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Freedom in the World - **↑**Turkey (2008)

Capital: Ankara

Population:
74,000,000

Political Rights Score: 3

Civil Liberties Score: 3

Status: Partly Free

Trend Arrow

Turkey received an upward trend arrow for holding free and fair parliamentary elections.

Overview

The ruling Justice and Development (AK) Party won a strong victory in July 2007 parliamentary elections, which were deemed free and fair. The result paved the way for the party's presidential candidate to win election in August, despite objections from the military and secularist opposition parties. Meanwhile, the government's reform efforts continued to stall.

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, ever protective of Turkey's secular identity, forced the coalition 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 wide-reaching reforms that were crucial to Turkey's application to join the European Union (EU). Accession talks officially began in October 2005. However, difficulties soon arose, especially regarding Cyprus. The island has been divided since 1974 between an internationally recognized Republic of Cyprus, populated mostly by ethnic Greeks, and a Turkish-backed Turkish Republic of Northern Cyprus (TRNC). The southern republic, an EU member state since 2004, wants Turkey to open its ports to Greek Cypriot ships as called for in an EU customs agreement, but Turkey has refused, as the EU has not fulfilled its promise to end the economic isolation of the TRNC. Moreover, EU public opinion and some EU leaders are against Turkish membership, and the EU has criticized Turkey for stalling on reforms in recent years. Turkish popular support for membership has also fallen, with an apparent parallel rise in Turkish nationalism, although a majority still favors joining the EU. In 2007, the EU opened a new stage of membership talks with Turkey.

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 in spite of explicit objections by 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 parliamentary elections for July—four months ahead of schedule—in an effort to reduce the opposition's numbers.

AK won a clear victory in the parliamentary elections, increasing its share of the vote to nearly 50 percent. However, because more parties passed the 10 percent threshold for entering the legislature, 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. The MHP decided not to boycott the subsequent presidential vote, and Gul was ultimately elected president on August 28. While Gul's policies and politics are generally respected, his wife generates endless controversy as the first in her

position to wear a headscarf; such religious garments are banned in government buildings.

In an October 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 rather than by parliament, and cut the parliamentary term to four years. At year's end, parliament was drafting a revised constitution, expected to be voted on during 2008.

Violence continued to rise in the southeast in 2007. Kurdish separatists in the region had fought a 15-year guerrilla war against government forces until 1999, when separatist leader Abdullah Ocalan was captured. His Kurdish Workers Party (PKK) abandoned its ceasefire in 2004, and while it occasionally offers renewed truces, fighting in 2007 led to casualties among guerrillas, government forces, and occasionally civilians. PKK splinter groups have also reportedly formed. In what critics claimed was a populist move, Turkey pursued PKK fighters in northern Iraq in land and air operations in late 2007, despite pressure to refrain from Iraq, the United States and other Turkish allies.

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 future 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. Democratic choice has been undercut by the army in the past, most recently in 1997, when the military forced the government of the religious Welfare party out of office. The July 2007 elections were widely judged to be free and fair, with reports of more open debate on traditionally sensitive issues. One independent candidate was shot dead before the elections.

A party must win at least 10 percent of the votes cast nationwide to secure representation in parliament. The opposition landscape changed in 2007, with the rejection by voters of the Motherland Party and 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. Much of AK's popular base is very religious. Although the party supported some loosening of restrictions on religious activity in its first term, it has not made any attempt to undermine Turkey's secular underpinnings.

A party can be shut down if its program is not in agreement with the constitution,

and this criterion is broadly interpreted. The Communist Party and parties representing Kurdish interests face court cases threatening their closure and can function only minimally. As many as 50 DTP members, including the party leader, were arrested in 2007 for pro-Kurdish activities, and some were convicted. At the end of 2007, the Constitutional Court was considering a case to shut down the DTP on the grounds that it is linked to the PKK, and its leader was charged with insulting the state. The number of women in the assembly nearly doubled with the 2007 elections but is still under 50.

The government has experienced tension with entrenched, secularist state officials, including judges, prosecutors, and military officers. Segments of the bureaucracy appear to purposefully rebel against reforms they see as threatening to Turkey's secular system. This internal tension has jeopardized Turkey's democratic progress, as well as its EU aspirations.

Recent reforms have increased civilian oversight of the military, but restrictions persist in areas including civilian supervision of defense expenditures. The once-powerful National Security Council, dominated by the military, has been reduced to an advisory role, and since 2004 it has been headed by a civilian. However, the military continues to intrude on issues beyond its purview, and the EU reported an increase in military comments on key domestic and foreign policy matters in 2007. These included Abdullah Gul's election as president, although the fact that the military ultimately did not disrupt the election was significant.

Turkey struggles with corruption in government and in daily life. The AK Party originally came to power with promises to clean up government corruption, and it has adopted some anticorruption measures. However, enforcement is lacking, and a culture of tolerance of corruption pervades the general population. Parliamentary immunity prevents the prosecution of most politicians. Government transparency has improved in recent years through EU-related reforms. Turkey was ranked 64 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.

The right to free expression is guaranteed in the constitution. Legal impediments to press freedom remain, although recent reforms have had some positive effect. Publications in Kurdish are now permitted, and television broadcasts in Kurdish began in March 2006, but restrictions are still applied. Journalists are sometimes prosecuted under the penal code instead of being sued according to the press law, and a 2006 antiterrorism law reintroduced jail sentences for journalists. Nearly all media organizations are owned by giant holding companies with interests in other sectors, which contributes to self-censorship by journalists. More significantly, Article 301 of the 2004 revised penal code includes tight restrictions, allowing journalists and others to be prosecuted for discussing controversial subjects such as the division of Cyprus and the 1915 mass killings of Armenians by Turks. Many writers, publishers, and journalists have been charged and tried for crimes that include insulting the armed services and denigrating "Turkishness"; very few have

been convicted, and charges are often dropped, but trials are time-consuming and expensive. The broadcast authority banned coverage of PKK attacks in October 2007.

In January 2007, a Turkish nationalist murdered journalist Hrant Dink for his stated views on the Armenian killings, which had previously earned him a suspended prison sentence under Article 301. Many media outlets reported various forms of interference in 2007. The offices of the weekly *Nokta* were raided in April following a complaint by a military prosecutor, and *Nokta* subsequently chose to suspend operations.

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 followed a March court order that briefly banned access to video-sharing website YouTube over a video insulting Atatürk.

The constitution protects freedom of religion. Turkey is a predominantly Muslim country, and much of its population is very devout. 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 lack legal status, and their activities are subject to legal challenges. Christian minorities have been facing hostility, and three Protestants were killed in April 2007 at a publishing house that distributed bibles.

The Turkish republic's official secularism has in practice led to considerable state control of religion. Women wearing headscarves are not allowed in public universities and government offices, and observant men are dismissed from the military. The European Court of Human Rights has repeatedly upheld the headscarf ban's legality. The government does not restrict academic freedom, although self-censorship on sensitive topics is common.

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 cracked down on a 2007 May Day protest and arrested nearly 600 people. A 2004 law on associations was expected to reduce state interference in civil society, but 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 plays an increasingly active role in Turkish politics. Trade union activity remains restricted in practice, although laws to protect unions are in place. Implementation has not kept pace with EU-related improvements to the legal framework on that issue.

The Turkish constitution envisions an independent judiciary, but in practice the

government can influence judges through its control of appointments, promotions, and financing. Critics questioned the impartiality of the April 2007 constitutional court ruling annulling the presidential election; much of the court system is controlled by strict secularists who oppose the ruling government. A controversial bill adopted in late 2007 introduces an interview for all judicial candidates before a ministry-appointed board, which critics say could make space for further executive interference. However, the judiciary has been strengthened 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. Still, some trials last so long as to become an inconvenience and financial burden for the defense. Amnesty International has accused the Heavy Penal Courts of accepting evidence extracted under torture.

The current government has a "zero tolerance" policy concerning torture, backed up by new laws and training to improve implementation. In July 2007, Amnesty International again reported a decrease in torture in police custody and improved safeguards. However, rights groups still cite new cases and highlight the fact that perpetrators are not consistently punished. The government has established a variety of bodies to investigate and field complaints on human rights.

Prison conditions can be harsh, with problems including overcrowding. The country's F-type prisons are criticized for isolating inmates. An especially contentious imprisonment is that of Abdullah Ocalan, former leader of the Kurdish guerrilla movement, who is serving a life sentence in solitary confinement on an island off the Turkish coast.

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. Fighting between the PKK and the government in the southeast is ongoing. Renewed ceasefires offered by the PKK have been rejected by the government. The conviction of security officials in connection with a 2005 bomb explosion in a bookstore in the southeast was overturned in May 2007 for procedural flaws.

The state claims that all Turkish citizens are treated equally, but its unwillingness to acknowledge minority differences results in de facto unequal treatment under the law. Because recognized minorities are limited to the three defined by religion and there has been a traditional emphasis on Turkish national identity, 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. Alleged collaboration with the PKK can be used as an excuse to arrest Kurds who challenge the government.

Property rights are generally respected in Turkey. The most significant problem is the tens of thousands of Kurds who were driven from their homes by government

forces during the conflict in the 1990s. Increasing numbers have returned to their homes since a program to address the situation was launched in 2004, and the first families received monetary compensation in 2006, 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 they face discrimination in employment and are underrepresented in government. The World Economic Forum ranked Turkey 121 out of 128 countries surveyed in its 2007 Global Gender Gap Index. 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. 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. Suicide among women has been linked to familial pressure as stricter laws have made honor killings less permissible. A 2006 national poll found that Turks hold deeply conservative values, including disapproval of homosexuality and the cohabitation of unmarried couples.