and limits overtime to three hours per day for up to 270 hours a year. Premium pay for overtime is mandated, but the law allows for employers and employees to agree to a flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.” [5i] (Section 7, **Acceptable Conditions of Work**)

- 32.02 The USSD Report 2009 further noted that: “The law mandates occupational health and safety regulations; however, in practice the Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs.” [5i] (Section 7, **Acceptable Conditions of Work**)

TRADE UNIONS

- 32.03 The European Commission *Progress Report 2009* (EC Progress Report 2009), published 14 October 2009, noted that:

“There has been little progress in the social dialogue. The reinstitution of 1 May as ‘Labour and Solidarity Day’ after 28 years was an encouraging step. The reform of trade union legislation is pending for several years. Full trade union rights have not yet been established in Turkey. The current legal framework is not in line with EU standards and ILO Conventions, in particular as regards the right to organise, the right to strike and the right to bargain collectively, for both the private and public sectors. The ILO Committee of experts called upon

Turkey to adopt these reforms and suggested the organisation of a high-level bipartite mission to assist the government. Social dialogue, at cross-industry, sector and corporate level, remains generally weak. Overall, the percentage of workers benefiting from collective labour agreements is low. The channels for tripartite social dialogue, in particular the Economic and Social Council, need to be strengthened. In the area of social dialogue, Turkey is not yet sufficiently prepared.” [71d] (p63)

- 32.04 The EC *Progress Report 2009* further stated that: “Trade unions continue to face obstacles in exercising their right to organise public demonstrations. Police intervention has not always been limited to cases where a genuine threat of public order was apparent.” [71d] (p20)

See also: [Freedom of Association](#)

- 32.05 The USSD Report 2009 noted that “... [t]he law provides most but not all workers with the right to associate and to form unions subject to diverse restrictions; most workers exercised this right in practice. The government maintained a number of restrictions on the right of association. Certain public sector employees are excluded from organizing.” [5i] (Section 7, The Right of Association)

See also [Confederation of Turkish Labour Unions](#), [Confederation of Progressive Labour Unions](#) and [European Trade Union Confederation \(ETUC\)](#)

[Return to contents](#)
[Go to list of sources](#)

INDUSTRIAL ACTION

- 32.06 The USSD Report 2009 noted that: “The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general (involving multiple unions over a large geographical area) strikes or in work slowdowns.” [5i] (Section 7, The Right of Association)

- 32.07 The USSD Report 2009 further noted that:

“The law prohibits strikes by civil servants; public workers engaged in safeguarding life and property; and workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education. In these sectors labor disputes were resolved through binding arbitration. However, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal according to law; while some illegal strikers were dismissed, in most cases employers did not retaliate.” [5i] (Section 7, The Right of Association)

[Return to contents](#)
[Go to list of sources](#)

Annex A: Chronology of major events

(As reported in the BBC's 'Timeline June 2010 – Turkey, A chronology of key events' unless otherwise sourced) [66a]

- 2005** **January:** New lira currency introduced as six zeroes are stripped from old lira, ending an era in which banknotes were denominated in millions.
April: The introduction of the new Turkish Penal Code (due to come into force on that date) is postponed. [66a]
May: Parliament approves amendments to new penal code after complaints that the previous version restricted media freedom. The EU welcomes the move but says the code still fails to meet all its concerns on human rights.
1 June: A revised version of the new Turkish Penal Code comes into force. [23c]
October: Turkey officially begins membership talks with the European Union. [66bi]
November: DEHAP dissolves. [23b] Democratic Society Movement (DHT) becomes the Democratic Society Party (DTP). [93b]
- 2006** **March:** 14 suspected Kurdish rebels killed by security forces.
April: At least a dozen people are killed in clashes between Kurdish protesters and security forces in the south-east. Several people are killed in related unrest in Istanbul.
May: Islamist gunman opens fire in Turkey's highest court, killing a prominent judge and wounding four others.
July: Baku-Tbilisi-Ceyhan oil pipeline opened at ceremony in Turkey.
August-September: Bombers target resorts and Istanbul. Shadowy separatist group Kurdistan Freedom Falcons (TAC) claims responsibility for some attacks and warns it will turn 'Turkey into hell'.
30 September: Kurdish separatist group, the PKK, declares a unilateral ceasefire in operations against the military.
- 2007** **January:** Journalist and Armenian community leader Hrant Dink is assassinated. The murder provokes outrage in Turkey and Armenia. Prime Minister Erdogan says a bullet has been fired at democracy and freedom of expression.
April: Tens of thousands of supporters of secularism rally in Ankara, aiming to pressure Prime Minister Erdogan not to run in presidential elections because of his Islamist background.
Ruling AK party puts forward Foreign Minister Abdullah Gul as its candidate after Mr Erdogan decides not to stand. He narrowly fails to win in the first round.
May: Parliament brings forward national elections to 22 July to try end the standoff between secularists and Islamists over the choice of the next president.
Parliament gives initial approval to a constitutional change allowing the president to be elected by a popular vote, but the amendment is vetoed by President Sezer.
May: Tension mounts on Turkey-Iraq border amid speculation that Turkey may launch an incursion to tackle Kurdish rebels.
Bomb blast in Ankara kills six and injures 100. PKK denies responsibility.

July: AK Party wins parliamentary elections.

August: Abdullah Gul is elected president.

October: Diplomatic row with United States after a US congressional committee recognises the killings of Armenians under the Ottoman Empire as genocide.

October: Parliament gives go ahead for military operations in Iraq in pursuit of Kurdish rebels.

October: Voters in a referendum back plans to have future presidents elected by the people instead of by parliament.

December: Turkey launches a series of air strikes on fighters from the Kurdish PKK movement inside Iraq.

2008 February: Thousands protest plans to allow women to wear the Islamic headscarf to university.

Parliament approves constitutional amendments which will pave the way for women to be allowed to wear the Islamic headscarf in universities.

July: A move in Turkey's Constitutional Court to get the governing AK Party banned fails by a narrow margin. The case was brought by the country's chief prosecutor who accused the party of undermining Turkey's secular constitution by becoming a focus of pro-Islamist activity.

In a separate development, an indictment is filed against 86 people suspected of plotting to overthrow the government. Those named in the indictment are alleged to have links with a shadowy ultra-nationalist group known as Ergenekon.

October: Trial starts of 86 suspected members of a shadowy ultra-nationalist group accused of plotting a series of attacks and provoking a military coup against the government.

2009 February: Protesters marking the 10th anniversary of the arrest of Abdullah Ocalan, the leader of the banned Kurdish PKK movement, clash with police in south-east Turkey.

Prominent Kurdish politician Ahmet Turk defies Turkish law by giving speech to parliament in his native Kurdish. State TV cuts live broadcast, as the language is banned in parliament.

June: Trial starts of a further 56 people in connection with the alleged ultra-nationalist Ergenekon plot to bring down the government.

July: President Abdullah Gul approves legislation proposed by the ruling AK Party giving civilian courts the power to try military personnel for threatening national security or involvement in organised crime.

PM Tayyip Erdogan holds a rare meeting with the leader of the pro-Kurdish Democratic Society Party, Ahmet Türk, as part of efforts to solve the Kurdish problem politically.

October: The governments of Turkey and Armenia agree to normalise relations at a meeting in Switzerland. Both parliaments will need to ratify the accord. Turkey says opening the border will depend on progress on resolving the Nagorno-Karabakh dispute between Armenia and Azerbaijan.

December: The government introduces measures in parliament to increase Kurdish language rights and reduce the military presence in the mainly-Kurdish southeast as part of its 'Kurdish initiative'. The Constitutional Court considers whether to ban the Democratic Society Party over alleged links to the PKK, in a move that could derail the initiative.

- 2010** **January:** Newspaper carries report on alleged 2003 'Sledgehammer' plot to destabilise country and justify military coup. Head of armed forces, Gen Ilker Basbug, insists that coups are a thing of the past.
- February:** Nearly 70 members of the military are arrested over alleged 'Sledgehammer' plot. Thirty-three officers are charged with conspiring to overthrow government.
- March:** US House of Representatives' Foreign Affairs Committee passes resolution describing killing of Armenians by Turkish forces in World War I as genocide, prompting Ankara to recall its ambassador briefly.
- April:** Parliament begins debating constitutional changes proposed by the government with the stated aim of making Turkey more democratic. The opposition Republican People's Party says the ex-Islamist ruling party is seeking more control over the secular judiciary with some of the proposals.
- May:** Nine Turkish activists are killed in an Israeli commando raid on an aid flotilla attempting to reach blockaded Gaza. Turkey issues a formal protest. Israel says its soldiers came under attack.

[Return to contents](#)
[Go to list of sources](#)

Annex B: Political Groups

MAIN PARTIES

Information on political parties in Turkey as of 3 August 2004 can be found on:

<http://www.byegm.gov.tr/REFERENCES/Structure.htm> and

<http://www.politicalresources.net/>

Democratic Left Party: (DSP Demokratik Sol Parti)

Founded on : November 14, 1985

Chairman : Zeki Sezer

Address : Mareşal Fevzi Çakmak Cad. No: 17 ANKARA

Phone : (0312) 212 49 50 (5 lines)

Web site: <http://www.dsp.org.tr/MEP/>

Nationalist Movement Party: (MHP Milliyetçi Hareket Partisi)

Founded on : February 9, 1969

Chairman : Devlet Bahçeli

Address :Karanfil Sok. No: 69 Bakanlıklar/ANKARA

Phone : (0312) 417 50 60 (5 lines)

Web site: <http://www.mhp.org.tr/>

Motherland Party: (ANAP Anavatan Partisi)

Founded on : May 20, 1983

Chairman : Erkan Mumcu

Address : 13. Cad. No: 3 Balgat/ANKARA

Phone : (0312) 286 50 00 (20 lines)

Web site: <http://www.anavatan.org.tr/>

Democrat Party: (DP Demokrat Parti)

Founded on : July 23, 1983

Chairman : Mehmet Ağar

Address : Selanik Cad. No: 40 Kızılay/ANKARA

Phone : (0312) 419 04 70 (2 lines)-417 22 40 (3 lines)

Web site:<http://www.dyp.org.tr/>

Felicity Party: (SP Saadet Partisi)

Founded on : July 27, 2001

Acting Chairman : Recai Kutan

Address : Ziyabey Cad. 2. Sok. No: 15 Balgat/ANKARA

Phone : (0312) 284 88 00)

Web site: <http://www.sp.org.tr/>

Justice and Development Party: (AKP Adalet ve Kalkınma Partisi)

Founded on : August 14, 2001

Chairman : Recep Tayyip Erdoğan

Address : Ceyhun Atuf Kansu Cad. No: 202 Balgat / ANKARA

Phone : (0312) 2868989-2863084

Web site: <http://eng.akparti.org.tr/english/index.html>

Republican People's Party: (CHP Cumhuriyet Halk Partisi)

Founded on : September 9, 1923
 Chairman : Deniz Baykal
 Address : Çevre Sok. No: 38 Çankaya/ANKARA
 Phone : (0312) 468 59 69 (20 lines)
 Website: <http://www.chp.org.tr/index.php?module=news&sid=74003ad117721af2c2f87c132cb29d21>

Grand Union Party: (BBP Büyük Birlik Partisi)

Founded on : January 29, 1993
 Chairman : Muhsin Yazıcıoğlu
 Address : Tuna Cad. No: 28 Yenışehir/ANKARA
 Phone : (0312) 434 09 20-27
 Web site: <http://www.bbp.org.tr/>

Freedom and Solidarity Party: (ÖDP Özgürlük ve Dayanışma Partisi)

Founded on : January 21, 1996
 Chairman : Hayri Kozanoğlu
 Address : Necatibey Cad. No: 23/10 Sıhhiye/ANKARA
 Phone : (0312) 229 97 06- 231 72 32
 Web site: <http://www.odp.org.tr/>

Democratic Turkey Party: (DTP Demokrat Türkiye Partisi)

Founded on : January 7, 1997
 Chairman : Yaşar Okuyan
 Address : Mesnevi Sok. 27 ANKARA
 Phone : (312) 442 01 51 442 12 49 442 16 19

Liberal Democratic Party: (LDP Liberal Demokrat Parti)

Founded on : July 26, 1994
 Chairman : Emin Şirin
 Address : G.M.K. Bulvarı No: 47/14 Maltepe/ANKARA
 Phone : (312) 2291503 (2 lines)
 Web site: <http://www.ldp.org.tr/>

My Turkey Party: (Türkiyem Partisi)

Founded on : May 11, 1998
 Chairman : Durmuş Ali Eke

Free Society Party: (Özgür Toplum Partisi)

Founded on : June 6, 2003
 Chairman : Ahmet Turan Demir

Our Party: (Bizim Partimiz)

Founded on : August 2, 2004
 Chairman : Ahmet Yılmaz

Nation Party: (MP Millet Partisi)

Founded on : November 22, 1992
 Chairman : Aykut Edibali
 Address : Atatürk Bulvarı No: 73/37-38 Kızılay/ANKARA

Phone : (312) 4194060

Web site: <http://www.milletpartisi.org/>

Worker's Party: (İP İşçi Partisi)

Founded on : March 2, 1992

Chairman : Doğu Perinçek

Address : Mithatpaşa Cad. No: 10/8 Sıhhiye/ANKARA

Phone : (312) 435 29 99

Web site: <http://www.ip.org.tr/>

Labour Party: (EMEP Emeğin Partisi)

Founded on : November 26, 1996

Chairman : Abdullah Levent Tüzel

Address : Necatibey Cad. Sezenler Sk. Lozan Apt. ANKARA

Phone : (312) 232 41 98

Web site: <http://www.emep.org/index.php>

Changing Turkey Party: (DEPAR Değişen Türkiye Partisi)

Founded on : February 24, 1998

Chairman : Gökhan Çapoğlu

Address : 6. Cad. 78 Sok. 15/2 Öveçler/ANKARA

Democracy and Peace Party: (DBP Demokrasi ve Barış Partisi)

Founded on : March 11, 1996

Chairman : Yılmaz Çamlıbel

Address : Menekşe Sok. 10A/7 Kızılay/ANKARA

Liberation Tranquility Party: (Kurtuluş Huzur Partisi)

Founded on : February 1, 1999

Chairman : Hacer Söğütülen

Communist Party: (Komünist Parti)

Founded on : July 20, 2000

Chairman : Yalçın Cerit

National Unity Party: (UBP Ulusal Birlik Partisi)

Founded on : October 23, 1998

Chairman : Fehmi Kural

Address : Necatibey Cad. Lale Sok. 3/14 Sıhhiye/ANKARA

Phone : (312) 230 16 32

Enlightened Turkey Party: (ATP Aydınlık Türkiye Partisi)

Founded on : November 27, 1998

Chairman : Ahmet Bican Ercilasun

Address : Çetin Emeç Bulvarı Öveçler 4. Cad. 52. Sk. Dikmen - ANKARA

Phone : (312) 284 29 32

Web site: <http://www.atp.org.tr/>

The Main Road Party: (AYP Anayol Partisi)

Founded on : May 5, 1994

Chairman : Gürcan Başer

Address : İzmir Cad. Sümer Sok. Sümer Han Kat: 4 4/2021 Kızılay/ANKARA
Phone : (312) 232 23 23

Great Justice Party: (BAP Büyük Adalet Partisi)

Founded on : April 12, 1995
Chairman : Sabit Batumlu
Address : Güvenlik Cad. 25/25 A.Ayrancı/ANKARA

Communist Party of Turkey: (Türkiye Komünist Partisi)

Founded on : November 11, 2001
Chairman : Aydemir GÜLER
Address : Selanik Cad. 41/7 Kızılay/ANKARA
Phone : (0312) 4188743-4172931
Web site: <http://www.tkp.org.tr/>

Democratic People Party: (DHP Demokrat Halk Partisi)

Founded on : December 15, 1999
Chairman : Mahmut İhsan Özgen
Address : Rüzgarlı Mah. Soydaşlar Sok. 4/6 Ulus/ANKARA
Phone : (312) 310 50 50

Socialist Worker's Party of Turkey: (TSİP Türkiye Sosyalist İşçi Partisi)

Founded on : January 3, 1993
Chairman : Turgut Koçak
Address : Lale Sok. 4/8 Sıhhiye/ANKARA
Phone : (312) 431 23 86229 99 93
Web site: <http://www.tsip1974.com/>

Revolutionary Socialist Worker's Party: (DSİP Devrimci Sosyalist İşçi Partisi)

Founded on : April 25, 1997
Chairman : Şevket Doğan Tarkan
Address : Menekşe 1. Sok. 8A/16 Kızılay/ANKARA
Web site: <http://www.dsip.org.tr/>

Socialist Worker's Party: (SİP Sosyalist İşçi Partisi)

Founded on : September 9, 1996
Chairman : Mehmet Önder Ergönül

Socialist Unity Movement Party: (SBHP Sosyalist Birlik Hareketi Partisi)

Founded on : August 5, 1999
Chairman : Nihat Çağlı
Address : Bankacı Sok. 15/3 Kocatepe/ANKARA

Justice Party of Turkey: (TAP Türkiye Adalet Partisi)

Founded on : April 12, 1995
Chairman : Mehmet Yorgancıoğlu
Address : Cinnah Cad. Ahenk Sok. 10/8 ANKARA

Equality Party: (EP Eşitlik Partisi)

Founded on : May 25, 2001
Chairman : Bektaş Çelebi

Address : Selanik Cad. No:6/21 K.3 KIZILAY ANKARA

Union of Hearts Greens Party: (Gönül Birliği Yeşiller Partisi)

Founded on : November 03, 2000
Chairman : Eşref Yazıcıoğlu
Address : Strasbourg Cad. No:26/15 Sıhhiye/ ANKARA

Our Legacy Party: (Varlığımız Partisi)

Founded on : May 11, 2001
Chairman : Köksal Satır
Address : Demetevler İvedik Cad. No: B 99/P.9 ANKARA

Radical Change Project Party: (RADEP- Radikal Değişim Projesi Partisi)

Founded on : May 16, 2001
Chairman : Alişan Ağca
Address : Güniz Sok. No:12/3 KAVAKLIDERE ANKARA

National Autonomy Party: (Ulusal Muhtariyet Partisi)

Founded on : August 13, 2001
Chairman : Fehmi Öztürk
Address : İzmir Cad. Sümer 1 Sok. No : 12/6 Kızılay / ANKARA
Phone : (312) 229 97 06 231 72 30

Leader Turkey Party: (Lider Türkiye Partisi)

Founded on : September 03, 2001
Chairman : Mustafa ÖZMAN
Address : Harf Devrimi Cad. Özügüzel Kent Sitesi No:4/8 Eryaman / ANKARA

Independent Turkey Party: (Bağımsız Türkiye Partisi BTP)

Founded : September 25, 2001
Chairman : Prof. Dr. Haydar BAŞ
Address : K.Esat Cad. No: 123 Çankaya/ANKARA
Phone : (0312) 4482424 (5 lines)
Web site: <http://www.btp.org.tr/>

Socialist Democratic Party: (TDP - Toplumcu Demokrat Parti)

Founded on : 29 January 2002
Chairman : Sema PIŞKINSÜT
Address : Yıldız 4. Cad. 19. Sok. No:10 Çankaya/ANKARA
Web site: <http://www.toplumcudemokrasipartisi.com/>

Solution Party: (ÇP - Çözüm Partisi)

Founded on : December 25, 2001
Chairman : Nazım KOCAMAN
Address : Saklambaç sk. No : 66/16 Keçiören / ANKARA
Web site: <http://www.cozumpartisi.org/>

Social Democratic People's Party: (SHP - Sosyal Demokrat Halkçı Parti)

Founded on : May 24, 2002
Chairman : Murat KARAYALÇIN

Web site: <http://www.shp.org.tr/>

Social Democrat Party: (SDP – Sosyal Demokrat Parti)

Founded on : November 29, 2001
 Chairman : Nihat DEMİR
 Address : Kuleli Sk. No : 33 / 4 GOP / ANKARA

Republican Democracy Party: (Cumhuriyetçi Demokrasi Partisi)

Founded on : July 19, 2002
 Chairman : Erdoğan Bakkalbaşı
 Address : Ergün Sok. No : 2 Maltepe / ANKARA
 Phone : (0312) 232 63 00
 Web site: <http://www.ctp.org.tr/>

Rights and Freedoms Party: (Hak ve Özgürlükler Partisi)

Founded on : February 11, 2002
 Chairman : Abdülmelik FIRAT
 Address : Menekşe 2. Sk. 33 / 7 Kızılay - ANKARA
 Phone : (0312) 418 16 38
<http://www.hakpar.org.tr/>

Homeland Party: (Yurt Partisi)

Founded on : March 14, 2002
 Chairman : Sadettin TANTAN
 Address : Öveçler Mah. 8. Cad. No: 25 Dikmen - ANKARA
 Phone : (0312) 4785700
 Web site: <http://www.yurtpartisi.org.tr/>

Eurasia Party: (Avrasya Partisi)

Founded on : May 9, 2002
 Chairman : H.Hüsnü DOĞAN
 Address : Çetin Emeç Bulvarı No : 57 Öveçler - ANKARA

Independent Republic Party: (Bağımsız Cumhuriyet Partisi)

Founded on : July 24, 2002
 Chairman : Prof. Mümtaz SOYSAL
 Web site: <http://www.bcp.org.tr/>

Republican Democrat Turkey Party: (Cumhuriyetçi Demokrat Türkiye Partisi)

Founded on : September 3, 2003
 Chairman : Serap Gülhan

New Faces Party: (Yeni Yüzler Partisi)

Founded on : August 2, 2002
 Chairman : Münci İnci
 Web site: <http://www.yeniyuzler.org/>

Turkey Party: (Türkiye Partisi)

Founded on : February 23, 2004
 Chairman : Tekin Enerem,

Katılımcı Demokrasi Partisi: (Participatory Democracy Party KADEP)

Founded on : December 20, 2006
 Chairman : Şerafettin ELÇİ
 Web site: <http://www.kadep.org.tr/>

Now BANNED

Fazilet Partisi (FP) (Virtue Party)

Founded 1997, banned June 2001. Fazilet replaced Refah Partisi (Welfare Party), which was dissolved by the Constitutional Court. Islamic fundamentalist. Interest in free market economy. Leader Recai Kutan. [1c]

Halkin Demokrasi Partisi (HADEP) (People's Democracy Party)

Founded 1994. Pro-Kurdish nationalist party. Chairman Murat Bozlak. [1a] On 20 September 2002 Mr Bozlak was barred from running in the November 2002 general election because of his conviction in the past for sedition. [66b] In March 2003 HADEP was banned by the Constitutional Court on the grounds that it aided and abetted the PKK. [63c]

Democratic Society Party (DTP):

On 11 December 2009 the Constitutional Court closed the DTP party for its association with the PKK terrorist organization and imposed a 5-year ban from politics on 37 of its members. The remaining elected officials reunited under the Peace and Democracy Party (BDP). [5j]

MAIN LEFTIST AND / OR ILLEGAL POLITICAL ORGANISATIONS

IMPORTANT. This section consists of the names of both legal and illegal organisations. Those organisations which are known to be illegal have this fact recorded in their entry below. It is not possible to have a fully comprehensive list of illegal parties, because of their constantly changing and clandestine nature.

Information on the current situation regarding leftist Parties in Turkey can be found on www.broadleft.org/tr.htm [52a] and <http://www.electionguide.org/country.php?ID=218> [108]

For general information on terrorist organisations in Turkey:

<http://www.tkb.org/GroupRegionModule.jsp?countryid=TU&pagemode=group®ionid=1> [63a]

List of proscribed terrorist groups outlawed in the UK. [101]

<http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/proscribed-groups>

The Turkish State sees three main threats: militant Kurdish nationalism/separatism; militant Marxist-Leninist groups; and armed radical Islamic movements. [2a]

Brief glossary

cephe = front

devrimci = revolutionary

emek = labour

halk = people

hareket = movement
 işçi = worker
 köylü = peasant, villager
 kurtuluş= liberation
 örgüt = organisation, association
 özgür = free
 özgürlük = freedom, liberty

Aczi-Mendi Group radical Islamic group.

Founded by Müslüm Gündüz in Elaziğ in 1985. The meaning of Aczi-Mendi is the “Sect of the Helpless Servants of Allah”. All group’s members dress in the same style, with black robes, turbans, and baggy trousers, and they carry sceptres. They hold their meetings in Elaziğ and in dervish lodges, which they have established in different cities. Dervish convents in Elaziğ, Gaziantep and Izmir have been closed by court order. [65]

Akabe radical Islamic group.

Author Mustafa Islamoğlu leads it. The legal branch of the group is AKEV (Akabe Education and Culture Association). [65]

ARGK see **PKK**.

BCH (Independent Republic Movement) (Bağımsız Cumhuriyet Hareketi). [52b]

BDGP (United Revolutionary Forces Platform)
 (Birleşik Devrimci Güçler Platformu) (Turkish)
 (Platforma Hezen Soresgeren Yekgirti) (Kurdish)
 Founded 1998. Radical left. [52b]

BP/KK-T (Bolshevik Party/North Kurdistan - Turkey) (Bolşevik Partisi/Küzey Kürdistan - Türkiye)
 Illegal. Formed 1981 as TKP/ML (Bolsevik). Ex-Maoist, Stalinist. Publications - “Bolsevik Partizan”, “Roja Bolsevik”. [52b]

Ceyshullah (Army of Allah).

Founded in Istanbul in 1995. Its aim is to bring about a theocratic regime in Turkey by “holy war”. Between 1994 and 1999 the Turkish police conducted six operations against Ceyshullah, and apprehended 33 members, as well as guns, pistols, bombs and other munitions. The members stated that they had been trained in Saudi Arabia and Afghanistan. [65]

Dev Sol See **DHKP-C**

Dev Yol (Revolutionary Path) (Devrimci Yol). See **THKP/C**

Founded 1975. Radical left. Part of ÖDP (see Annex B). Publications – “Bir Adım” (One Step), “Hareket” (Movement), “Devrimci Hareket” (Revolutionary Movement). [48]
 [18c]

Devrim Partisi-Kawa see **PS-Kawa**

Devrimci Gençlik see **DHKP-C**

Devrimci Halk Hareketi (Revolutionary People's Movement).

Split of TKIP in 1999. Radical left. Publication - "Devrimci Halk" (Revolutionary People). [52a]

Devrimci Hareket (Revolutionary Movement). [52b]

Devrimci İşçi Partisi - Insa Örgütü (Revolutionary Workers Party - Build up Organisation).

Trotskyist. Publication - "Enternasyonal Bülten". [52a]

Devrimci Mücadele (Revolutionary Struggle).

Founded 1977 as Devrimci Derleş. Radical left. Publication - "Devrimci Mücadele". [52a]

Devrimci Sosyalist Yön (Revolutionary Socialist Direction) [52b]

DHKP-C / DHKP/C now known as the DHKC (Revolutionary People's Liberation Party - Front) (Devrimci Halk Kurtulus Partisi - Cephesi)

<http://www.dhkc.net> [54]

Illegal. Radical left. It was formed in 1993 as a splinter faction of **Dev Sol** (Devrimci-Sol, Revolutionary Left), which was founded in 1978 and which went out of existence following the split. The other splinter faction, known as THKP/C Devrimci Sol, is on hostile terms with DHKP/C, but constitutes a far smaller group in scale and significance. Although DHKP/C has long had a difficult relationship with the PKK, it has repeatedly expressed its solidarity with the Kurdish armed struggle.

DHKP/C seeks to overthrow the existing Turkish system of government by armed revolution and to replace it with a Marxist-Leninist state. Its terrorist operations are aimed in particular at the Turkish security forces and public figures, as well as at bodies seen by the group as "symbols of imperialism". An attack on a bank in Istanbul in September 1999 left 23 people injured. The authorities struck a major blow at DHKP/C in 1999, arresting 160 members and seizing a large quantity of arms and explosives. In August 2000 the police caught seven DHKP/C members trying to plant a bomb at an airforce base. DHKP/C was in action again in 2001 with various operations, including an attack on a police car on 10 April, in which a passer-by was killed and two police officers injured. The US State Dept. report for 2001 records that DHKP-C suicide bombers attacked police stations in Istanbul in January and September 2001, killing several police officers and civilians.

Many of those involved in the hunger strikes in Turkish prisons in late 2000 and early 2001 came from among DHKP/C's ranks. The group drummed up large-scale support throughout Europe for protests in connection with those events. In Turkey itself the protests included a bomb attack on a police station in Istanbul on 3 January 2001, following which the organisation announced that this was in retaliation for the deaths of 30 prisoners in a prison clearance operation. Turkey's Anatolia news agency reported that, according to a circular distributed to police stations in Istanbul, the organisation had planned further attacks. [2a] Ankara State Security Court prosecutor Talat Salk alleged in a 1999 court case that DHKP/C conducts its activities under the names of HÖP (Haklar ve Özgürlükler Platformu) (Rights and Freedoms Platform), the outlawed Devrimci Gençlik (Revolutionary Youth), and TODEF (Türkiye Öğrenci Dernekleri Federasyonu) (Federation of Turkish Students and Youth Associations). [23a] Publications -

“Yaşadığımız Vatan”, “Devrimci Sol”, “Kurtuluş” (Liberation). [52a] In UK the DHKP-C is part of the List of Proscribed international groups under the Terrorism Act 2000 (Proscribed Organisations). [101]

DHP (Revolutionary People’s Party) (Devrimci Halk Partisi)
Founded 1994. Close to the PKK. Publication - “Alternatif” (Alternative). [52a]

Direnış Hareketi (Resistance Movement)
Founded 1978 as THKP/C - Üçüncü Yol. Radical left. Publication - “Odak”. [52a]

Dördüncü Sol - Insa Örgütü (Fourth Left - Construction Organisation)
Trotskyist. Publication - “Son Kavga” (Last Fight). [52a]

DPG (Revolutionary Party Forces) (Devrimci Parti Güçleri)
Radical left. Illegal. [52a]

DSİH (Revolutionary Socialist Workers Movement) (Devrimci Sosyalist İşçi Hareketi)
Illegal. Radical left. Publication - “Kaldıraç” (Lever); İşçi Gazetesi [52a] [52a]

DSİP (Revolutionary Socialist Workers Party) (Devrimci Sosyalist İşçi Partisi).
Founded 1997. Legal. Trotskyist. Publication - “Sosyalist İşçi” (Socialist Worker); Enternasyonal Sosyalizm. [52a]

ERNK see **PKK**

ESP (Socialist Platform of the Oppressed) (Ezilenlerin Sosyalist Platformu). Founded in 2002. [52a] In December 2004, the group’s publication Atilim reported that 46 of its members were arrested as members of the illegal MLKP and that a court claimed that ESP which is a legitimate organisation was in fact the legal branch of the MLKP.

Gerçek (Truth)
Publication – Gerçek. [52b] [52a]

Hareket (Movement) [52b]

HDÖ (People’s Revolutionary Leaders) (Halkın Devrimci Öncüleri)
Illegal. [48] [18c]

Hevgirtin Welatparez (Patriotic Union) [52a]

Hizb-I Kuran see **Med-Zehra**

Hizbullah / Ilim Gruhu and Hizbullah / Menzil Grubu

“Both are illegal. Hizbullah/Hezbollah is a very shadowy Islamist group which originated in the 1980s in southeast Turkey. It advocates the establishment of an Islamic state by violent means. When a major Hizbullah leader was killed by PKK fighters in 1991, a difference of opinion emerged within the organisation as to whether the time was yet right to wreak revenge on the PKK, and also to take up arms in pursuit of its own objective. One faction, centring on the Menzil publishing house (and known as the Menzil group), took the view that the organisation was not yet sufficiently well-developed to pitch into armed struggle. The other, centred on the Ilim publishing house and known

as the Ilim group, thought the time was ripe for armed revenge on the PKK. Its idea was as far as possible to let the Turkish State do the dirty work for it in combating the PKK. The Ilim group bore particular responsibility for the atrocities committed by Hizbullah. The group had an ideological aversion to Iran, which adhered to Shia Islam; the Ilim group was striving for a Sunni Islam state. When the Ilim group managed to kill some of the Menzil group's main leaders in 1996, the Menzil group disintegrated and faded away. Some former Menzil members then joined the Ilim group, and, from 1996, Hizbullah became synonymous with the violent Ilim faction. Rumours were rife that Hizbullah was at least tolerated by the security forces because it was fighting against a common enemy, and it has been held responsible for a large number of disappearances and killings. Its victims included a former DEP member of parliament, Mehmet Sincar, and an Islamic feminist writer, Konca Kuris. President Demirel denied allegations that there were links between Hizbullah and Turkish officialdom, while the general staff of the armed forces issued an angry statement condemning such allegations as slander.

From 1997 onwards the Turkish authorities began to take tougher action against Hizbullah, with a reported 130 supporters arrested in 1998, 250 in 1999 and 3300 in 2000. In a raid on a home in the Üsküdar area of Istanbul on 17 January 2000 Hüseyin Velioglu, Hizbullah's founder and leader, was killed, and two other people arrested. On the basis of evidence found in the home, many other premises were searched, revealing the bodies of thirteen missing businessmen. With many more corpses being uncovered in the following months, the public prosecutor was able to press charges against 21 people on 156 counts of murder in the major Hizbullah trial which opened on 10 July 2000. During an interrogation, a Hizbullah suspect reportedly confessed to killing moderate Islamic scholar Konca Kuris in the early 1990s. In November 2002 an appeals court acquitted five defendants and sentenced the others to prison terms ranging from life to 45 months. The security forces' many operations against Hizbullah have inflicted heavy setbacks on it, and the number of bombings carried out by the group has fallen from 302 in the first eight months of 1999 to 94 in the corresponding period of 2000. However, the provincial governor of Diyarbakir stated in October 2000 that, in spite of those serious setbacks, Hizbullah could certainly not yet be considered to have been eliminated. There are said to be many teachers and religious officials involved in the organisation. As of February 2000, Hizbullah was said to have had in Turkey some 20,000 members, who were organised in tight cells and knew a few of their fellow members because they were sworn to strict secrecy. They were said to operate in teams of two or three people, who "would stalk their victim before one member of the group carried out the execution by shooting the target in the neck with a single bullet, while the other kept a watch. A third militant may have assumed the duty of protecting the executioner." Up to the time of the security forces' major action in January 2000, there were no known instances of Hizbullah's having targeted the authorities in its operations. Since then, however, armed incidents have taken place. On 11 October 2000 in Diyarbakir a policeman was killed in a gunfight with Hizbullah, which has also been linked with the shooting dead of the province's chief of police, Gaffar Okkan, and five of his officers in January 2001. In April 2001 a Hizbullah member was arrested on suspicion of involvement in that attack. The USSD 2004 reported that the Government continued to detain persons, particularly in the southeastern province of Batman, on suspicion of links to Hizballahan that 1,500 political prisoners were alleged members of Hizballah or other radical Islamist political organizations. On 5 February 2005 Turkish Daily News reported that, acting upon intelligence that the group was trying to regroup the security forces had arrested 22 suspected Hizbullah militants in 18 provinces."

[2a] [5a] [23r] [32b] [48] [65]

Hizbullah Vahdet

Radical Islamic group, which centred on the Vahdet publisher in the 1980s. The group's leader is Abdulvahap Ekinçi. The group's legal foundations are Davet Education and Culture Association and Abdulkadir Geylani Trust. The group publishes a periodical called "Vahdet". [65]

HÖP See DHKP-C

IBDA-C (Islamic Great East Raiders - Front) (İslami Büyük Doğu Akincılar Cephesi) Illegal Iranian-backed fundamentalist group which seeks the establishment of an Islamic republic based on strict Shariah or religious law. It attacks the PKK as well as the Turkish establishment.

IBDA-C is reportedly organised in small, isolated cells. Members organise independently without any hierarchical authority. Usually each cell does not have information about another cell's actions. There are two different types of cell. One type carries out propagandist actions, publishing books and periodicals, and organising meetings, conferences or exhibitions. The other type includes such cells as "Ultra Force", "Altınordu", "Lazistan", and "Union of Revolutionist Sufis". IBDA-C is active in publication, and has many bookstores, websites and print-houses. Meetings are held in bookstores. Some of its periodicals are "Ak-Doguş", "Ak-Zuhur", "Akin Yolu", "Taraf", and "Tahkim". IBDA-C has been linked with a number of terrorist attacks, especially in the early 1990s. It frequently makes use of explosives and Molotov cocktails in its attacks, and has often targeted banks, casinos, Christian churches and Atatürk monuments. IBDA/C has been linked with the fatal bomb attack in October 1999 on a secular professor, Ahmet Taner Kışlalı, who was best known as a journalist for the Cumhuriyet newspaper. In December 1999 and February 2000 IBDA/C members sparked off bloody clashes in Metris prison when they attempted, by armed force, to prevent guards from entering their cell. In the December riot, 54 soldiers were injured and 100 hostages taken by IBDA/C, which also laid claim to the fatal attack on two police officers in Istanbul on 1 April 2001. Proceedings were brought against IBDA/C's leader, Salih İzzet Erdiş, known by the nom de guerre Salih Mirzabeyoğlu, before Istanbul State Security Court in February 2000, seeking to have the death penalty imposed on him for leadership of an illegal organisation working for the establishment of an Islamic state. On 3 April 2001 he was sentenced to death by that court. [2a] [48] [34] [65]

İHÖ (Islamic Movement Organisation) (İslami Hareket Örgütü) Illegal. [48]

İlerici Gençlik (Progressive Youth) [52b]

İMO (Islamic Movement Organisation)

Its goal was to found an Islamic State in Turkey. Members were trained in Iran. Usually high level militants were sent abroad for training in guerrilla tactics, using weapons, and producing bombs. İrfan Çağrı, the director of the operations team, was caught by police in Istanbul in 1996. After the command and control of İMO had been weakened, İMO collapsed, and today most of its members are in prison. [65]

İşçi Demokrasisi (Workers Democracy)

Founded 1998; split of DSİP. Trotskyist. Publication - "İşçi Demokrasisi". [52a]

Jerusalem Fighters See **Kudüs Savaşçıları**

KADEK See **PKK**

Kaplancılar / Sözde Hilafet Devleti.

Illegal. [48]

KDB (Communist Revolutionary Union) (Komünist Devrimci Birlik)

Illegal. [48]

KDH (Communist Revolutionary Movement) (Komünist Devrim Hareketi) Publications - "Maya" (Ferment), "Parti Yolunda" Illegal. [48] [52a]

KDH / L (Communist Revolutionary Movement/Leninist) (Komünist Devrim Hareketi/Leninist)

Illegal. Publication – "Köz". [52b] [52a] [48]

KHK See **PKK**

Kongra-Gel See **PKK**

KKP (Kurdistan Communist Party) (Kürdistan Komünist Partisi)

Illegal. [48]

Kongreya Azadî û Demokrasiya (Kurdistan Freedom and democracy Congress) [52b]

KP(IÖ) (Communist Party (Build Up Organisation)) (Komünist Partisi (İnşa Örgütü))

Illegal. Ex-Maoist, Stalinist. Split of MLKP in 1995. Publication - "Halkın Birliği". [52a] [48]

KSB (Communist Fighters Union) (Komünist Savaşçılar Birliği)

Publication – "İşçi Davası". [52a]

Kudüs Savaşçıları (Jerusalem Fighters)

Islamic splinter group, said to have links with Iran. Police operations in May 2000 brought the arrest of some members and the discovery of various arms caches. [2a]

KUK (Kurdistan National Liberationists) (Kurdistan Ulusal Kurtuluscuları)

Marxist-Leninist. Established 1978. Its initial aim is to establish an independent Kurdistan in east and southeast Turkey, and then to unite this republic with territories in which Kurds live in Iran, Iraq and Syria. KUK-MK leaders are Dasraf Bilek (General Secretary), Sait Özsoy, Vasfi Özdemir, Mahfuz Yetmen, Şevket Kaçmaz, Lütfi Baksı. KUK-SE leaders are K. Başibüyük, Yalçın Büyük (Gen. Sec.), Abdurrahman Bayram, Abdurrahman Esmer, Yasemin Çubuk, Zeynel Abidin Özalp, and Yusuf Ahmet Bartan. [65]

M-18 See **MLKP**

Malatyalılar (From Malatya / Malatyaites)

This radical splinter group, also known as Şafak-Değişim, advocates establishment of an Islamic state. The group first attracted attention at demonstrations against the ban on

wearing the veil, in 1997 and 1998, and related disturbances in Malatya. Apart from Malatya, the organisation is reported also to be active in Istanbul, Gaziantep, Erzurum and Kayseri. In October 2000 the security forces carried out a large-scale operation against the group, arresting some 250 people in 28 provinces. Although there have (as of May 2001) been no known Malatyalilar acts of violence, a large number of arms were found in that swoop by the security forces. [2a] The group's leader is Zekeriya Şengöz. The group's leading members come from the city of Malatya in southeast Turkey. The group publishes "Değişim" (Metamorphosis) periodical. In addition, it has founded a legal trust named "Islamic Solidarity Trust", which is active in Istanbul. The group calls itself "Şafak" (Down Group), and in university circles they use the signature of "Muslim Youth". [65]

Marksist Tutum (Marxist Attitude). [52b]

Mezhepsizler Grubu illegal. [48]

Med-Zehra, also called **Hizb-i Kuran** (The Party of Q'uran)

"Med-Zehra is a 'radical' Islamist group ... 'nicknamed ... after the university, Medresetu'z-Zehra, that Said Nursi had wished to establish in Kurdistan'... Said Nursi, who died in 1969, is the 'originator of the Nurcu movement in modern Turkey'... The Nurcu movement has been identified as being 'probably ... the most important' religious movement in Turkish Kurdistan (Islamic Area Studies Project 1999), while the Med-Zehra has been described as "the most radical" of the groups that split from the Nurcu movement (ibid.). [7c]

MIB (Marxist Workers League). (Marksist İşçi Birliği)
Trotskyist. [52a]

MLKP (Marxist Leninist Communist Party) (Marksist Leninist Komünist Partisi)
Illegal. Founded in September 1994; merger of TKP/ML - Hareketi, TKİH, TKP/ML(YİÖ). Stalinist. It seeks the armed overthrow of Turkey's present political system. It also sees itself as representing the Kurdish community, and wants to throw off the "fascist colonial yoke" by means of armed struggle, having its own armed wing, known as M-18. In May 1998 MLKP abducted Tacettin Asci, treasurer of the Bursa branch of the Turkish Human Rights Association, and Ahmet Aydın, and on 7 June 1998 it issued a statement saying that the two had been "executed" as police informers. Amnesty International said that it was appalled to learn of the killings, and added that the fact that the bodies had not been recovered suggested that the victims may have been interrogated under torture by their captors. Amnesty urged that the bodies be surrendered, and also that those responsible for the murders be brought to justice. Publications - "Partinin Sesi", "Atılım" (Progress); Teori'de; Dogrultu. [2a] [52a] See also [ESP](#)

MLSPB (Marxist-Leninist Armed Propaganda Unit) (Marksist Leninist Silahlı Propaganda Birliği)
Illegal. Founded 1975 as split from THKP/C; political military. Radical left. Publication - "Barikat" (Barricade). [48]

Müslüman Gençlik Grubu (Muslim Youth Group)
Illegal. [48]

PADEK (Freedom and Democracy Party of Kurdistan)

(Partiya Azadî û Demokrasî ya Kurdistanê) (Kurdish)
 (Kürdistan Özgürlük ve Demokrasi Partisi) (Turkish)
 Founded 2000 by faction of PYSK (Kurdistan Sosyalist Birlik Partisi). Left, Kurdish nationalist. Illegal. [52b] [52a]

PDK (Kürdistan Demokrat Partisi)
 Illegal. [48]

PDK / Bakur (Democratic Party of Kurdistan/North)
 (Partî Demokratî Kurdistan/Bakur) (Kurdish)
 (Kürdistan Demokrat Partisi/Küzey) (Turkish)
 Illegal. Founded 1992 as PDK/Hevgirtin. Left, Kurdish nationalist. It aims to unite Kurds living in Iran, Iraq, Syria and Turkey under the flag of an independent Socialist Kurdistan Republic. Publication - "Dênge Bakur". [52a] [48] [65]

PDK(T) (Democratic Party of Kurdistan (Turkey)
 (Kürdistan Demokrat Partisi (Türkiye) (Turkish)
 (Partîya Demokrat a Kurdistan (Türkiyê) (Kurdish)
 Left, Kurdish nationalist. Illegal, founded 1965. Publication - "Xebat". [52a]

PIK (Islamic Kurdistan Party) (Partiya Islamiya Kurdistan)
 Founded 1979. PIK's main aim is to establish an Islamic state, and its members see this as a holy mission. Its strategy is allegedly to create chaos in Turkey, to destabilise government institutions, to start a nationwide revolt, and to establish an Islamic Kurdistan. It is active in eastern and southeastern Turkey, especially in Malatya. It has branches in Ankara and Istanbul. Leaders of the party include Prof. Dr. Muhammad Salih Mustafa (Party President and General Emir/Governor), Osman Caner (Emir of Students and Youth) and Sukuti Evcim (Director of Youth. [65]

PKK also known as **KADEK** and more recently **KHK or Kongra-Gel** (Kurdistan Workers' Party)
<http://www.kongra-gel.org/index.php?newlang=english>
 (Partîya Karkerên Kurdistan) (Kurdish)
 (Kürdistan İşçi Partisi) (Turkish)
www.pkk.org and www.kurdstruggle.org/pkk
 Illegal. Founded on 27 November 1978. It advocates armed struggle both at home and abroad, to achieve an independent Kurdish state slicing through Turkey, Syria, Iraq and Iran, and launched the struggle in 1984. 57-member directorate. Its components include ERNK (the National Liberation Front of Kurdistan), the PKK's "popular front and propaganda division", and ARGK (the Kurdistan National Liberation Army), the PKK's "popular army". Leadership: Abdullah "Apo" Öcalan. The PKK's armed operations in south-eastern Turkey, starting in 1984 and peaking from 1990 to 1994, involved attacks on civilians (in many cases Kurdish) and military targets, causing very many deaths. The PKK was guilty of human rights violations, including murders, especially in rural parts of the south-east, but also in other areas. The victims were mainly Jandarma officers, mayors, teachers, imams, village guards and their families, reluctant recruits, young villagers, refusing to fight for the PKK, and (former) PKK members acting as informants for the Turkish authorities. From the outset, the Turkish army took tough action against the PKK. The PKK attempted to make the south-east ungovernable, by systematically destroying economic and social infrastructure etc., and by deliberately polarising the local population. Many village schools were closed down, not least as a result of the

PKK's policy, up until 1996, of killing schoolteachers. According to information from the Turkish authorities, a total of just over 23,000 PKK fighters and around 5000 members of the armed forces and security forces have been killed since 1987 in the conflict with the PKK. Just over 4400 civilians are reported to have been killed. The injured number just over 11,000 armed forces and security forces members, and around 5400 civilians. No figures are given for injured PKK fighters. On 3 August 1999 Abdullah Öcalan called on PKK fighters to end their armed struggle and withdraw by 1 September to beyond Turkey's borders. On 1 September his brother Osman, a member of PKK's command council, announced that the PKK would do this with immediate effect. The extent to which Öcalan's call has been followed by PKK fighters can be seen from figures from the Turkish army high command in May 2000, showing only 500 out of 5500 PKK fighters still to be in Turkey. In the first five months of 2000, the number of clashes between the army and guerrillas had fallen to 18, as against 3300 at its peak in 1994 and 48 in 1999. There were few armed clashes in 2001, and a near absence of PKK violence in 2002. In April 2002 the PKK announced that it had ceased activities and had regrouped as KADEK, the Kurdistan Freedom and Democracy Congress (Kürdistan Özgürlük ve Demokrasi Kongresi). The change of name did not affect the policy of the Turkish State towards members of the PKK/KADEK. Publication - "Serxwebûn" (written in Turkish). [1a] [2a] [5a] [18c] [63a] [67] [52a] [48] In the UK PKK is part of the List of Proscribed international groups under the Terrorism Act 2000 (Proscribed Organisations). [101]

On the 29 May 2004 the BBC reported that Kongra-Gel declared that its five-year unilateral cease-fire would end in three days time (on the 1 June 2004) and that it would start to target Turkish security forces. [66w] In January 2005 the Turkish Daily News reported that, according to a report released by the Diyarbakir Human Rights Associations, the number of armed conflict between security forces and the Kurdistan's Workers Party (PKK/Kongra-Gel) increased. While 104 people died and 31 were wounded in armed clashes in 2003, 219 people died and 126 were wounded in 2004. [23e] On 8 October 2005, the Turkish Daily News reported that the PKK had said it ended a unilateral ceasefire against Turkey. [23ac]

PKK-DCS (PKK – Devrimci Çizgi Savaşçıları) (PKK-Serwanên Xeta Soresgerî) (PKK – Revolutionary Line Fighters). Radical leftist, Kurdish-nationalist, illegal, split from PKK 1999. Publication: Devrimci Çizgi. [52b] [52a]

PKK / KKP (Communist Party of Kurdistan)

(Partiya Komunistê Kurdistan) (Kurdish)

(Kürdistan Komünist Partisi) (Turkish)

Founded 1990 by Kurdish section of TKEP. Communist. Publication – "Dengê Kurdistan". [52a]

PKK Vejin (Resurgence)

As noted in the website Terror Organisation in Turkey:

"After the Fourth [KADEK] Congress, three opposing members Sari Baran, Mehmet Sener and Faik (K) have formed another organisation called Vejin (Resurgence). This organisation was in the same direction with KADEK but it was giving its members more social rights, [such] as marriage and the right to resign from the organisation in [sic] every time the member wished. The leaders of Vejin have stated that their objective is to establish a Federal Kurdistan in the Turkish territories. Mehmet Sener was killed in Syria

with A. Ocalan's command. After Mehmet Sener's death, Vejin and KADEK began to fight against each other." [65]

PNBK (National Platform of North Kurdistan)
(Platforma Neteweyî ya Bakûrê Kurdistanê) (Kurdish)
(Kuzey Kurdistan Ulusal Platformu) (Turkish)
Founded 1999. Left, Kurdish nationalist. Illegal. [52a]

PRK / Rizgari (Liberation Party of Kurdistan)
Partîya Rizgariya Kurdistan (Kurdish)
Kürdistan Kurtulus Partisi (Turkish)
Illegal. Founded 1976. Radical left, Kurdish nationalist. The party's aim is to establish an independent Kurdistan, and extend this to an independent United Socialist Kurdistan with territory which is at present part of Iran, Iraq, Syria and Turkey. Publications - "Rizgari", "Stêrka Rizgari". [52a] [48]

PRNK (National Liberation Party of Kurdistan) (Kürdistan Ulusal Özgürlük Partisi)
Illegal. Probably disbanded. [48]

PS-Kawa (Revolutionary Party) (Partîya Sores)
Illegal. Founded 1998 as split of PYSK (Kurdistan Sosyalist Birlik Partisi). [48] [52a]

PSK (Socialist Party of Kurdistan)
(Partîya Sosyalist a Kurdistan) (Kurdish)
Kürdistan Sosyalist Partisi (Turkish)
Illegal. Founded 1974. Left, Kurdish nationalist. Its legal wing is the DBP (see Annex B). Publications - "Roja Nû", "psk-bulten". Leader Kemel Burkay. [48]

PSK (Kurdistan Revolutionary Party)
(Devrimci Kürdistan Partisi) (Turkish)
(Partîya Soreşa Kürdistan) (Kurdish)
Illegal. [48]

Revolutionary Marxist League
Trotskyist. [52a]

RNK / KUK (Kürdistan Ulusal Kurtuluşçular)
Illegal. [48]

RSDK (Socialist Democratic Organisation of Kurdistan)
(Rêxistina Sosyalîst a Demokratîk a Kurdistanê) (Kurdish)
(Kürdistan Demokratik ve Sosyalist Örgütü) (Turkish)
Split of PYSK (Kurdistan Sosyalist Birlik Partisi). [52a]

Şafak-Değişim see **Malatyalılar**

SED (Social Ecological Transformation) (Sosial Ekolijist Dönüşüm)
Green. Publication – Kara Toprak. [52a]

SEH (Socialist Labour Movement) (Sosyalist Emek Hareketi)
Publication – "Siyasi Gazete" (Political Gazette). [52b] [52a]

Selam Grubu.

Illegal. [48]

Selefi (from the Arabic “Salafi”, referring to an Islamic revivalist movement which seeks to emulate the lives of the earliest Muslims).

The organisation, which was established in 1993 by an imam, supports religious law. In raids in 1999, the Turkish authorities seized eight rocket rifles, one Kalashnikov, and 650 rounds of ammunition. The Turkish State considers the organisation to be terrorist. [20] [30d]

SIP see **Sosyalist İktidar Partisi - Komünist Parti**

Sosyalist Alternatif (Socialist Alternative).

Part of ÖDP (see Annex B). Trotskyist. Publication - “Sosyalist Alternatif”. [52a]

Sosyalist İktidar Partisi - Komünist Parti (Party for Socialist Power – Communist Party)

Founded 1993, Communist, legal, gained 0.12% of the national vote in the April 1999 general election. Changed its name in November 2001 to TKP (Türkiye Komünist Partisi) (Turkish Communist Party); it is unclear whether this is different from, or identical to, the TKP which is listed later in this annex. Gained 0.19% of the national vote in the November 2002 general election. Publications – “Sosyalist İktidar” (Socialist Power), “Sol” (Left). [30a] [52a]

Sosyalist Politika (Socialist Politics)

Part of ÖDP (see Annex B). Publication - “Sosyalist Politika”. [52a]

Spartaküs

Illegal. [48]

TAYAD (the Solidarity Association of Prisoners’ Families) (Tutuklu ve Hükümlü Aileleri Yardimlasma Dernegi)

In January 2001 the headquarters and various branches in Istanbul of the TAYAD were closed after it had held weekly demonstrations over a period of months against the introduction of the new cell system in prisons. Various executive members were arrested. The authorities regard TAYAD as a cover for the revolutionary DHKP/C. The organisation was consequently proscribed for a few years in the early 1990s. [2a]

TAK (Kurdish Liberation Hawks/Falcons) a radical Kurdish group said to have carried out various actions including the bombing in Cesme and Kusadasi in July 2005, two bomb explosions in Istanbul in February 2006, an explosion at the Mezitli offices of AKP in the same month, a bomb attack targeting a police building in Izmir in March 2006. The Tak is considered an offshoot of the Kurdistan Workers’ Party (PKK) and a cover group for PKK although the PKK denies any links. [23c] [66az] [66bj] [66bk]

TDKP (Revolutionary Communist Party of Turkey) (Türkiye Devrimci Komünist Partisi).

Illegal. Founded 1980. Ex-Maoist, Stalinist. Its legal wing is Emep (Labourers Party) (see Annex B). Publication - “Devrimin Sesi”. [47] [52a]

TDP (Revolution Party of Turkey) (Türkiye Devrim Partisi)

Illegal. Founded 1978, formerly TKP (Birlik). Radical left. Publication - "Hedef" (Target). [52a] [48] [52a]

Tehvid-Selam

Islamic splinter group said to have links with Iran. The group adopts Hizballahi ideas, and is closely related to the Hizbullah and Menzil groups. It began to publish "Şehadet" (Testimony) and "Tehvid" (Unification) periodicals, and nowadays publishes "Selam" (Greeting, Salute), a weekly newspaper. Police operations in May 2000 brought the arrest of some members and the discovery of various arms caches. [2a]

THKP / C Acilciler (Turkish Peoples' Liberation Party and Front – The Urgent Ones) (Türkiye Halk Kurtuluş Partisi/Cephesi Acilciler)
Illegal. Probably disbanded. [52a] [48]

THKP / C-Dev Sol (People's Liberation Party/Front of Turkey - Revolutionary Left) (Türkiye Halk Kurtuluş Partisi/Cephesi - Devrimci Sol)
Illegal. Founded 1993 as split of Dev Sol. Political military. Radical left. Publication - "Devrimci Çözüm" (Revolutionary Solution). [52a] [48] [52b]

THKP / C-Dev Yol.
Illegal. [48]

THKP-C / HDÖ (People's Liberation Party/Front of Turkey - People's Revolutionary Vanguards) (Türkiye Halk Kurtuluş Partisi ve Cephesi - Halkın Devrimci Öncüleri)
Founded 1977. Political military. Radical left. Publications - "Cephe" (Front, Façade), "Kurtuluş" (Liberation), "Kurtuluş Cephesi" (Liberation Front). [52a] [52b]

THKP / C-MLSPB (People's Liberation Party/Front of Turkey – Marxist Leninist Armed Propaganda Unit) (Türkiye Halk Kurtuluş Partisi ve Cephesi – Marksist Leninist Silahlı Propaganda Birliği)
Publication – "Barikat" (Barricade). [52b] [52a]

TIKB (Revolutionary Communists Union of Turkey) (Türkiye İhtilalci Komünistler Birliği)
Illegal. Founded 1977. Political military. Ex-Maoist, Stalinist. Publications - "İhtilalci Komünist", "Orak-Çekiç", "Devrimci Proletarya", "Alinterimiz". [48] [52a]

TIKB - B (Revolutionary Communists Union of Turkey - Bolshevik) (Türkiye İhtilalci Komünistler Birliği - Bolşevik)
Illegal. Split of TIKB. Radical left. Publication - "Devrimci Duruş" (Revolutionary Attitude). [48] [52a]

TIKKO (Turkish Workers' and Peasants' Liberation Army) (Türkiye İşçi Köylü Kurtuluş Ordusu or Türk İşçiler Köylüler Kurtuluş Ordusu).
Illegal armed resistance movement, which was set up in 1972 by TKP/ML. It advocates the violent overthrow of the Turkish government and abolition of the entire Turkish political system. Members (a maximum of several thousand people) are scattered in small cells throughout Turkey. The armed guerrilla units are used by both TKP/ML and TKP(ML) in common for their terrorist operations. Amnesty International notes that in the early 1990s TIKKO and other organisations would frequently announce, that this journalist, or that Kurdish villager, had been "punished". Since then, the numbers of such killings have fallen notably. In September 2000 a police operation against TIKKO in

Istanbul brought the arrest of the head of its local section. On 6 October 2000 a suicide squad attacked the military training college in the Harbiye district of Istanbul. TKP/ML also claimed responsibility for an attack on a police car on 11 December 2000, in which two policemen were killed. February 2001 saw two armed clashes between TIKKO and the security forces. The attack on a Jandarma general in Çorum on 22 March 2001 was said by the authorities to have been carried out by TIKKO, which reportedly itself on 28 March 2001 laid claim to the attack. [2a] There used to be a division of labour between PKK and TIKKO guerrillas, with the PKK carrying on the combat in south-eastern Turkey and TIKKO in the Black Sea region. In October 1999 TKP/ML announced its complete disagreement with Öcalan's call to end the armed struggle. [2a]

TIP (Workers Party of Turkey) (Türkiye İsci Partisi) [52a]

TKEP (Communist Labour Party of Turkey) (Türkiye Komünist Emek Partisi)
Illegal. Founded 1980, part of ÖDP (Özgürlük ve Dayanışma Partisi - see Annex B).
Communist. [48] [52a]

TKEP- Leninist (Communist Labour Party of Turkey - Leninist) (Türkiye Komünist Emek Partisi - Leninist)
Illegal. Split of TKEP in 1990. Political military. Communist. Publications - "Devrimci Emek" (Revolutionary Labour), "Devrim İscin Mücadele Birliği. [48] [52b] [52a]

TKIP (Communist Workers Party of Turkey) (Türkiye Komünist İşçi Partisi)
Illegal. Founded 1998. Ex-Maoist, radical left. Publications - "Ekim" (Sowing, Planting), "Kızıl Bayrak" (Red Flag) [52a] [48] [72]

TKKKÖ (Turkey and North Kurdistan Liberation Organisation) (Türkiye ve Kuzey Kürdistan Kurtuluş Örgütü)
Illegal. [48]

TKP (Communist Party of Turkey) (Türkiye Komünist Partisi)
Founded 1980 as TKP - İscinin Sesi. Communist. Publication - "İscinin Sesi" (Workers' Voice). [52a]

TKP / İS (Communist Party of Turkey/Workers Voice) (Türkiye Komünist Partisi/İşçinin Sesi).
Illegal. [48] [52a]

TKP- Kivilcim (Communist Party of Turkey - Spark) (Türkiye Komünist Partisi - Kivilcim). Illegal. Founded 1989 by Socialist Homeland Party (SVP). Communist. Publications - "Kivilcim" (Spark), "Zafere Kadar Direnis", "Yol" (The Way), "Widerstand". [48] [52b]

TKP / ML (Communist Party of Turkey/ Marxist Leninist) (Türkiye Komünist Partisi / Marksist-Leninist).
Founded 1972. Political military. Based on Maoist ideology. The party has suffered several divisions, with each faction claiming to be "the real party". In 1994 it split into two wings: a partisan wing, retaining the old name TKP/ML, and an Eastern Anatolian regional committee, assuming the almost identical name TKP(ML). Talks have been under way since late 1999 concerning reunification of the two wings. In 1972 TKP/ML set up armed guerrilla units, known as TIKKO (Türk İşçiler Köylüler Kurtuluş Ordusu -

Turkish Workers' and Peasants' Liberation Army), which are used by both TKP/ML and TKP(ML) in common for their terrorist operations. In October 1999 TKP/ML announced its complete disagreement with the call by Abdullah Öcalan, PKK leader, to end the armed struggle. TKP/ML claimed responsibility for an attack on a police car on 11 December 2000; two policemen were killed in the attack. Publications - "Partizan", "İsçi-Köylü Kurtuluşu", "Özgür Gelecek" (Free Future). [2a] [67] [52a] [52b] [69]

TKP (ML) (Communist Party of Turkey (Marxist-Leninist) (Türkiye Komünist Partisi (Marksist-Leninist)).

Split of TKP/ML in 1994. Political military. Maoist. Publications - "İsçi Köylü Kurtuluşu", "Devrimci Demokrasi" (Revolutionary Democracy), "Öncü Partizan" (Pioneer Partisan). [52a]

TKP / (M-L) DABK (Communist Party of Turkey (Marxist-Leninist) East Anadolu Area Committee) (Türkiye Komünist Partisi (Marksist-Leninist) Doğu Anadolu Bölge Komitesi) Illegal. [48]

TKP / M-L Kons. Kes (Communist Party of Turkey / Marxist-Leninist Conferencing Body) (Türkiye Komünist Partisi / Marksist-Leninist Koferansçı Kesim). Illegal. [48]

TKP / ML (Maoist Parti Merkezi) (Communist Party of Turkey / Marxist-Leninist (Maoist Party Centre) (Türkiye Komünist Partisi / Marksist Leninist (Maoist Parti Merkezi)) Illegal. Split of TKP/ML in 1987. Political military. Maoist. Publication - "İktidara". [48] [52b]

TODEF see **DHKP-C**

Toplumsal Özgürlük Platformu (Social Freedom Platform). Part of ÖDP (see Annex B). [52a]

TSİP (Socialist Workers Party of Turkey) (Türkiye Sosyalist İşçi Partisi). Founded 1993. Legal. Communist. Publication - "Kitle" (Mass, Crowd). [52a]

Türkiye'de Marksist-Leninist Parti (Marxist Leninist Party in Turkey). Founded in 1980 as TKP/ML Spartakus. Stalinist. Publications - "Spartakus", "Bilimsel Komünizmin Sancağı Altında". [52b]

Yeni Yol (New Way)

Part of ÖDP (see Annex B). Trotskyist. Publication - "Yeni Yol" (New Way). [52a]

[Return to contents](#)
[Go to list of sources](#)

Annex C: Prominent people: past and present

GOVERNMENT AFFILIATED

Head of state: Abdullah Gul was nominated for the presidency following the AKP's election victory and eventually elected to the position on 28 August 2007. [81b]

Prime Minister: Recep Tayyip Erdogan has served as the Prime Minister of Turkey since March 14, 2003. He is the leader of the Adalet ve Kalkınma Partisi (AKP, or Justice and Development Party). [81b]

KEY MINISTERS AND POSTS

President:	Abdullah Gül
Prime Minister:	Recep Tayyip Erdogan
Deputy Prime Minister and Minister of State responsible for Parliamentary Relations:	Cemil Çiçek
Deputy Prime Minister and Minister of State responsible for Economic Affairs:	Ali Babacan
Deputy Prime Minister and Minister of State:	Bulent Arinç
Minister of Agriculture and Rural Affairs:	Mehmet Mehdi Eker
Minister of Culture and Tourism:	Ertugrul Günay
Minister of Energy and Natural Resources:	Taner Yıldız
Minister of Environment and Forestry:	Veysel Eroglu
Minister of Finance:	Mehmet Simsek
Minister of Foreign Affairs:	Ahmet Davutoglu
Minister of Health:	Recep Akdag
Minister of the Interior:	Dr Besir Atalay
Minister of Justice:	Sadullah Ergin
Minister of Labour and Social Security:	Ömer Dinçer
Minister of National Defence:	Vecdi Gönül
Minister of National Education:	Nimet Çubukcu
Minister of Public Works and Housing:	Mustafa Demir
Minister of Trade and Industry:	Nihat Ergün
Minister of Transportation:	Binali Yıldırım
Minister of State responsible for Labour and the Istanbul 2010 European Capital of Culture Agency:	Hayati Yazıcı
Minister of State responsible for Family and Social Research:	Selma Aliye Kavaf
Minister of State responsible for Culture and Science:	Mehmet Aydın

Minister of State (EU negotiator):	Egemen Bagis
Minister of State responsible for Religious Affairs and responsible for International Cooperation:	Faruk Çelik
Minister of State responsible for the State Planning Organisation and the Turkish Statistical Institute:	Cevdet Yilmaz
Minister of State responsible for Foreign Trade:	Mehmet Zafer Çaglayan
Minister of State responsible for the Turkish Football Federation Presidency:	Faruk Nafiz Özakbey

[81b] Date updated 6 July 2010

OTHERS

Atatürk, Kemal (born 1880/1881, died 1938) His original name was Mustafa Kemal, he was surnamed Atatürk ("Father of the Turks") in 1934. Atatürk was the founder of modern Turkey. He became Turkey's first President in 1923.

Bahçeli, Devlet: Leader of MHP (Nationalist Action Party), and Deputy Prime Minister 1999-2002.

Bakirhan, Tuncer: Chairman of DEHAP. [69]

Baykal, Deniz: Leader of CHP (Republican People's Party).

Bozlak, Murat: Chairman of HADEP (People's Democracy Party) until it was banned in March 2003. He is banned from being a founder, member or administrator of another party for five years from March 2003.

Çiller, Tansu: Turkey's first woman Prime Minister 1993-96. Was Chairman of DYP (True Path Party).

Derviş Kemal: Formerly a Turkish Vice President of the World Bank. Appointed after the February 2001 crisis as the State Minister responsible for the economy; resigned August 2002.

Ecevit, Bülent: Former leader of DSP (Democratic Left Party), and Prime Minister 1999-2002. Was Prime Minister in 1974 (when Turkey invaded Cyprus, in order, in its perception, to protect the Turkish Cypriot minority), in 1977, and in 1978-79.

Öcalan, Abdullah (nickname "Apo")

Leader of the PKK. Born in 1949 in Urfa. He initiated, with six colleagues, a specifically Kurdish national liberation movement based on Marxism-Leninism. From 1978 the Apocular, or followers of Apo, called themselves the PKK. He was captured, forcibly returned to Turkey in February 1999, put on trial, convicted of treason and sentenced to death. With the abolition in 2002 of the death penalty for offences in peacetime, his sentence was commuted to life imprisonment without conditional release. [30b] [58]

Özkök, General Hilmi: Born 1940, Chief of the General Staff for a four year term from August 2002.

Sezer, Ahmet Necdet: President of Turkey since May 2000. He is the first President in Turkey's history who is neither an active politician nor a senior military official. He was formerly Turkey's most senior judge, the Chairman of the Constitutional Court.

Yılmaz, Mesut: Prime Minister in 1991, 1996, and 1997-1999, and Deputy Prime Minister 1999-2002. Was Chairman of ANAP (Motherland Party)

Zana, Leyla: Kurdish activist and former MP. She was one of the founders of the Democratic Society Movement (DHT) [30a] [93a] [93b]

[Return to contents](#)
[Go to list of sources](#)

Annex E: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
ECHR	European Court of Human Rights
FCO	Foreign and Commonwealth Office (UK)
FATF	Financial Action Task Force
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
IAGCI	Independent Advisory Group on Country Information
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
HRA	Human Rights Association
HRF	Human Rights Foundation
HRP	Human Rights Presidency
IOM	International Organisation for Migration
JAP	Joint Assessment Paper
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save the Children
TB	Tuberculosis
TI	Transparency International
TIB	Information and Communication Technologies
THIV	Human Rights Foundation of Turkey
TP	Telecommunication Presidency
TNP	Turkish National Police
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

[Return to contents](#)
[Go to list of sources](#)

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[Return to contents](#)
[Go to list of sources](#)