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Freedom in the World 2019 - Turkey

Not Free

31 /100

Overview:

President Recep Tayyip Erdoğan's Justice and Development Party (AKP) has been the ruling party in Turkey since 2002. After initially passing some liberalizing reforms, the AKP government showed growing contempt for political rights and civil liberties, and its authoritarian nature has been fully consolidated since a 2016 coup attempt triggered a more dramatic crackdown on perceived opponents of the leadership. Constitutional changes adopted in 2017 concentrated power in the hands of the president, and worsening electoral conditions have made it increasingly difficult for opposition parties to challenge Erdoğan's control.

Key Developments:

Key Developments in 2018:

- In June, Erdoğan won a snap presidential election, and the AKP secured control of the parliament in alliance with the Nationalist Movement Party (MHP). The elections were contested on a deeply uneven playing field marked by media bias in favor of the AKP and intimidation, harassment, and attacks aimed at opposition candidates.
- Constitutional changes approved in 2017 took force upon Erdoğan's reelection, introducing a new presidential system of government that vastly expanded executive powers and eliminated the post of prime minister. The president can now rule by decree and appoint various officials and judges who are ostensibly meant to play an independent oversight role, eradicating key checks on executive power.
- Opposition leaders continued to face arrest and prosecution throughout the year. In September, Selahattin Demirtaş, the 2018 presidential candidate of the pro-Kurdish Peoples' Democratic Party (HDP), was convicted on terrorism charges and sentenced to four years and eight months in prison; he was awaiting trial on additional charges. Eren Erdem, a former Republican People's Party (CHP) lawmaker, was arrested in June and awaited trial at the end of the year for supposedly supporting a terrorist organization and exposing a government witness, among other charges.

- The erosion of civil liberties continued apace during the year, with frequent arrests and convictions of journalists and social media users who were critical of the government, as well as tight restrictions on assembly and union rights.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 15 / 40 (-1)

A. ELECTORAL PROCESS: 5 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is directly elected for up to two five-year terms, but is eligible to run for a third term if the parliament calls for early elections during the president's second term. If no candidate wins an absolute majority of votes, a second round of voting between the top two candidates takes place. President Erdoğan of the AKP has retained a dominant role in government since moving from the post of prime minister to the presidency in 2014. A constitutional referendum passed in 2017 instituted a new presidential system of government, expanding presidential powers and eliminating the role of prime minister, effective after the snap presidential vote in June 2018.

The presidential election was originally scheduled for November 2019, but in April 2018, Erdoğan called for an earlier vote, claiming that it was essential to move Turkey to the new presidential system as soon as possible. Observers with the Organization for Security and Co-operation in Europe (OSCE) criticized the electoral process for favoring the ruling party, though voters were generally free to express their choice at the ballot box. Media coverage, particularly in state-run outlets, was tilted toward the AKP, and the campaign took place under a state of emergency that was first declared after the 2016 coup attempt, which limited campaign activities. Some opposition candidates were attacked during campaign events, especially those from the HDP. Demirtaş, the HDP presidential candidate, was forced to campaign from prison, where he had been awaiting trial on terrorism charges since his arrest in 2016. Erdoğan received 52 percent of the vote, while Muharrem İnce of the CHP finished second with 30 percent.

Many elected executive officials at the municipal level have been replaced with government appointees since the 2016 coup attempt. Most were removed under emergency powers that allowed appointed provincial authorities to take control of cities and towns whose elected leaders were suspected of supporting terrorism—a broadly defined term that is now commonly applied to Kurdish politicians, often from the HDP and its affiliates. The mayors of 94 out of 102 Kurdish-majority municipalities had been replaced with government-appointed "trustees" by October 2018. However, some mayors from other opposition parties have been removed as well. In 2017, for instance, the government took control of an Istanbul municipality held by the CHP, citing corruption allegations.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (-1)

The 2017 constitutional referendum enlarged the unicameral parliament, the Grand National Assembly, from 550 seats to 600 seats, and increased term lengths from four to five years; these changes took effect with the June 2018 general elections. Members are elected by proportional representation.

According to the OSCE, the 2018 elections were marred by a number of flaws, including misuse of state resources by the ruling party to gain an electoral advantage, as well as intimidation of and attacks on the HDP and other opposition parties. Media coverage of the campaign, particularly in state-run outlets, definitively favored the AKP. Reports of irregularities such as proxy voting were more prevalent in the south and southeast. The People's Alliance, which formed in February and included the AKP and the far-right MHP, won a total of 344 seats with 53 percent of the vote, while the CHP won 146 seats with 22 percent. The HDP won 11 percent and 67 seats, and the İyi (Good) Party entered parliament for the first time with 10 percent of the vote and 43 seats.

In April, two HDP members of parliament were removed from office due to criminal convictions for "insulting a public employee" and membership in a terrorist organization, respectively, bringing to 11 the total number of HDP deputies ousted as a result of criminal convictions or absenteeism caused by imprisonment.

Score Change: The score declined from 3 to 2 because the parliamentary elections were contested on a deeply uneven playing field characterized by media coverage that favored the ruling party, intimidation of and attacks on opposition candidates, and the misuse of state resources to benefit the ruling party and its allies.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Judges on the Supreme Electoral Council (YSK) oversee voting procedures. In 2016, the parliament passed a judicial reform bill that allowed AKP-dominated judicial bodies to replace most YSK judges. In the 2017 constitutional referendum, the new degree of AKP control apparently contributed to a series of YSK decisions that favored the "yes" campaign. For example, late on the day of the vote, the YSK, according to an OSCE report, instructed electoral boards to accept as valid an unknown number of ballots that were improperly stamped by ballot box committees or had no committee control stamp at all.

Additional changes to the electoral framework passed by the parliament in March 2018, just three months before the general elections, further threatened the integrity of Turkish polls and appeared to favor the AKP. Under the new law, unstamped ballot papers can be counted, government officials are allowed to run polling stations, and security forces can monitor the voting process.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Turkey has a competitive multiparty system, with five parties represented in the parliament. However, the rise of new parties is inhibited by the 10 percent vote threshold for parliamentary representation—an unusually high bar by global standards. The 2018 electoral law permits the formation of alliances to contest elections, allowing parties that would not meet the threshold alone to secure seats through an alliance. Parties can be disbanded for endorsing policies that are not in agreement with constitutional parameters, and this rule has been applied in the past to Islamist and Kurdish-oriented parties.

After a cease-fire with the militant Kurdistan Workers' Party (PKK) collapsed in 2015, the government accused the HDP of being a proxy for the group, which is designated as a terrorist organization. A 2016 constitutional amendment facilitated the removal of parliamentary immunity, and many of the HDP's leaders have since been jailed on terrorism charges. In September 2018, Demirtaş, the HDP's presidential candidate, was sentenced to four years and eight months in prison for a 2013 speech praising the PKK in the context of peace negotiations. At the end of the year, he awaited trial on additional terrorism charges that could lead to a prison sentence of up to 142 years. In November, the European Court of Human Rights (ECHR) ordered Demirtaş's immediate release, finding that his arrest was politically motivated and his nearly two-year pretrial detention was unreasonable. Despite the ECHR ruling, a Turkish court subsequently denied Demirtaş's petition for release.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Since coming to power in 2002, the ruling AKP has asserted partisan control over the YSK, the judiciary, the police, and the media. The party has aggressively used such institutional tools to weaken or co-opt political rivals in recent years, severely limiting the capacity of the opposition to build support among voters and gain power through elections. In 2018, the AKP utilized the provision in the 2018 electoral law that allows for interparty alliances by joining forces with the MHP. The move allowed the AKP to form a majority coalition in the new parliament, since it won just 295 seats and 42 percent of the vote on its own, a seven-point decline from its performance in the previous parliamentary elections in 2015.

In addition to the prosecution of HDP politicians on terrorism charges, the government has used law enforcement agencies to attack the country's largest opposition party, the CHP. Former CHP member of parliament Eren Erdem was arrested in June 2018 and awaited trial at year's end for allegedly exposing a government witness and aiding a terrorist organization, among other charges.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

The civilian leadership in recent years has asserted its control over the military, which has a history of intervening in political affairs. This greater control was a factor behind the failure of the 2016 coup attempt, and the government has since purged thousands

of military personnel suspected of disloyalty. However, the AKP's institutional dominance threatens to make the state itself an extension of the party that can be used to change political outcomes.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Critics charge that the AKP has a religious agenda favoring Sunni Muslims, evidenced by the expansion of the Directorate of Religious Affairs and the use of this institution for political patronage and to deliver government-friendly sermons in mosques. Secular residents are alienated by the government's expansion of religious schools and use of religious rhetoric, among other actions. The non-Sunni Alevi minority as well as non-Muslim religious communities have long faced political discrimination. While religious and ethnic minorities hold some seats in the parliament, particularly with the opposition CHP and HDP, the government's crackdown on opposition parties has seriously harmed political rights and electoral opportunities for Kurdish and other minorities.

Women remain underrepresented in politics and in leadership positions in government, though they won a slightly larger share of seats—104, or about 17 percent—in the 2018 parliamentary elections. The AKP uses rhetoric and pursues policies that often do not serve the interests of women, but the platforms and practices of some other major parties, notably the HDP, support expanded rights for both women and minorities.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The new presidential system instituted in June 2018 vastly expanded the executive's already substantial authority. With the elimination of the prime minister's post, President Erdoğan now controls all executive functions, and he can rule by decree, appoint judges and other officials who are ostensibly meant to play an independent oversight role, and order investigations into any civil servant, among other powers. Erdoğan and his inner circle make all meaningful political decisions, and the capacity of the parliament to provide a check on his rule is, in practice, seriously limited.

The state of emergency, which gave the president the authority to suspend civil liberties and issue decrees without oversight from the Constitutional Court, was formally lifted in July 2018 after two years in effect. However, analysts argued that the change would do little to curb the continued consolidation and abuse of executive power.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption—including money laundering, bribery, and collusion in the allocation of government contracts—remains a major problem, even at the highest levels of government. Enforcement of anticorruption laws is inconsistent, and Turkey's

anticorruption agencies are generally ineffective, contributing to a culture of impunity. The purge carried out since the 2016 coup attempt has greatly increased opportunities for corruption, given the mass expropriation of targeted businesses and nongovernmental organizations (NGOs). Billions of dollars in seized assets are managed by government-appointed trustees, further augmenting the intimate ties between the government and friendly businesses.

In May 2018, Turkish banker Mehmet Hakan Atilla was found guilty in a US court of helping Iran to avoid US sanctions. During the trial, Turkish-Iranian businessman Reza Zarrab testified that senior Turkish officials had accepted bribes as part of the scheme, and that Erdoğan himself approved some of the bribes during his tenure as prime minister.

C3. Does the government operate with openness and transparency? 0 / 4

The political and legal environment created by the government's purge and state of emergency has made ordinary democratic oversight efforts all but impossible. In 2016, the Council of Europe criticized the state of emergency for bestowing "almost unlimited discretionary powers" on the government. Although Turkey has an access to information law on the books, in practice the government lacks transparency and arbitrarily withholds information on the activities of state officials and institutions. External monitors like civil society groups and independent journalists are subject to arrest and prosecution if they attempt to expose government wrongdoing. For example, at the end of 2018, investigative journalist Pelin Ünker remained on trial for defamation after publishing two stories in 2017 on the "Paradise Papers," a trove of leaked documents indicating that former prime minister Binali Yıldırım and his son owned companies in Malta to evade taxes.

CIVIL LIBERTIES: 16 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

D1. Are there free and independent media? 1 / 4

The mainstream media, especially television broadcasters, reflect government positions and routinely carry identical headlines. Although some independent newspapers and websites continue to operate, they face tremendous political pressure and are routinely targeted for prosecution. More than 150 media outlets were closed in the months after the attempted coup in 2016.

According to the Committee to Protect Journalists, a total of 68 journalists remained behind bars as of December 2018, making Turkey the world's worst jailer of journalists for the third year in a row. The government's efforts to suppress critical journalism can extend beyond its borders. In October, a Turkish court issued Interpol "red notices" for Can Dündar and İlhan Tanir, two prominent journalists now living abroad who were standing trial in absentia on espionage charges. Dündar and Tanir were previously tried along with 14 other journalists from the newspaper *Cumhuriyet*, but their cases were separated from that trial when the court reached its guilty verdict in April. The 14

journalists were convicted of aiding terrorist organizations for allegedly supporting the movement led by exiled Islamic preacher Fethullah Gülen—which the government blames for the 2016 coup attempt—and the PKK, and received prison sentences of between three and seven years.

The government continued to block scores of news sites and other online information sources in 2018, most notably Wikipedia, which had been subject to a nationwide ban since April 2017.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

While the constitution guarantees freedom of religion, the public sphere is increasingly dominated by Sunni Islam. Alevi places of worship are not recognized as such by the government, meaning they cannot access the subsidies available to Sunni mosques. The number of religious schools that promote Sunni Islam has increased under the AKP, and Turkish public education includes compulsory religious education courses that adherents of non-Muslim faiths are generally exempted from but Alevis and nonbelievers have difficulty opting out of. Three non-Muslim religious groups—Jews, Orthodox Christians, and Armenian Christians—are officially recognized. However, disputes over property and prohibitions on training of clergy remain problems for these communities, and the rights of unrecognized religious minorities are more limited.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom, never well respected in Turkey, was weakened further by the postcoup purge. Schools affiliated with the Gülen movement have been closed, and thousands of academics have been summarily dismissed for perceived leftist, Gülenist, or PKK sympathies. Academics and students continued to be prosecuted for expressing critical views of the government or for peaceful political action in 2018. For example, at the end of the year, four students from Middle East Technical University still faced charges of "insulting the president" after holding up a satirical banner at their graduation ceremony in July.

Also in July 2018, Erdoğan issued a decree that gives him the power to appoint rectors at both public and private universities, a move that could further threaten academic freedom. The government and university administrations now routinely intervene to prevent academics from researching sensitive topics, and political pressure has encouraged self-censorship among many scholars.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Many Turkish citizens continue to voice their opinions openly with friends and relations, but more exercise caution about what they post online or say in public. While not every utterance that is critical of the government will be punished, the arbitrariness of prosecutions, which often result in pretrial detention and carry the risk of lengthy

prison terms, is increasingly creating an atmosphere of self-censorship. In January and February 2018, hundreds of people, including doctors, construction workers, and high school students, were detained for social media posts criticizing a Turkish military offensive in the Afrin district of Syria.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Although freedom of assembly is theoretically guaranteed in Turkish law, authorities have routinely disallowed gatherings by government critics on security grounds in recent years, while progovernment rallies are allowed to proceed. Restrictions have been imposed on May Day celebrations by leftist and labor groups, LGBT (lesbian, gay, bisexual, and transgender) events, protests by purge victims, and opposition party meetings. Police use force to break up unsanctioned protests. In August 2018, a weekly commemoration in Istanbul held by Saturday Mothers, a group that has protested forced disappearances since 1995, was broken up by police after authorities announced that the demonstrations would be banned; many participants, including elderly people, were arrested.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The government has cracked down on NGOs since the coup attempt, summarily shutting down at least 1,500 foundations and associations and seizing their assets. The targeted groups worked on issues including torture, domestic violence, and aid to refugees and internally displaced persons (IDPs). NGO leaders also face routine harassment, arrests, and prosecutions for carrying out their activities. Osman Kavala, perhaps Turkey's most prominent civil society leader and philanthropist, remained in pretrial detention at the end of 2018, having been arrested in 2017 based on vague allegations that he supported the 2016 coup attempt. No formal charges against him have been made public.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Union activity, including the right to strike, is limited by law and in practice; antiunion activities by employers are common, and legal protections are poorly enforced. A system of representation threshold requirements make it difficult for unions to secure collective-bargaining rights. Trade unions and professional organizations have suffered from mass arrests and dismissals associated with the state of emergency and the general breakdown in freedoms of expression, assembly, and association. In September 2018, authorities broke up a strike that was organized to protest unsafe working conditions on the site of a new airport under construction in Istanbul. Most of the 500 strikers detained were ultimately released, but 61 people awaited trial for their role in the strike at the end of the year.

F. RULE OF LAW: 3 / 16 (+1)**F1. Is there an independent judiciary? 1 / 4**

Judges still occasionally rule against the government, but the appointment of thousands of new, loyalist judges in recent years, the potential professional costs of ruling against the executive in a major case, and the effects of the ongoing purge have all severely weakened judicial independence in Turkey. More than 4,000 judges were removed in the coup's aftermath. The establishment of the new presidential system in June 2018 also increased executive control over the judiciary. Under the new structure, members of the Board of Judges and Prosecutors (HSK), a powerful body that oversees judicial appointments and disciplinary measures, are now appointed by the parliament and the president, rather than by members of the judiciary itself.

F2. Does due process prevail in civil and criminal matters? 0 / 4

A long-term erosion of due process guarantees accelerated under the state of emergency, and severe violations continued even after it was lifted in July 2018. Antiterrorism charges brought since the coup attempt often rely on the weakest of circumstantial evidence, secret testimony, or an ever-expanding web of guilt by association. A decree issued in 2017 apparently removed requirements that defendants hear all the evidence brought against them and have a defense attorney present during trial. In many cases, lawyers defending those accused of terrorism offenses have been arrested themselves. Lengthy pretrial detention has become routine. Authorities can detain individuals for up to 24 hours without access to a lawyer, though police have reportedly breached this limit in practice.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (+1)

Torture has become increasingly common, according to human rights organizations, and an emergency decree issued in 2017 appears to grant legal immunity to any individuals, including civilians, who take action against terrorists or others associated with the 2016 coup attempt.

The threat of terrorism decreased in 2018 with the weakening of the Islamic State (IS) militant group in neighboring Syria and Iraq; no large-scale terrorist attacks were reported during the year. The intensity of the conflict between security forces and the PKK, which has killed more than 4,000 people since 2015, also decreased in 2018, but more than 300 people were killed in fighting within Turkey's borders during the year.

Score Change: The score improved from 0 to 1 because there were fewer clashes between security forces and the PKK during the year, and the threat of terrorism decreased with the weakening of IS in neighboring countries.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Although Turkish law guarantees equal treatment, women as well as ethnic and religious minority groups suffer varying degrees of discrimination. For example, Alevis and non-Muslims reportedly face discrimination in employment, particularly in senior public-sector positions, and gender inequality in the workplace is common.

The conflict with the PKK has been used to justify discriminatory measures against Kurds, including the prohibition of Kurdish festivals for security reasons and the reversal of Kurdish municipal officials' efforts to promote Kurdish language and culture. Many Kurdish-language schools and cultural organizations have been shut down by the government since 2015.

As of December 2018, Turkey had accepted more than 3.6 million Syrian refugees. While the government attempts to provide them with basic services, a large minority of refugee children lack access to education, and few adults are able to obtain formal employment. The economic crisis that gripped Turkey in 2018 has fueled resentment toward refugees. Reports emerged during the year that some asylum seekers at the border with Syria were being given the choice of either waiving their asylum rights and returning to Syria, or facing lengthy detentions in Turkey, which rights groups argued was a violation of the principle of *nonrefoulement* under international law.

Same-sex sexual activity is legally permitted, but LGBT people are subject to widespread discrimination, police harassment, and occasional violence. There is no legislation to protect people from discrimination based on sexual orientation or gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16 (-1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The conflict with the PKK has resulted in the forced relocation of hundreds of thousands of people, and there is evidence that the government is using curfews and cuts to utilities to push residents out of some areas.

More than 125,000 public-sector workers have been fired in the purges that followed the 2016 coup attempt, and those who are suspended or dismissed have no effective avenue for appeal. Moreover, many are not able to find new employment in the private sector due to an atmosphere of guilt by association, and they frequently have their passports confiscated.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Private property rights are legally enshrined, but since 2013 many critics of the government have been subjected to intrusive tax and regulatory inspections. In the aftermath of the 2016 coup attempt, the assets of companies, NGOs, foundations, individuals, media outlets, and other entities deemed to be associated with terrorist

groups have been confiscated. According to research published by the news site *European Interest* in June 2018, \$11 billion in private business assets, ranging from corner stores to large conglomerates, have been seized.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The government has shown increasing disinterest in protecting vulnerable individuals from forced marriage and domestic violence. Child marriages, often performed at unofficial religious ceremonies, are widespread, and Syrian refugees appear to be particularly vulnerable to the practice. Despite legal safeguards, rates of domestic violence remain high; police are often reluctant to intervene in domestic disputes, and shelter space is both extremely limited and often geographically inaccessible.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4 (-1)

The weakness of labor unions and the government's increasing willingness to take action against organized labor have undermined equality of opportunity, protection from economic exploitation, and workplace safety. Workplace accidents have become more frequent in recent years, and laborers have little recourse if injured. According to a report published by the Laborers Health and Occupational Safety Assembly, an advocacy group, at least 1,923 people died in workplace accidents in 2018. Refugee communities have provided a ready source of cheap, exploitable labor, including child labor, resulting in significant abuses.

Score Change: The score declined from 2 to 1 due to the high rate of workplace accidents and deaths, which has increased in recent years.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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