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Freedom in the World 2010 - Turkey

Capital: Ankara

Population: 74,816,000

Political Rights Score: 3 *

Civil Liberties Score: 3 *

Status: Partly Free

Trend Arrow ↓

Turkey received a downward trend arrow due to the Constitutional Court's decision to ban the pro-Kurdish Democratic Society Party.

Overview

The government in 2009 made promising overtures to Kurdish separatists in the southeast, raising hopes for an end to fighting and an expansion of Kurdish rights. However, violent protests erupted late in the year after the Constitutional Court banned the major pro-Kurdish party in December. Also in 2009, the government continued its expansive investigation into an alleged right-wing conspiracy to trigger a military coup.

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 military – which sees itself as a bulwark against both Islamism and Kurdish separatism – has forced out civilian governments on four occasions since 1960.

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 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 in March 2003.

Erdogan oversaw 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, objected to Turkey's support for the Turkish Republic of Northern Cyprus, which is not recognized internationally. EU public opinion and some EU leaders expressed opposition to Turkish membership for a variety of other reasons. This caused the reform process to stall, and Turkish popular support for membership declined even as Turkish nationalist sentiment increased.

Ahmet Necdet Sezer's nonrenewable term as president ended in May 2007. Sezer had been considered a check on any extreme measures the AK-dominated parliament might introduce, and the prime minister's nomination of a new president was closely watched. 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 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.

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 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 later stalled.

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.

The government in 2009 made positive overtures to the Kurdish Workers' Party (PKK), a separatist group that has fought a decades-long guerrilla war against government forces in the southeast. The moves raised hopes of a permanent ceasefire; an earlier halt in fighting had lasted from 1999 to 2004. However, the state's relations with the Kurdish minority suffered a serious blow in December, when the Constitutional Court banned the DTP on the grounds that it had become "a focal point for terrorism."

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 a 2007 referendum reduced members' terms from five to four years. The changes also envision direct presidential elections for a once-renewable, five-year term, replacing the existing system of presidential election by the parliament for a single seven-year term. The president appoints the prime minister from among the members of parliament. 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.

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 interpreted broadly. In December 2009, the Constitutional Court closed the DTP and banned many of its members from politics, including the removal of two parliamentarians from office. Those remaining in parliament regrouped under the new Peace and Democracy Party. Major protests followed that were often violent and even deadly.

Reforms have increased civilian oversight of the military, but restrictions persist in areas such as 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. A 2009 law restricting the use of military courts brought Turkey closer to EU norms, but the measure is being contested by the opposition.

Turkey struggles with corruption in government and in daily life. The AK government has adopted some anticorruption measures, but reports by international organizations continue to raise concerns, and allegations have been lodged against AK and CHP politicians. Prime Minister Recep Tayyip Erdogan has been accused of involvement in a scandal over the misuse of funds at a charity called Lighthouse. A German court handling charges related to the scandal has implicated the head of Turkey's broadcasting authority. Government transparency has improved under a 2004 law on access to information. Turkey was ranked 61 out of 180 countries surveyed in Transparency International's 2009 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 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. For example, in 2009 a journalist who wrote an article denouncing what he said was the unlawful imprisonment of his father, also a journalist, was himself sentenced to 14 months in prison. A journalist was also shot near his office in December 2009. In a positive development the previous year, a court overturned a government ban on reporting about Ergenekon. Journalists have been among those implicated in the Ergenekon case.

Nearly all media organizations are owned by giant holding companies with interests in other sectors, contributing to self-censorship. In 2009, the Dogan holding company,

which owns many media outlets, was ordered to pay crippling fines for tax evasion in what was widely described as a politicized case stemming from Dogan's criticism of AK and its members. The internet is subject to the same censorship policies that apply to other media, and a 2007 law allows the state to block access to websites deemed to insult Atatürk or whose content includes criminal activities. This law has been used to block access to the video-sharing website YouTube since 2008, as well as several other websites in 2009.

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.

The constitution protects freedom of religion, but the state's official secularism has led to considerable restrictions on the Muslim majority and others. Observant men are dismissed from the military, and women are barred from wearing headscarves in public universities and government offices. An AK-sponsored constitutional amendment passed in February 2008 would have allowed simple headscarves tied loosely under the chin in universities, but the Constitutional Court struck it down in June of that year. In the interim, many universities had defied the changes and continued to enforce the total ban. Separately in 2008, 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 2008.

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.

Laws to protect labor unions are in place, but union activity remains limited in practice. While some obstacles have been removed in recent years, 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 appointments, promotions, and financing, though much of the court system is still controlled by strict secularists who oppose the current government. A 2009 scandal revealed official wiretapping of judges, leading to accusations of political interference. The judiciary has been improved in recent years by structural reforms and a 2004 overhaul of the penal code, and a promising reform strategy was approved in 2009. 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 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. 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 overcrowding and practices such as extended isolation in some facilities. In 2009 jailed PKK leader Abdullah Ocalan was moved to a new facility, ending his controversial solitary confinement.

Also 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 sparked protests at year's end. Bombings in other parts of the country by various radical groups are not infrequent, although there were no serious incidents in 2009.

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.

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, won an appeal against its closure in 2009, but a prominent transgender human rights activist was stabbed to death soon thereafter. Advocates for the disabled have criticized lack of implementation of a law designed to reduce discrimination. Also in 2009, an Amnesty International report criticized Turkey's asylum policy, which does not recognize non-Europeans as refugees, and the European Court of Human Rights ruled that two Iranian refugees had been unlawfully detained while seeking asylum in Turkey.

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

The amended constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 129 out of 134 countries surveyed in its 2009 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 included increased penalties for crimes against women and the elimination of sentence reductions in cases of honor killing and rape. In 2009 the European Court of Human Rights ruled that a 2002 honor killing constituted gender discrimination. In response, the government introduced a new policy whereby police officers responding to calls for help regarding domestic abuse would be held legally responsible should any subsequent abuse occur.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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