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Freedom in the World 2009 - Turkey

Capital: Ankara

Population: 74,800,000

Political Rights Score: 3

Civil Liberties Score: 3

Status: Partly Free

Overview

The parliament in February 2008 passed a constitutional amendment that would have eased the ban on Muslim headscarves in public universities, but the Constitutional Court overturned the measure in June. In July, the same court narrowly rejected the public prosecutor's request to ban the ruling Justice and Development Party for alleged antisecularist activities. Also during the year, officials proceeded with the trial of suspected members of a nebulous nationalist group that was accused of plotting to overthrow the government.

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

Following Ataturk's death in 1938, Turkey remained neutral for most of World War II, joining the Allies only in February 1945. In 1952, the republic joined NATO to secure protection from the Soviet Union. However, Turkey's domestic politics have been unstable, and the army has forced out civilian governments on four occasions since 1960. The military, which sees itself as a bulwark against both Islamism and Kurdish separatism, has traditionally wielded great influence over the functioning of the government.

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 army forced the coalition government to resign in 1997, and Welfare withdrew from power.

The governments that followed failed to stabilize the shaky economy, leading to an economic crisis in 2001 and growing discontent among voters. The Justice and Development (AK) Party, whose roots lay in the disbanded Welfare party, won a

sweeping majority in the November 2002 elections. AK's leader, Recep Tayyip Erdogan, had previously been banned from politics after he was convicted of crimes against secularism for reading a poem that seemed to incite religious intolerance. However, the party sought to distance itself from Islamism. Abdullah Gul served as its prime minister until the parliament changed the constitution, allowing Erdogan to replace him in March 2003.

Erdogan used AK's large parliamentary majority to pass a series of reforms linked to Turkey's bid to join the European Union (EU). Accession talks officially began in October 2005, but difficulties soon arose. Cyprus, an EU member since 2004, presented one obstacle due to Turkey's support for the Turkish Republic of Northern Cyprus, which was not recognized internationally. EU public opinion and some EU leaders expressed opposition to Turkish membership for a variety of other reasons. The reform process began to stall, and Turkish popular support for membership declined to about 50 percent, with an apparent parallel rise in Turkish nationalism.

President Ahmet Necdet Sezer's nonrenewable term ended in May 2007. The prime minister, who is responsible for nominating a presidential candidate for election by the National Assembly, chose Gul despite objections from the military and the secularist Republican People's Party (CHP). In a posting on its website, the army 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 presidential vote in 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.

AK won a clear victory in the elections, increasing its share of the vote to nearly 50 percent. However, because more parties passed the 10 percent threshold for entering the legislature than in 2002, AK's share of seats actually decreased slightly to 340. The CHP together with its junior partner, the Democratic Left Party, won 112 seats. The Nationalist Movement Party (MHP) entered the assembly for the first time, with 70 seats. A group of 20 candidates from the pro-Kurdish Democratic Society Party (DTP) also gained seats for the first time by running as independents, since they did not have the national support required to enter as a party. Other independents won the remaining 8 seats. The MHP decided not to boycott the subsequent presidential vote, and Gul was elected president in August.

In an October 2007 referendum, voters approved constitutional amendments that, among other changes, reduced the presidential term to five years with a possibility for reelection, provided for future presidents to be elected by popular vote, and cut the parliamentary term to four years. The new parliament began drafting a new constitution, but progress stalled in 2008 due to CHP opposition.

Violence continued in the southeast in 2008. Kurdish separatists in the region had fought a 15-year guerrilla war against government forces until 1999, when rebel leader Abdullah Ocalan was captured. His Kurdish Workers Party (PKK) abandoned its ceasefire in 2004, and there are regular casualties among guerrillas, government forces, and occasionally civilians. In what critics claimed was a populist move with little military value, Turkish forces attacked PKK fighters based in northern Iraq in late 2007 and 2008.

Political Rights and Civil Liberties

Turkey is an electoral democracy. The 1982 constitution provides for a 550-seat unicameral parliament, the Grand National Assembly. Reforms approved in the 2007 referendum reduced members' terms to four years, from five. The changes also envision presidential elections by popular vote for a once-renewable, five-year term, replacing the existing system of presidential election by parliament for a single seven-year term. The president appoints the prime minister from among the lawmakers. The prime minister is head of government, but the president has certain powers, including a legislative veto and the authority to appoint judges and prosecutors. The July 2007 elections were widely judged to be free and fair, with reports of more open debate on

traditionally sensitive issues.

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 and representatives of the DTP into the legislature. By contrast, only the two largest parties – the ruling AK and the opposition CHP – won seats in the 2002 elections.

A party can be shut down if its program is not in agreement with the constitution, and this criterion is broadly interpreted. As many as 50 DTP members were arrested in 2007 for pro-Kurdish activities, and some were convicted; the DTP leader is currently in jail, and prominent member Leyla Zana was again sentenced to prison at the end of 2008. The DTP considers prosecutions of its sitting legislators to be unequal treatment, as the parliamentary immunity that is applied to other legislators is ignored in their case. At the end of 2007, the Constitutional Court began hearing a case to shut down the DTP on the grounds that it was linked to the PKK; the hearings were ongoing at year's end. Separately, the Constitutional Court in July 2008 ruled narrowly against banning AK for alleged antisecularist activities, though the court did cut the party's treasury funding in half.

Long-standing tensions between the AK government and entrenched, secularist officials – including judges, prosecutors, military officers, and segments of the bureaucracy – had become much more public in January 2008, when alleged members of an ultranationalist group called Ergenekon were arrested. Additional arrests came in July, with suspects including military officers and journalists. A trial against 86 people charged with plotting attacks to provoke a military coup began in October and continued at year's end. Ergenekon was blamed for the 2006 bombing of a secularist newspaper and a court shooting that killed a judge the same year. Critics have accused the government of using the wide-ranging case to punish its opponents.

Reforms have increased civilian oversight of the military, but restrictions persist in areas including civilian supervision of defense expenditures. The military continues to intrude on issues beyond its purview, commenting on key domestic and foreign policy matters. The fact that the military ultimately did not act on its tacit threats to disrupt the 2007 election of Abdullah Gul as president was considered a sign of progress.

Turkey struggles with corruption in government and in daily life. The AK government has adopted some anticorruption measures, but international reports continue to cite concerns, and allegations have been lodged against AK and CHP politicians. In 2008, outlets owned by media mogul Aydin Dogan accused Erdogan of involvement in a scandal involving the misuse of funds at a charity called Lighthouse. The prime minister in turn accused Dogan of retaliating for the government's refusal to grant business favors he had sought and called for a boycott of his publications, and the national broadcasting authority controversially ordered the closure of 11 unlicensed Dogan television channels. A German court presiding over charges related to the Lighthouse scandal has implicated the president of Turkey's broadcasting authority. Government transparency has improved under a 2004 law on access to information, and a new program launched in 2008 will train provincial governors in implementing the code of ethics. Turkey was ranked 58 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The right to free expression is guaranteed in the constitution, but legal impediments to press freedom remain. A 2006 antiterrorism law reintroduced jail sentences for journalists, and Article 301 of the 2004 revised penal code includes tight restrictions, allowing journalists and others to be prosecuted for discussing subjects such as the division of Cyprus and the 1915 mass killings of Armenians by Turks. Many have been charged under the article for crimes like insulting the armed services and denigrating "Turkishness"; very few have been convicted, but trials are time-consuming and expensive. An April 2008 amendment changed Article 301's language to instead 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. During the year, a publisher was sentenced to five months in prison for releasing a book about the 1915

massacres, and the owner and the editor of a Turkish-Armenian newspaper were sentenced for reporting on the views of Hrant Dink, an ethnic Armenian journalist who was murdered by a Turkish nationalist in 2007. In a positive development, a court overturned a government ban on reporting about Ergenekon in 2008, saying it was unjustified.

Media outlets report various other forms of interference, and cartoonists have complained of increasing censorship for their portrayals of the president and prime minister. Nearly all media organizations are owned by giant holding companies with interests in other sectors, which contributes to self-censorship by journalists. The internet is subject to the same censorship policies that apply to other media, and a bill passed in May 2007 allows the state to block access to sites deemed to insult Atatürk or whose content includes criminal activities. This law was used to block access repeatedly to the video-sharing website YouTube and several other websites in 2008.

Kurdish-language publications are now permitted, and television broadcasts in Kurdish began in 2006; a 2008 law allows one state-owned television channel to broadcast in Kurdish. However, Kurdish broadcasting is still restricted, Kurdish newspapers in particular are often closed down, and some municipalities and mayors in the southeast have faced criminal proceedings for communicating in Kurdish.

The constitution protects freedom of religion, but the state's official secularism has led to considerable restrictions in this predominantly Muslim country. Observant men are dismissed from the military, and women are banned from wearing headscarves in public universities and government offices. An AK-sponsored constitutional amendment that was passed in February 2008 with the support of the MHP would have allowed simple headscarves tied loosely under the chin in universities, but the CHP challenged the measure, and the Constitutional Court struck it down in June. In the interim, many universities had defied the changes and continued to enforce the total ban. Separately during the year, the parliament passed a new law that eases restrictions on religious foundations.

Three non-Muslim groups – Jews, Orthodox Christians, and Armenian Christians – are officially recognized, and attitudes toward them are generally tolerant, although they are not integrated into the Turkish establishment. Other groups, including non-Sunni Muslims like the Alevis, lack legal status, and Christian minorities have faced hostility; three Protestants were killed in April 2007 at a publishing house that distributed bibles.

The government does not regularly restrict academic freedom, but self-censorship on sensitive topics is common. An academic who suggested that the early Turkish republic was not as progressive as officially portrayed was sentenced to a 15-month suspended jail term in January 2008.

Freedoms of association and assembly are protected in the constitution. Prior restrictions on public demonstrations have been relaxed, but police sometimes monitor public meetings of nongovernmental organizations. Police clashed with demonstrators across the southeast in March 2008 on the occasion of a Kurdish seasonal festival; two men died of bullet wounds, more than 100 were arrested, and many others were injured. Police again cracked down on May Day protests in 2008 and arrested more than 500 people. 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. Nevertheless, civil society is active on the Turkish political scene.

Laws to protect labor unions are in place, but union activity remains limited in practice. Some impediments were lifted in 2007 and further changes were proposed in 2008, but Turkey still does not comply with international standards on issues such as collective bargaining.

The constitution envisions an independent judiciary. The government in practice can influence judges through its control of appointments, promotions, and financing, though

much of the court system is still controlled by strict secularists who oppose the current government. The judiciary has been improved in recent years by structural reforms and a 2004 overhaul of the penal code. The death penalty was fully abolished in 2004, and State Security Courts, where many human rights abuses occurred, were replaced by so-called Heavy Penal Courts. However, Amnesty International has accused the Heavy Penal Courts of accepting evidence extracted under torture. The court system is also undermined by procedural delays, with some trials lasting so long as to become a financial burden for the defense.

The current government has enacted new laws and training to prevent torture, including a policy involving surprise inspections of police stations that was announced in 2008. A government human rights report issued for the first time in 2008 found that the combined category of torture and ill-treatment was the third-most-common complaint in 2007, after property rights and health care. The Human Rights Foundation of Turkey has reported that the number of people subjected to violence or ill-treatment has increased slightly since 2005 after falling sharply overall since 2000. A man arrested for participating in a demonstration died in custody in October 2008, after he was allegedly beaten; 60 police and prison officials were indicted. Prison conditions can be harsh, with problems including overcrowding and practices like extended isolation in some facilities.

The Kurdish conflict in the southeast in the 1990s, in which more than 35,000 people were killed, has left a legacy of discrimination and a lower standard of living in the region. In May 2008, Erdogan announced a five-year, \$14.5 billion development plan to improve economic conditions there. Fighting between the PKK and the government in the southeast is ongoing. In other violence during the year, six people were killed in a July gun battle outside the U.S. consulate in Istanbul after an attempted attack by a radical Islamist group, and bombings in a residential district in Istanbul – blamed on Kurdish rebels – killed 17 people later that month.

The state claims that all Turkish citizens are treated equally, but because recognized minorities are limited to the three defined by religion, Kurds in particular have faced restrictions on their language, culture, and freedom of expression. The situation has improved with EU-related reforms, but official and informal discrimination remains, and alleged collaboration with the PKK can be used as an excuse to arrest Kurds who challenge the government. Kurdish-owned homes and businesses were attacked in October 2008 during riots after a Kurdish man drove his truck into a crowd of people with whom he had been arguing.

Property rights are generally respected in Turkey. However, tens of thousands of Kurds were driven from their homes during the conflict in the 1990s. Increasing numbers have returned under a 2004 program to address the problem, and some families have received financial compensation, but progress has been slow. Local paramilitary "village guards" have been criticized for obstructing returning families through intimidation and violence.

The amended constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 121 out of 128 countries surveyed in its 2007 Global Gender Gap Index. Women held just 49 seats in the 550-seat parliament after the 2007 elections, though that was nearly double the previous figure. Domestic abuse and so-called honor crimes continue to occur; a 2007 study from the Turkish Sabanci University found that one in three women in the country was a victim of violence. Suicide among women has been linked to familial pressure as stricter laws have made honor killings less permissible. The 2004 penal code revisions include increased penalties for crimes against women and the elimination of sentence reductions in cases of honor killing and rape.

A 2008 Human Rights Watch report found that gay and transgender people in Turkey face "endemic abuses," including violence, and a local report found widespread discrimination, especially in the workplace. Istanbul's largest gay and transgender organization, Lambda, was shut down in 2008 for "immorality," and other groups have faced closure as well.

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