

# TURKEY 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers. A unicameral parliament (the Grand National Assembly) exercises legislative authority. Following the 2011 parliamentary elections, which observers considered generally free and fair, the Justice and Development Party (AKP) formed a parliamentary majority under Prime Minister Recep Tayyip Erdogan. Civilian authorities maintained effective control of the security forces, but some elements of the security forces committed human rights abuses.

The most significant human rights problems during the year were:

**Government interference with freedom of expression and assembly:** The penal code and antiterror law retain multiple articles that restrict freedom of expression, the press, and the internet. Authorities imprisoned scores of journalists who remained incarcerated at year's end, most charged under the antiterror law or for connections to an illegal organization. Self-censorship was common because individuals feared that criticizing the state or government publicly could result in civil or criminal suits or investigations. The government harassed and prosecuted persons sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Authorities used excessive force to disperse protests, detained thousands of persons, including many journalists, academics, lawyers, and students, during demonstrations, and charged many under the antiterror law. Of particular note, authorities used excessive force in response to the summer's Gezi Park protests, leading to mass casualties (including seven deaths) and an overall diminution of freedom of expression and press.

**Law enforcement and administration of justice:** Broad laws against terrorism and other threats to the state and a lack of transparency in the prosecution of such cases restricted access to justice. The judicial system was politicized and overburdened. Authorities continued to engage in arbitrary arrests, hold detainees for lengthy and indefinite periods in pretrial detention, and conduct extended trials. Orders for the secrecy of investigations limited defense access to evidence and fueled concerns about the effectiveness of judicial protections for suspects. The close connection between prosecutors and judges gave the appearance of impropriety and bias. The broad authority granted to prosecutors and judges contributed to inconsistent and uncertain application of criminal laws, particularly during expansive investigations

related to state security. Of particular note, law enforcement and the judiciary were subject to executive branch influence as the government reassigned thousands of police and prosecutors during the December 17 anti-corruption operation and subsequent scandal.

**Inadequate protection of vulnerable populations:** The government did not effectively protect vulnerable populations, including women, children, and lesbian, gay, bisexual, and transgender (LGBT) individuals, from societal abuse, discrimination, and violence. Violence against women, including so-called honor killings, remained a significant problem, and child marriage persisted.

**Other human rights problems during the year included:** Security forces' allegedly unlawful killings; allegations of torture and use of excessive force by law enforcement officials; overcrowding and other shortcomings in prisons; restrictions and abuses of religious freedom such as for religious minorities; corruption, and government restrictions on human rights organizations, particularly in the southeast.

Impunity remained a problem. The government investigated reports of abuse by security forces as well as reports of corruption in other parts of the government, but the number of arrests and prosecutions was low, and convictions remained rare.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents allegedly committed arbitrary or unlawful killings. There was no independent body to examine and monitor killings, complaints of torture or ill-treatment, excessive use of force, or other alleged abuses by security forces. Military and civil courts were the main recourses to prevent impunity, although complaints could also be filed with the Ombudsman Institution, which investigates all complaints against the state administration. Human rights organizations continued to assert that the government's failure to delineate clearly in the law the circumstances that would justify the use of force contributed to disproportionate use of force and deaths during protests.

In late 2012, following three decades of conflict with the Kurdistan Workers' Party (PKK) terrorist organization, the government and PKK leader Abdullah Ocalan began talks about a peace process. There were no conflict-related deaths after

February. The PKK called for a ceasefire in March, which both sides largely observed, apart from small-scale PKK attacks late in the year.

The domestic nongovernmental organization (NGO) Human Rights Foundation (HRF) alleged that police, military, and Jandarma, a paramilitary force controlled jointly by the Ministry of Interior and the military and charged with policing rural areas, were responsible for 29 civilian deaths and 30 serious injuries, primarily due to airstrikes or the use of firearms.

Human rights and civil society groups concluded that security forces caused the deaths of seven civilians during demonstrations over government plans to redevelop Gezi Park that took place around the country in May, June, and July. The government's General Directorate of Security (GDS) reported the killing of three citizens. According to Amnesty International (AI), one person was shot in the head by a police officer, a second person was beaten to death, and a third demonstrator was killed, reportedly by a tear gas canister fired by a police officer at short range.

In December 2011 military aircraft killed 34 civilians, including 17 children, near the town of Uludere, near the Iraqi border, in an airstrike targeting the PKK. A parliamentary commission examined the incident and issued a draft report in January that "no evidence has been found that would suggest that there was deliberate action in the incident." In June military prosecutors took charge of the investigation after the civil courts claimed lack of jurisdiction. The parliamentary report did not indicate who was responsible for the decision to launch the strike, and no one in the military chain of command was punished. In July the General Staff Prosecutor's Office rejected a request for a second investigation from families. Opposition and human rights organizations attributed the incident to the military's failure to implement adequate controls to safeguard civilian life.

The Ministry of Defense announced on September 18 that 977,922 uncleared land mines remained in the country and that it had asked for a six-year extension of the Ottawa Treaty's 2016 deadline to clear them. As of October the GDS reported 309 incidents in which landmine and other explosions killed 54 citizens and injured 284 civilians and 15 police officers. According to the Jandarma, as of October landmines killed one civilian and injured 18 others, while improvised explosives killed two security personnel and injured five others. The domestic NGO Human Rights Association (HRA) reported that land mines and unattended explosives killed two children and injured 20 persons as of August. The HRF reported seven

civilians killed and 18 injured by land mines as of November 30. Statistics varied as reporting and tallying methods differed between observers.

According to the HRA, security officers were responsible for one civilian death and two injuries at government checkpoints as of August. The Jandarma reported their personnel killed one civilian and injured three others who were observed in military restricted zones and did not heed orders to halt.

Other attacks on civilians included a February 1 suicide attack on the U.S. embassy in Ankara, killing security guard Mustafa Akarsu as well as the bomber. The Revolutionary People's Liberation Party/Front (DHKP/C) claimed responsibility for the attack. There were two attacks in the border area of Reyhanli during the year. On February 11, a car bomb exploded at the Reyhanli border crossing between Turkey and Syria, killing 13 people, including three Turkish citizens, and injuring at least 28 others. On May 11, two more car bombs exploded in Reyhanli, killing at least 51 individuals and injuring 140 others. The government accused the Syrian regime of facilitating the attacks.

#### **b. Disappearance**

There were no reports of politically motivated disappearances during the year.

The Jandarma reported that as of October it had received two complaints of citizen disappearances, which it investigated and was unable to substantiate.

Authorities made some progress investigating previous cases of disappearances, many from the early 1990s. According to an HRA report, an estimated 3,248 persons lay buried in 253 identified mass graves, but there was no government plan for excavating these graves in accordance with UN protocols.

On November 5, the Sirnak High Criminal Court held its first hearing of an investigation into the case of six villagers from the town of Gorumlu missing since 1993. Prosecutors accused former General Mete Sayar and five other former soldiers of summarily executing them in retribution for clashes in Kesiktepe that killed two soldiers; the bodies of the victims were never found. The case continued at year's end.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there were reports that some government officials employed them. Human rights organizations continued to report allegations of torture and abuse, especially of persons who were in police custody but not in a place of detention, during demonstrations, and during transfers to prison, where such practices were more difficult to document.

The Fourth Judicial Reform Package, passed on April 11, lifted the 20-year statute of limitations for the crime of torture, but did not apply retroactively, thus excluding continued investigation and prosecution of cases dating back to the early 1990s. Nonetheless, Human Rights Watch (HRW) hailed this portion of the reform package as a “very positive step” for future investigations.

Prosecutors investigated allegations of abuse and torture by security forces during the year but rarely indicted accused offenders. Domestic human rights organizations claimed this failure to follow through deterred victims of abuse from filing complaints. Authorities typically allowed officers accused of abuse to remain on duty during their trial, although they removed several officers accused of excessive violence during the Gezi Park protests pending an investigation.

Police officers in several parts of the country used disproportionate violence to disrupt protests, particularly during the summer’s Gezi Park protests (see section 2.b., Freedom of Peaceful Assembly). The Federation of Women’s Associations asserted that Turkish National Police (TNP) personnel sexually abused women in some cities during the Gezi events.

Some human rights observers reported that detainees often refrained from reporting torture and abuse because they feared retaliation or believed complaining to authorities would be futile. Human rights organizations documented several cases of prison guards beating inmates and 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. They also noted that LGBT persons, particularly gay men, were subject to police abuse and harassment on “moral” grounds. As of October 10, the GDS reported 11 allegations of rape by security forces personnel. It dismissed two of these and continued to investigate the remaining nine.

The HRF received 950 allegations of incidents of torture and excessive use of force during the first nine months of the year. The TNP reported that it received 123 complaint cases of torture or abuse, of which it dismissed 95, courts acquitted 17, and 11 verdicts were pending at year’s end. Of 20 other disciplinary cases in the

same period, the TNP rejected two, dismissed 16 after investigation, removed an officer from duty, and in another continued the investigation.

The government continued to pursue efforts to ensure compliance with legal safeguards to prevent torture and mistreatment through its ongoing campaign of “zero tolerance” for torture. The GDS reported that, in line with the zero tolerance for torture policy, it planned to install digital audio and video systems in 11 detention centers and eight testimony rooms in nine provincial TNP antiterror directorates, adding to 297 systems installed from 2007 to 2012.

The Ankara Bar Association reported four complaints of child abuse or rape by law enforcement officers, of which one was dismissed and two others were ongoing. In the remaining case, authorities removed two Adana police officers from duty.

According to the NGO Soldiers’ Rights Platform (SRP), conscripts endured severe hazing, physical abuse, and torture that could lead to suicide. According to the SRP, the shortening of compulsory military service from 15 to 12 months and removal of solitary confinement on land during peacetime were positive but not sufficient steps to address the problem of military suicides.

### **Prison and Detention Center Conditions**

Prison facilities remained inadequate and did not meet international standards. Underfunding and lack of access to adequate health care were problems. Overcrowding in some prisons remained an issue, although less so than in previous years.

Physical Conditions: On October 21, according to the Ministry of Justice, there were 359 prisons with a designed capacity of 151,444. The minister told parliament in November that in July, the prisons held 131,983 inmates, including 27,617 persons in pretrial detention and 104,366 convicts. The military reported that 21 military prisons held six convicted prisoners and 598 pretrial detainees. Authorities occasionally held detainees together with convicts. They sometimes held inmates convicted of nonviolent, speech-related offenses in high-security prisons.

On October 21, there were 5,009 women in prison, of whom 3,704 were in pretrial detention and 1,304 were convicts. There were 1,877 children in prison, including 1,464 in pretrial detention. The law provides for children to be held in separate prisons. The government reported separate prisons were the practice where such

facilities were available; otherwise, children were kept in separate sections within adult prisons.

The HRA reported 22 deaths of prison inmates and detainees through August, including two suspicious deaths. The HRF counted at least 25 deaths due to illness or suicide through November 30. The Ministry of Justice reported that, by October 20, 147 inmates and 19 detainees had died in prison during the year. The General Staff reported there were no deaths of detainees or convicts in military prisons during the year.

According to human rights organizations, prisoners occasionally lacked adequate access to potable water, proper heating, ventilation, and lighting. The HRA cited these issues frequently in prisons across the country.

Human rights associations, including the Council of Europe's Committee for the Prevention of Torture expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The HRA reported that guards and doctors often treated inmates receiving medical care with hostility, particularly if inmates asked guards to leave the examination room or remove their handcuffs. The HRA reported that on November 3, 544 inmates were sick, including 162 in critical condition. Chief prosecutors have discretion, particularly under the wide-reaching antiterror law, to keep inmates in prison whom they deem dangerous to public security regardless of medical reports confirming serious illness.

Administration: Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to see a judge once a month, although there was no prison ombudsman institution. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable.

Continued implementation of the Third Judicial Reform Package passed in 2012 led to an increase in the use of measures other than detention as an alternative to confinement. For example, the use of judicial controls--such as travel bans and periodic monitoring visits--as an alternative to detention on remand increased by more than 50 percent between the end of 2011 and April 30, according to the European Commission's 2013 progress report.

Independent Monitoring: The HRA reported that the government did not allow NGOs to monitor prisons. The parliament's Human Rights Investigation Commission (HRIC) reported that it had authorization to visit and observe military prisons without advance permission. The government reported that it allowed prison visits by the EU, the Council of Europe, and UN bodies as well as provincial and local human rights councils. It also permitted visits to individual prisoners by representatives of their embassies and consulates.

Improvements: The European Commission's 2013 progress report noted "reform of the prison system continued, with improved detention conditions and efforts to combat overcrowding by increasing prison capacity and the use of probation." The HRA noted that use of compassionate release for ill prisoners increased throughout the year, with at least 60 prisoners released through September 30.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention. There were numerous reports of government not observing these prohibitions.

#### **Role of the Police and Security Apparatus**

Civilian authorities maintained effective control of the security forces. The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma, under the joint control of the ministry and the military, is responsible for rural areas and specific border sectors where smuggling is common, although the military has overall responsibility for border control and overall external security. Village guards, a civilian militia that reports to the Jandarma, focused their activities almost exclusively on assisting the government in fighting the PKK in the Southeast. The mission of the internal security apparatus, in particular the village guards, was under review as the government began in November 2012 to pursue a negotiated end to its war with the PKK (the "solution process").

Government mechanisms to investigate and punish alleged abuse and corruption by state officials remained inadequate. Impunity remained a problem.

In September the Turkish General Staff reported that it had dismissed 232 personnel for disciplinary and moral reasons but none for excessive use of force. Similarly, in October, the Jandarma did not dismiss any personnel for excessive use of force, although there were 64 dismissals for disciplinary and moral reasons.



Village guards were less professional and disciplined than other security forces. The HRA asserted that in some instances recent recruits among the village guards ambushed PKK fighters who were withdrawing from Turkey as part of the peace process; the HRA also cited allegations of abductions, torture, and confiscation of property by village guards.

On November 11, the TNP announced the formation of a special unit to focus on investigating some of 1,901 unsolved murders, most of which date to 1992-1994, according to a 2012 HRF report. Even when investigations reopened, however, the likelihood of holding those accountable remained remote.

Officials employed the tactic of counterfiling against those who alleged abuse. In November, for example, the Istanbul chief prosecutor opened an investigation on charges of “influencing the judicial process” against 252 individuals who had earlier filed a criminal complaint against government officials, including the prime minister, for police violence during the Gezi Park protests. Impunity remained a problem, particularly highlighted by the small number of indictments of police accused of brutality during the Gezi Park protests.

The Turkish Medical Association reported 8,163 injuries, including at least 63 persons in serious or critical condition, because of the Gezi Park protests. The GDS reported 4,329 citizens and 697 security force personnel suffered injury in the protests. Injuries included burns, respiratory distress, asthma seizures, and epilepsy seizures caused by pepper spray; soft-tissue trauma and burns caused by pressurized water containing pepper spray; head and brain traumas and musculoskeletal injuries caused by fired tear gas canisters, plastic bullets, and batons; and loss of vision and internal organ injuries due to tear gas canisters. Approximately 106 persons suffered head and brain traumas.

An August Ministry of Interior report stated that some police officers used disproportionate force during the Gezi Park protests. In September media reported the TNP started disciplinary investigations of 169 police officers (32 captains and 137 members of riot squads) who allegedly used excessive force. According to media reports, as of September 19, 43 police officers had received disciplinary penalties, which included a suspension of seniority ranging from six to 16 months and elimination of overtime pay. In October the Ministry of Interior reported that because of the Gezi Park events, it suspended five police officers and were investigating eight others in Istanbul, suspended two and investigated 19 in Izmir; and investigated six in Ankara.

During a June 1 Gezi Park protest in Ankara, a police officer who reportedly indiscriminately fired live bullets into a crowd, shot Ethem Sarisuluk in the head; Sarisuluk succumbed to his injuries two weeks later. On July 16, an Ankara court indicted police officer Ahmet Sahbaz for negligent homicide in Sarisuluk's death. The trial was ongoing, with Sahbaz out on parole pending trial.

During a June 2 Gezi Park protest in Eskisehir, a group that included police severely beat university student Ali Ismail Korkmaz, who died in hospital on July 9 after lapsing into a coma resulting from brain hemorrhage. Five suspects, including one police officer, were in detention, while three others were released pending trial. The case was ongoing, with the trial moved to Kayseri on grounds of public security.

During the year through September, 84,438 Jandarma and 459 police personnel received training in human rights and counterterrorism. According to the government, the military emphasized human rights in training for both regular and noncommissioned officers.

### **Arrest Procedures and Treatment of Detainees**

The law requires warrants issued by a prosecutor for arrests, unless the suspect is detained while committing a crime. Authorities may hold suspects without charge for 24 hours but have prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before arraigning them before a judge. A chief prosecutor may apply to extend this period of custody up to four days before arraignment under certain circumstances, including cases with multiple suspects and charges. Formal arrest is a later step, separate from detention. Authorities must tell suspects of the charges against them within 24 hours, although human rights activists claimed they did not always tell suspects which specific statement or action was the basis of a given charge. For crimes that carry sentences fewer than three years in prison, a judge may release the accused after his arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge decides either to release the defendant on his or her own recognizance or, if there are specific facts indicating that the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims, the judge may hold the defendant in custody prior to trial. However, judges often kept suspects in detention without demonstrating the public interest or otherwise articulating a justification for doing so.

The law provides detainees the right to immediate access to an attorney at any time. In criminal cases, the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence is more than five years or where the defendant is a child or is disabled, a defense attorney is appointed even absent a request from the defendant. Private attorneys and human rights monitors reported irregular implementation of these laws, particularly with respect to attorney access. According to local bar associations, attorney access for detainees continued to vary widely across the country.

During the Gezi Park protests, human rights associations and the Turkish Bar Association (TBA) claimed that police often denied detained protesters access to legal counsel until after initial questioning. The TBA additionally alleged that on several occasions, lawyers who came to police stations to assist demonstrators were themselves detained for questioning and held for hours without charge.

Human rights observers noted in most cases authorities provided an attorney where a defendant could not afford one. In terrorism-related cases, however, an attorney was frequently not provided and was explicitly denied until after the suspect had been detained and interrogated by security forces. As in previous years, the HRA and the bar associations claimed that police often intimidated detainees who asked for an attorney, for example, by telling them that a court would assume they were guilty if they consulted an attorney during detention.

Although authorities generally allowed detainees prompt access to family members, human rights organizations, particularly in the Southeast, reported difficulties in helping families find out whether a relative was detained, because the government refused to release such information to the organizations or the families.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. Human rights organizations claimed the broad nature of the antiterror law and the criminal code allowed permitted authorities to arrest thousands of individuals for suspected antistate or terrorist activity. The organizations claimed that authorities detained, harassed, or arrested members of human rights organizations, academics, elected officials, political activists, media personnel, and human rights monitors for “membership in an illegal organization” and for “promoting terrorist propaganda.” By law police and Jandarma may compel citizens to identify themselves without cause.

During the year police routinely detained demonstrators for hours, and human rights organizations claimed this practice sharply increased from the previous year. During the Gezi Park protests, police removed tens of thousands of people from demonstrations to holding areas, detaining them without charge, usually for short periods, until calm was restored. Human rights organizations documented numerous cases of protesters held without charge for longer than the 24-hour limit set by law.

In 2010 the government began trying thousands of persons alleged to be members or supporters of the Kurdistan Communities Union (KCK), the umbrella political organization of the PKK terrorist group. The Peace and Democracy Party (BDP) and human rights organizations claimed that, over a three-year period, authorities detained approximately 30,000 persons, of whom they arrested 8,000, and detained thousands of others (including elected mayors, political party officials, journalists, and human rights activists) pending trial. In January courts acquitted 106 defendants in Diyarbakir, including 98 elected mayors, of all charges after they had spent four years in pretrial detention. Arrests and indictments in other anti-KCK trials continued. The EU Commission's progress report for the year noted that the number of elected officials on trial in the KCK case was "adversely affecting the exercise of regional and local democracy."

Pretrial Detention: The criminal procedure code limits to 10 years the length of time authorities may hold a person in pretrial detention for organized crime and terrorism-related offenses. The limit is two years for other major criminal offenses tried by high criminal courts, plus three one-year extensions for a total of five years. On July 4, the Constitutional Court ruled unconstitutional the article allowing for up to 10 years of pretrial detention for suspects charged with organized crime and terrorism-related offenses and gave the government one year to change the provision.

Lengthy pretrial detention remained a problem. Judges ordered some suspects held for long periods, or even indefinitely, without trial but with the right to appear before a judge each month.

Human rights groups noted that detentions were generally longer than necessary to defend the public interest, that a detainee usually had limited opportunities to challenge the lawfulness of pretrial detention, and that those occasions offered little prospect of success.

The continuing case against suspected members of the KCK resulted in continued detentions and arrests during the year. During peace talks with the PKK, courts released some suspects pending trial. For example, in the city of Van, no defendants remained detained, although their cases continued.

Detention of Rejected Asylum Seekers or Stateless Persons: the TNP Foreigners' Department operated "guest houses" for foreigners who claimed asylum after being detained by security forces

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary and the independence of individual prosecutors, who operate within the judiciary and direct police investigations. In the past, there have been strong indications in certain significant cases that the judiciary is sometimes subject to external governmental influence. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial and prosecutorial power. On December 17, when prosecutors launched an anti-corruption operation and detained scores of persons with family or business ties to high government officials, the government took steps the following day to reassign or remove prosecutors and reportedly as many as 400 police linked to the investigation. On December 27, EU Commissioner for Enlargement Stefan Fule raised concerns about threats to the independence of the judiciary. His statement was prompted by a hastily approved government regulation requiring prosecutors and police to inform superiors in the Interior Ministry before carrying out investigations or detentions. On December 27, the Council of State overturned the regulation as unconstitutional. Observers and media noted the government's reactions to the investigation appeared to be aimed at discrediting and stifling the investigation of serious allegations of corruption.

Critics asserted the government used its influence among judges and prosecutors to ensure the election of handpicked candidates to the High Council of Judges and Prosecutors (HSYK), which selects judges and prosecutors for the country's courts and is responsible for court oversight. After the December 17 anti-corruption cases, the prime minister vowed to reform the HSYK to give the government more control, potentially reversing some of the depoliticizing judicial reforms of 2010. Although the constitution provides tenure for judges, the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges, as well as their inclination to protect the state over the individual, and alleged partiality, contributed to inconsistent and uncertain application of criminal laws.

The country has an inquisitorial criminal justice system. The close connection between public prosecutors and judges gives the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the HSYK; after appointment they are often housed together, share the same office space, work in the same courtroom for many years, and even switch between positions over their careers. International human rights organizations noted that prosecutors received special status, often entering courtrooms with judges and sitting elevated above defense lawyers. Human rights and bar associations noted that defense attorneys generally underwent less rigorous training than their prosecutorial counterparts undergo and were not required to pass an examination to demonstrate a minimum level of expertise.

The constitution provides for the trial of military personnel in civilian courts if their alleged crime was committed against the state or the constitutional order. The constitution also provides for civilian judicial review of decisions of the Supreme Military Council.

Human rights groups report that criminal defendants faced protracted and unfair trials, especially for violations of the antiterror law, which led to additional abuses. They also asserted that persons are convicted under the antiterror law often based on unsubstantiated or unreliable evidence, including the extensive use of secret witnesses, particularly in cases related to state security.

On January 10, the Ankara 12th High Criminal Court accepted indictments demanding life imprisonment against former Chief of General Staff and President Kenan Evren and former Air Forces Commander Tahsin Sahinkaya. The indictments related to their role in leading the 1980 coup to re-establish order after prolonged civil turbulence and their subsequent three years of military rule until the approval of a new constitution in 1982 and the restoration of democracy in 1983. Under their military regime, 50 persons were executed, an estimated 500,000 were arrested, hundreds died in jail, and many more disappeared. The case became possible after the government lifted the military officers' immunity in 2010, 30 years after the original events, and after both the constitution and legal codes had been changed, hence judging the defendants under a legal framework different from that of the time of their actions. As the EU progress report and others observed, the case confirmed "the profound shift in the balance of civil-military relations in favor of the civilian authorities." While Evren and Sahinkaya did not appear in court due to their advanced ages, hearings that began on April 4 continued throughout the year.

On September 2, the Ankara 13th High Criminal Court held the first hearing of the trial of the persons charged with planning the 1997 “coup by memorandum” (also known as the “postmodern coup”). It ruled on September 5 that nine suspects, including the only civilian and eight retired generals, could be released pending trial. In their 2012 indictment authorities accused 103 suspects of overthrowing the democratically elected government of Prime Minister Erbakan. Similar to the 1980 case, this case became possible because of the legal changes of 2010, which were made retroactive to apply to 1997, and it underscored the assertion of civilian control over the military. Critics charged that the case was politically motivated, that there was a lack of evidence and inadequate reasoning, and that the court was not hearing defense witnesses. Critics also challenged the legality of the special courts trying such cases, lengthy pretrial detentions, parallel parliamentary investigations that could bias the verdicts, and a politicized judiciary. On November 7, the court released 15 suspects on probation pending the trial verdict. Five defendants remained in jail pending trial, and the case continued.

### **Trial Procedures**

Under the law, defendants enjoy a presumption of innocence and have the right to prompt and detailed information about the charges against them. There were multiple, confirmed reports that the government did not observe this law. Courtroom proceedings are public for all cases except those involving minors as defendants and those with security concerns, such as those related to “crimes against the state.” In such cases, court files, which contain the indictment, case summaries, judgments, and other court pleadings, are closed to everyone other than the parties to a case, thus making it difficult to obtain information on the progress or results of court cases. There is no jury system, and a judge or a panel of judges decides all cases.

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, within limits, present witnesses and evidence on their own behalf. Bar associations reported that a court usually did not allow defense attorneys to conduct the questioning but instead asked them to submit questions for the court to ask. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right not to testify or confess guilt and the right to appeal, although appeals generally took several years to conclude. Defendants sometimes waited several years for their trials to begin. The failure of

officials to submit statements promptly or attend trials in cases against security officials resulted in delayed proceedings.

While the law prohibits the use in court of evidence obtained by torture, prosecutors in some instances failed to pursue torture allegations, thus forcing defendants to initiate a separate legal case to determine whether the inclusion of evidence was lawful. Human rights organizations reported that, in such instances, the primary case frequently concluded before the secondary case was decided, and leading to unjust convictions.

On August 5, the Istanbul 13th High Criminal Court issued its verdicts in the six-year long Ergenekon coup plot trial. The trial involved 275 defendants, mostly military officers, but also including politicians, executives, academics, and members of the press, accused of plotting to foment unrest and topple the elected government as members of an alleged network known as Ergenekon. Critics expressed a wide range of concerns about judicial due process and transparency. These included flimsiness of the evidence, prosecution of such an improbably vast and wide-ranging set of defendants, targeting of journalists in violation of freedom of expression and the press, overly wide application of terror laws, misuse of secret witnesses, who could not be challenged by defense lawyers, and prolonged pretrial detention of many defendants. Apart from 21 acquittals, attention focused on severe sentences meted out to many defendants, particularly to senior military leaders such as former chief of general staff Ilker Basbug. The verdicts included 19 life sentences, nine without the possibility of parole. Opposition parties, members of the press, civil society groups, and government critics regarded the outcome as politically motivated, as revenge for injustices of past eras. An appeals process to the Supreme Court of Appeals was pending.

On October 9, the Supreme Court of Appeals approved the convictions of 237 suspects, the acquittal of 36, and reversed the convictions of 88 for lack of sufficient evidence in the case of 324 military officers convicted in 2012 of conspiracy to commit treason in the “Sledgehammer” (Balyoz) coup case. The court sentenced the three most senior officers to life imprisonment, commuted to 20 years, while other sentences ranged from six to 18 years. Some observers saw Balyoz as politically motivated and alleged that key evidence was forged, inconsistent, or illegally collected, while defense evidence was not admitted. Other observers saw it as part of the process of asserting civilian control over a military that had previously wielded undue political power. In July the Supreme Court of Appeals heard the appeal of 361 defendants who argued that prosecutors used anonymous tips in their indictment, authorities forged evidence, and the court



overlooked a range of other irregularities. A report released July 26 by the UN Working Group on Arbitrary Detentions stated that for 250 defendants, the government failed to address multiple allegations of due process violations and violations of the right to fair trial.

On January 31, the president signed Law 6411, the Law on the Amendment of Criminal Procedure, enabling defendants to use their preferred language in courtroom testimony during specified segments of their trials, using interpreters approved by the state and paid for by the accused. That same month, KCK defendant and former mayor of Batman Nejdet Atalay gave the first-ever defense in Kurdish.

### **Political Prisoners and Detainees**

The HRA asserted that there were several thousand political prisoners from across the political spectrum, including journalists, political party officials, and academics. The government stated that those persons were charged with being members of, or assisting, terrorist organizations. Using the broad definition of terrorism and threats to national security, prosecutors often did not distinguish between persons who incited violence, those who supported the use of violence but did not use it themselves, and those who rejected violence but sympathized with some or all of the philosophical goals of the various political movements, particularly the Kurdish identity movement.

According to the Ministry of Justice, as of October 21, there were 2,989 persons detained and 4,303 convicted on terrorism charges.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. Individuals are able to apply directly to the High Court of Appeals (Yargitay) for redress.

### **Regional Human Rights Court Decisions**

Individuals may appeal directly to the Constitutional Court. The European Court of Human Rights (ECHR) temporarily suspended the acceptance of new cases from Turkey while the effectiveness of this Constitutional Court mechanism could be determined.

The Fourth Judicial Reform Package passed on April 11 made the law consistent with some of the ECHR's rulings, particularly regarding the charge of "membership in a terrorist organization." As of October 31, 12,450 cases against the state were pending at the ECHR. As of November 13, the court issued 111 decisions against the state and three in its favor.

The Ministry of Justice's Human Rights Department is the ministry's sole responsible authority regarding human rights issues. It is responsible for facilitating the implementation of the country's obligations under the European Convention on Human Rights and coordinating the execution of ECHR decisions.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution provides for the "secrecy of private life" and states that individuals have the right to demand protection and correction of their personal information and data.

The law allows for telephone tapping with a court order. Only the country's telecommunication agency may tap telephones, and only when presented with a court order directed against alleged drug traffickers, organized crime members, or terrorists. Nevertheless, assumptions of widespread use by authorities of legal and illegal eavesdropping bugs and wiretapping had a chilling effect on freedom of expression and encouraged self-censorship at home as well as in professional environments. There were numerous allegations by individuals and public figures that their telephones were illegally tapped without a court order. While the constitution prohibits admission or consideration of unlawfully obtained evidence in trials, courts did not comply with this broad prohibition in all cases.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The penal code and antiterror law contain multiple articles that restrict freedom of the press. International and domestic human rights organizations expressed particular concern over what they regarded as an overly broad definition of terrorism under the antiterror law and its disproportionate use by authorities against members of the press, academics, students, and members of the political opposition and Kurdish activist community. Human rights monitors also emphasized that the penal code contains multiple articles that directly restrict press freedom and free

speech, for example, through inclusion of provisions on praising a crime or criminal, inciting the population to enmity or hatred and denigration, and protecting public order.

Authorities indicted journalists for: refusing to provide information about their sources and investigations; taking part in antigovernment plots; being members of outlawed political groups; attempting to influence the judiciary; insulting the Turkish nation, the Turkish Republic, its founder, Mustafa Kemal Atatürk, or organs and institutions of the state; and discouraging individuals from doing their military service.

During the Gezi Park protests, the government regularly monitored social media and in some cases issued arrest warrants for those who organized or supported the protests via their Twitter and Facebook accounts. In Izmir on June 4, 38 Twitter users, mostly 18 to 27 years of age, were detained for up to 36 hours for “inciting riots and conducting propaganda” and “encouraging breaking of the law” for tweets that indicated areas where police were intervening against protesters and safe areas where medical help could be sought. Hearings on the case continued. AI reported that another investigation against 50 Facebook users continued in Antakya. Some government officials, including the prime minister, also encouraged citizens to report to authorities or sue neighbors who had participated in widespread banging of pots and pans, flashing of lights, and honking of horns at 9:00 p.m. in a show of support for the Gezi protests.

Freedom of Speech: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, 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 in the public sphere, particularly on problems relating to political Islam, Kurds, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. Government critics and human rights associations acknowledged that open debate on some topics, most notably Kurdish issues, was more accepted than it was a decade ago; nonetheless, many who wrote or spoke on sensitive topics involving the ruling party of the prime minister risked investigation. Some opinion leaders reported that they exercised self-censorship.

Article 301 of the penal code criminalizes insults to the Turkish nation. The Ministry of Justice reported receiving 271 complaints concerning article 301

through September 30--an increase from 247 in 2012--of which it rejected 93 percent.

In June 2012 prosecutors charged pianist Fazil Say with “denigrating the values of a section of the population” by retweeting a tweet about “Allahists,” referring to followers of Allah. On April 15, the court convicted Say, giving him a 10-month prison sentence, suspended provided he does not repeat the offense within two years. The court reaffirmed the sentence in September. Say’s appeal continued at year’s end.

Following an official complaint by Prime Minister Erdogan, the Konya chief prosecutor opened an investigation against Anadolu University student Osman Garip, accusing him of continually “insulting” Erdogan on his Facebook account, beginning on May 24. On July 10, authorities questioned Garip and released him pending trial. On November 12, the Seventh Criminal Court convicted Garip and sentenced him to just over one year in prison. Garip claimed he did not write the posts and said his account may have been hacked; his appeal continued.

Press Freedoms: The print media was privately owned and active. Hundreds of private newspapers spanning the political spectrum published in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. Conglomerates or holding companies, many of whom had conflicting interests before the government on a range of business matters, owned an increasing share of media outlets. This dynamic impeded media independence and encouraged a climate of self-censorship. The concentration of media ownership influenced the content of reporting and limited the scope of public debate.

During the Gezi Park protests, the Taksim Solidarity organization and other government critics alleged that many domestic news organizations either ignored or downplayed the demonstrations due to fear of business retribution by the government. Following a July op-ed he wrote in *The New York Times* on what he called the “shameful role of Turkey’s media conglomerates in subverting press freedom,” the Turkish newspaper *Sabah* fired journalist Yavuz Baydar. Observers generally regarded *Sabah* as supportive of the government. Some ruling party officials expressed satisfaction that Baydar--along with 37 others who resigned under duress or were fired for their coverage of the protests--had been punished for attempting to embarrass the country and the prime minister. According to media activists and other human rights organizations, the government exerted pressure directly or indirectly on media outlets in an attempt to censor Gezi Park coverage.

The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations that operated on local, regional, and national levels. In addition, privately owned television channels operated on cable networks, and the RTUK granted broadcast licenses to 14 television and radio enterprises, in addition to 40 satellite broadcast licenses and 40 radio broadcast licenses. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels.

In addition to Turkish, the RTUK allowed radio and television stations to broadcast in Arabic, Armenian, Assyrian, Bosnian, Circassian, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year. Public broadcaster TRT established a Kurdish television channel (TRT 6).

On June 11, at the height of the Gezi Park protests, the RTUK convened an emergency session and imposed a fine of 11,000 Turkish lira (TL (\$5,500) and a warning to Ulusal TV, Halk TV, EM TV and Cem TV for “inciting violence” in broadcasts on Gezi Park events. Persons known to oppose the ruling party owned all four stations. In November prosecutors asked for a prison sentence of one to 13 years for Ulusal TV director Naci Eris on charges of “publicly inciting the commission of offenses” through broadcasts of Gezi Park protests.

According to the TNP, authorities confiscated 185 publications through October 7, 96 of them under the antiterror law on grounds of spreading propaganda for illegal organizations--primarily the PKK, other terrorist groups such as the DHKP/C, and various extremist antistate groups.

During the year authorities continued to file numerous cases against publications under the antiterror law. The Fourth Judicial Reform Package stated that, with few exceptions, those persons convicted of “promoting terrorism propaganda” would no longer automatically receive additional punishment for the charge of membership in a terrorist organization. Prosecutors had often used this provision of the criminal code to convict members of the press who published information relating to the Kurdish issue and/or the PKK.

Printing houses were required to submit books and periodicals to prosecutors at the time of publication. Media activists reported that as a means of censorship the Ministry of Culture sometimes denied approval of a barcode required for all publications.

Violence and Harassment: Prosecutors continued to bring dozens of cases against writers, journalists, and political figures under various laws that restrict media freedom. Human rights and press freedom activists asserted that authorities filed numerous civil and criminal complaints against journalists, authors, and publishers for ideological reasons. For example, in May, the Turkish Air Forces command filed a complaint against journalist Mehmet Baransu. In December he was charged with espionage for revealing confidential documents. These charges are the latest instance in an onslaught of harassment tactics leveled at Baransu since 2010, including death threats and wiretapping, widely acknowledged by observers to be a result of his investigative reporting.

Authorities at times also ordered raids on newspaper offices, temporarily closed newspapers, issued fines, or confiscated newspapers for violating speech codes. Government officials, including political leaders, made statements throughout the year that appeared intended to influence media content, including but not limited to news coverage.

During the Gezi Park protests, numerous human rights and journalists' organizations alleged that security forces intentionally targeted journalists covering the unrest. Journalists claimed police directly aimed water cannons and tear gas at press members and smashed their cameras despite the fact that they prominently displayed their press credentials. According to the independent news entity BIANET, police assaulted at least 105 journalists while the journalists were covering the protests. During the protests police also detained at least 28 journalists, including five foreign correspondents. They detained some overnight for questioning, although ultimately no members of the press were charged for being present at the protests.

Scores of persons identified as journalists remain in prison, most charged under the antiterror law for connections to an illegal organization or for participation in antigovernment plots. On December 18, the Committee to Protect Journalists reported that the government had 40 journalists imprisoned, including dozens of Kurdish journalists. Their research indicates, "Broadly worded antiterror and penal code statutes allow Turkish authorities to conflate the coverage of banned groups with membership." Reporters without Borders (RWB) listed 27 journalists and two media assistants in prison during the year. RWB also reported an Istanbul court decision of November 5 sentencing journalists Fusun Erdogan, Ibrahim Cicek, and Bayram Namaz to life imprisonment on charges of attempting to "overthrow the constitutional order" by violence and of membership in an outlawed Marxist party.

According to the Turkish Publishers Association, the Freedom for Journalists Congress put the number of detained journalists at 64 of July 24. The GDS reported that six members of the media accused of being affiliated to DHKP/C were under arrest in October, as well as two Kurdish journalists. Many pro-Kurdish or leftist journalists remained in pretrial detention in connection with the KCK cases. On October 24, a domestic NGO, the Platform for Solidarity with Imprisoned Journalists, reported that authorities had detained and convicted 65 journalists. The government asserted that they were prosecuting most of the detained journalists for crimes not related to their work. On November 4, the Ministry of Justice reported that 24 convicts and detainees carried press cards. In a November 15 joint press conference of the international literary and human rights organization PEN Turkey, the Turkey Writers Union, and the Turkish Publishers Association (TPA), the figure given for those in jail was 73 journalists, writers, and translators.

Censorship or Content Restrictions: Printing houses were required to submit books and periodicals to prosecutors at the time of publication. The TPA reported that publishers often exercised self-censorship by avoiding works with controversial content in order to stay out of court.

The TPA cited media sources in counting 453 books and 645 other publications banned and seized in past years by the government. With the passage of the Third Judicial Reform Package, all such bans issued prior to December 31, 2011, would be void unless renewed by a court order. The TPA reported that bans on leftist, communist, and Kurdish publications were renewed.

Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. Authorities investigated or continued court cases against myriad publications and publishers during the year, including numerous books related to the Kurdish issue.

Human rights activists and the media reported that authors practiced self-censorship to avoid prosecution. Observers also reported that, with the consolidation of media outlets under a few conglomerates that had other business interests, media entities increasingly practiced self-censorship in order to remain eligible for government contracts. Journalists reported that media outlets fired some individuals for being too controversial or adversarial with the government over fears of jeopardizing other business interests.

Libel Laws/National Security: Observers reported that government officials used defamation laws to stop political opponents from voicing criticism. The antiterror law had the greatest impact in limiting free expression. Thousands of journalists faced criminal charges, many of them multiple counts, for violations of the criminal code, including “denigrating Turkishness” or influencing the outcome of a trial as well as for offenses related to the antiterror law.

As in previous years, Prime Minister Erdogan filed numerous libel suits against his critics, including one on May 23 against the main opposition Republican People’s Party (CHP) leader Kemal Kilicdaroglu. Erdogan’s lawyers asked for one million Turkish lira (\$500,000) in compensation after Kilicdaroglu compared Erdogan to Syrian President Bashar al-Assad and blamed him for the 51 deaths that resulted from the May 11 Reyhanli bombings. The suit remained pending at year’s end.

### **Internet Freedom**

The government maintained restrictions on internet access. The internet law allows the government to prohibit a website if there is sufficient suspicion that the site is committing any of eight crimes: insulting Ataturk; engaging in obscenity; engaging in prostitution; gambling; encouraging suicide; encouraging sexual abuse of children; encouraging drug abuse; or encouraging provision of substances dangerous to health. Upon receiving a complaint, or because of personal observations, a prosecutor may request that a judge prohibit access to the offending site. In an urgent situation, the Telecommunication Internet Presidency (TIB) may prohibit access while it examines the complaint. In either case a judge must rule on the matter within 24 hours. Following a judicial decision to uphold the complaint, the internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure the restoration of access. ISP administrators may face a penalty of six months’ to two years’ imprisonment for failing to comply with a judicial order. The law also allows persons who believe a website has violated their personal rights to request the TIB to order the service provider to remove the offensive content. Authorities also used the antiterror law and other sections of the penal code to block websites.

According to the *Google Transparency Report*, from January to June, the company received requests from the Information and Communications Technologies Authority (BTK) to remove 17 YouTube videos and 22 blogger posts because of their alleged criticism of Ataturk, the government, or national identity and values. Google restricted users from accessing 52 percent of the BTK’s YouTube videos



of concern. The government also requested the removal of YouTube videos that contained clips of the movie *The Innocence of Muslims*.

Government authorities on occasion accessed internet user records to “protect national security, public order, health, and decency” or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the “highest administrative authority” before taking such action. Numerous activists and journalists alleged that the state accessed and actively monitored their email and social media accounts during the Gezi Park protests. Law 5651 allows authorities to block internet content that is obscene or promotes child abuse or gambling. According to internet freedom NGO Engelliweb, as of November, 10,258 websites were blocked--9,942 by the TIB, 285 by court order, 15 by prosecutors pending court decisions, 14 by the BTK, and two by unspecified actors.

Internet access providers are required to deploy and use filtering tools approved by the TIB. Providers who operate without official permission face administrative fines. Internet activists and the press reported that more than one million websites were blocked in internet cafes in the country. The sites of many mainstream LGBT organizations were among those blocked. The government also blocked access to the web application Grindr. Additional internet restrictions operated in government and university buildings.

According to International Telecommunication Union statistics, 47 percent of the country’s population used the internet in 2012, an increase from 42 percent in 2011.

### **Academic Freedom and Cultural Events**

Government restrictions on freedom of speech at times limited academic freedom and cultural events. Some academics and event organizers stated they practiced self-censorship on sensitive topics. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board (YOK) that limited the autonomy of universities in staffing, teaching, and research policies and practice.

Former YOK president and Turkish Science Foundation president Kemal Guruz was on trial for both the Ergenekon case and the 1997 “postmodern coup case.” Authorities first detained and questioned him for four days in 2009 in connection with the Ergenekon case. They detained him again in June 2012 in connection with the 1997 coup case, and then released him pending trial. In August they jailed

him again in connection with the Ergenekon case, and in September they released him for health reasons after the initial coup case hearing. Human rights activists claimed that his arrests were part of a systematic intimidation of academics who opposed the government's efforts to introduce or assert Islamic elements into the country's academic institutions. Prosecutors stated that Guruz had provided information about the religious orientation of Turkish university rectors to the military ahead of the 1997 "postmodern coup." The case continued at year's end.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

Although the law provides for freedom of assembly, the government regarded most demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often with excessive force. They selectively restricted meetings to designated sites or dates. The government attempted to ban some demonstrations outright if they touched sensitive issues or seemed likely to involve criticism of the government.

On March 21, rallies in cities nationwide widely and freely celebrated the Kurdish New Year holiday of Newroz. In contrast to prior years, when events were banned and police clashes with celebrants resulted in mass detentions and injuries, more than a million people in Diyarbakir and hundreds of thousands in Istanbul gathered for the reading--in Turkish and Kurdish--of imprisoned PKK leader Abdullah Ocalan's call for a PKK cease-fire, which was broadcast live on multiple national television channels. The HRA noted that the events led to only 20 detentions and three injuries.

Nonetheless, restrictions on freedom of assembly continued during the year, as authorities detained tens of thousands of persons during legal demonstrations. The Jandarma reported as of October that 15,371 students were detained in public order incidents during the year. According to the Ministry of Justice, as of September 26, authorities held 393 university students, including 198 for terrorism-related offenses. The HRA estimated that authorities arrested 400 students through August. Numerous domestic and international human rights organizations criticized the restriction of freedom of expression and assembly and the security forces' tendency to use excessive force in a punitive manner against demonstrators.

In December 2012 students protested the attendance of Prime Minister Erdogan at a ceremony at Middle East Technical University (METU). On September 16, the

Ankara chief public prosecutor indicted 45 METU students, demanding imprisonment of a maximum of six years for “organizing illegal protests” and “resisting arrest”; a trial was scheduled to begin on December 18.

On May 31, police violently dispersed a peaceful demonstration against the planned destruction of trees in Gezi Park, next to Taksim Square in Istanbul, using water cannons and tear gas. The next day a larger crowd gathered in Taksim; by the weekend, protests began to spread across the country. In large cities across the country, these so-called “Gezi Park protests” occurred almost daily through mid-July. According to the Ministry of Interior, more than 3.5 million people participated in almost 5,000 demonstrations related to Gezi. Of 5,513 persons detained, authorities arrested 189, of whom they eventually freed 72, released 87 under judicial control, and continued to hold a final 30. On November 30, the HRF counted 27 indictments applying to 881 persons to be tried on violations of laws governing meetings and protests and for resisting police.

On June 7, the major domestic human rights organizations issued a joint statement that “the use of the freedom of expression has been broadly restricted by the violent suppression of peaceful protests” by government security forces. These organizations, as well as many international watchdogs, broadly condemned the government for human rights violations that took place during the Gezi Park protests. According to HRF, at least five persons were killed and 8,163 wounded during demonstrations through August 1. Other sources listed seven civilians-- Ethem Sarisuluk, Abdullah Comert, Ali Ismail Korkmaz, Ahmet Atakan, Mehmet Ayvalitaş, Irfan Tuna, and Selim Onder--who died, along with police officer Mustafa Sarı. According to HRF, police apprehended more than 5,000 persons, detained 4,047, and arrested 124 at demonstrations through September. Detentions varied in length from several hours to several months, with as many as 100 persons remaining in detention. Police detained at least 16 people taking part in a silent “standing man” protest on June 17. Authorities were investigating Taksim Solidarity, a coalition of more than 100 NGOs, political groups, and professional bodies, along with many individual members of these organizations.

Human rights organizations were especially critical of police use of tear gas. AI and other human rights organizations reported that during the Gezi Park demonstrations in May, June, and July police routinely ignored standards prohibiting use of tear gas in enclosed areas, including on narrow streets. Rights advocates reported that police directly shot tear gas into residences, restaurants, and, in one case, a hospital. Multiple videos available internationally and carried by media showed them aiming and firing tear gas canisters directly at protesters at

short range. HRW, which documented at least 10 serious injuries due to tear gas, including loss of an eye, declared that there was “a clear pattern of misuse of tear gas” during the Gezi Park demonstrations. HRW called on the government to prohibit the firing of “tear gas canisters in confined areas or directly at people” and to “hold accountable police officers who do not comply” with guidelines issued by the Ministry of Interior.

The Gezi Park protests sparked additional demonstrations throughout the year. In a number of them, including several at METU, demonstrations against the government’s actions in Syria, and those involving Alevi citizens advocating for additional rights, the government deployed large numbers of riot police, some of whom used excessive violence against predominantly peaceful crowds.

### **Freedom of Association**

While the law provides for freedom of association, the government maintained several restrictions on this right.

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. LGBT and women’s groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. The International Center for Not-For-Profit Law notes that standard annual reporting is cumbersome and time consuming, and that although not prohibited by law, political activities were not permitted in practice. According to the European Commission’s October progress report, authorities interpreted legislation restrictively when applied to associations and civil society organizations and many associations had to seek court protection to defend their rights. For example, a court in Van rejected a suit intended to close down 10 NGOs accused of helping terrorist organizations and engaging in terrorist propaganda for lack of evidence.

After the Gezi Park protests slowed in July, police conducted dozens of sweeps countrywide to find the purported “organizers” of the protests. In these sweeps police arrested hundreds of people, generally students or members of leftist groups. The investigations that sparked these sweeps remained opaque, and the number of persons remaining in detention awaiting trial was not clear. AI reported that, on

August 31, as many as 99 persons remained in prison accused of “fomenting unrest” and “crimes against the state” because of Gezi Park. According to the European Commission’s October progress report, 112 persons remained in jail accused of “being member[s] of a terror organization.”

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but at times the government limited these rights.

The Foreigners and International Protection Law, passed in April, established the Directorate of Migration in the Interior Ministry, with responsibility for the granting of asylum or refugee status scheduled to begin in April 2014. This law standardizes the treatment of asylum-seekers countrywide, and establishes a new system of protection. While a significant step, the law did not eliminate the government’s limitation of rights granted in the 1951 UN Refugee Convention to refugees only from Europe. While most asylum seekers are thus still not considered refugees under the law, the government granted Temporary Protected Status and protection against refoulement to all non-European asylum seekers who met the definition of a refugee as defined in the 1951 convention and as determined through status determinations by the Office of the UN High Commissioner for Refugees (UNHCR).

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern. Authorities assigned asylum seekers to one of 62 satellite cities where they received services from local authorities under the responsibility of provincial governorates. These asylum seekers needed permission from local authorities to travel to cities other than their assigned city, including for meetings with the UNHCR or resettlement country representatives. Local officials had significant discretion in working with asylum seekers and NGOs, and the levels of assistance they provided varied widely.

Authorities required asylum seekers to register with the Foreigners' Police in order to legalize their temporary stay in the country. As prospects for integrating refugees in the country were limited and voluntary repatriation was not feasible for many refugees, resettlement in a third country was usually the only option available for individuals in need of an immediate durable solution. This remedy requires a UNHCR determination that the individual is entitled to refugee status and a UNHCR referral to a potential resettlement country. A refugee accepted by a third country for resettlement needed to obtain exit permission before leaving the country. In 2012, 5,939 persons received exit permission and departed to a third country, while during the year through November the total was 6,211.

The UNHCR reported that approximately 407 LGBT refugees from Iran were living in the country. Human rights groups reported that these refugees faced numerous problems in addition to their refugee status due to their sexual orientation or gender.

In-country Movement: The constitution provides that only a judge may limit the freedom to travel and only in connection with a criminal investigation or prosecution. With the Kurdish peace process (aka "solution process") underway, the number of roadway checkpoints maintained by the government in the Southeast decreased considerably, perhaps as much as 70 percent, according to the HRA's Diyarbakir office.

### **Internally Displaced Persons (IDPs)**

Since 1984, the conflict between security forces and the PKK displaced hundreds of thousands of citizens the vast majority of whom were Kurds from the Southeast. According to the Internal Displacement Monitoring Center at Hacettepe University, the conflict led to the displacement of between 950,000 and 1.2 million persons. The Ministry of Interior reported 386,360 IDPs had been displaced, but 187,861 of them had returned home. Others remained displaced due to continued insecurity and concerns about the presence of village guard militias, landmines, and lack of basic social services and economic opportunities in the region.

The law allows persons who suffered material losses due to actions by the PKK or security forces during the conflict with the PKK to apply to the government's damage determination commissions for compensation. Between mid-2004 and October 10, the Ministry of Interior reported 364,114 applications, of which 329,346 were settled. Compensation was awarded in 174,203 cases; through

September the government had agreed to pay over three billion lira (\$1.5 billion) to successful applicants. Delays in payments continued. Several cases were pending at year's end before the ECHR, as 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.

Voluntary and assisted resettlement continued. In a few cases, IDPs could return to their former homes, while in other cases authorities constructed villages for them.

### **Protection of Refugees**

Access to Asylum: Until the Directorate of Migration assumes responsibility for the process, envisioned for April 2014, only an administrative regulation from 1994 provides for the granting of asylum or refugee status, with no basis in statutory law. The law does not have a strict time limit to apply for asylum, requiring only that asylum seekers do so "within a reasonable time" after arrival; nor does it require them to present a valid identity document to apply for status. The TNP reported that, on September 30, there were more than 37,000 asylum seekers in the country.

Safe Country of Origin/Transit: The UNHCR reported successful interventions in most cases where asylum seekers arrived lawfully in the country. It also reported generally good access to asylum procedures for persons in detention or at international airports who wished to claim asylum.

Refoulement: The UNHCR reported that incidents of refoulement were decreasing but still occurred during the year. In April a group of 27 Somali nationals initially registered by the UNHCR in Syria, were denied asylum in Turkey and deported to Somalia. In August, halted a similar action against 11 Somalis and ultimately admitted all of them into the asylum application process. Also during the year, officials returned seven other persons to various countries of origin without the UNHCR being able to confirm that their need for protection had been assessed.

The UNHCR sometimes had difficulty gaining access to interview potential refugees whom security forces had already detained or arrested for illegal entry into the country. Overall, however, the UNHCR reported improved access to asylum seekers, including in removal centers, where rates of asylum claims increased in the past three years.

The government's visa policies generally facilitated easy entry. Turkey has visa-free travel agreements with many countries. These include Iran, Yemen, and others that are source countries for refugee applicants. Border authorities may deny entry if a foreigner has violated the country's visa policy or exceeded time limits during a previous stay in the country. Apart from such cases, the UNHCR reported no denial of visa or entry during the year.

Access to Basic Services: Provincial governments, working with local NGOs, are responsible for meeting the basic needs of UNHCR-recognized refugees and other asylum seekers assigned to satellite cities in their jurisdictions, including by providing access to healthcare and education. Basic services were dependent on the interpretation of local officials of the relevant legislative instruments. Governors had significant discretion in working with asylum seekers and with NGOs, and the response of local officials to refugee presence varied widely. In the case of displaced Syrians, persons residing inside camps had access to a variety of basic healthcare and education services. Displaced Syrians living outside of the camps faced language barriers and capacity limitations in their efforts to receive medical care in local clinics, although as of September the government declared that any registered Syrian in any province could receive free medical care. There was little access to education for this urban population.

Temporary Protection: The government enacted a temporary protected status regime in response to the arrival of Syrian refugees and for asylum seekers who may not qualify as refugees, including individuals of non-European origin.

In mid-2011 in response to the conflict, Syrians began fleeing to Turkey in significant numbers. In theory the government maintained an open border to Syrian arrivals (and to voluntary returns). However, as violence and the number of would-be refugees increased, the government limited the number of Syrians allowed to enter the country at any one time, holding them at the border until accommodation could be found or constructed. As of July the government gave admission priority at the border to Syrians who carried documentation, as well as to women, children, the ill, the elderly, and the wounded. Following violent attacks at or near the border, the government sometimes closed official border crossings temporarily in response to the security situation.

The government responded robustly to the humanitarian needs of displaced Syrians, spending more than an estimated four billion lira (\$2 billion) on aid and assistance, primarily for the construction and administration of 21 camps in southeastern Turkey. As of November the country provided temporary protected



status and assistance to an estimated 600,000 Syrian citizens, approximately 200,000 of whom were in camps in Turkey along the Syrian border. Observers stated the level of assistance provided in these camps exceeded international standards.

By November an estimated 400,000 remaining Syrians lived outside the camps. Syrians who officially entered Turkey with passports could receive one-year residence permits upon registration with the government, although registration procedures varied across provinces and access to information on registration and subsequent assistance was difficult to determine. Syrians who entered without passports and registered were able to receive an identification card and other assistance provided through subgovernorates. Unlike those in the camps, these Syrians did not generally have access to free services, including food and shelter. Free healthcare was authorized for individuals outside of camps; however, access to health services was inconsistent across provinces and the number of Arabic-speaking doctors was limited. Authorities strengthened healthcare access during the year and expanded it to Syrian refugees in all 81 provinces.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage. The government restricted the activities of some political parties and leaders.

#### **Elections and Political Participation**

Recent Elections: The 2011 parliamentary elections took place under election laws in line with international standards, according to the Organization for Security and Cooperation in Europe (OSCE). In its observation report following the elections, the OSCE generally assessed that the government demonstrated a broad commitment to holding democratic elections.

The law requires a party to receive at least 10 percent of the valid votes cast nationwide to enter parliament, which some political parties and human rights groups criticized as prohibitively high. Three of the 15 parties that competed in the elections in 2011 crossed this threshold. Candidates who ran as independents were able to bypass the threshold and a coalition of 36 victorious independent

candidates banded together after the election to form a fourth bloc, the pro-Kurdish BDP.

Although members of parliament are entitled to immunity from prosecution while they are in office, courts blocked the release from prison of five successful BDP candidates, one successful CHP candidate, and one successful Nationalist Movement Party candidate imprisoned on charges related to the KCK, Ergenekon, and Balyoz cases.

On August 5, a court sentenced CHP parliamentarian Mehmet Haberal to 12.5 years' imprisonment in the Ergenekon case, but he was released due to time served since his 2009 arrest, and he assumed his parliamentary seat on October 1.

On December 6, the Constitutional Court ruled that the pretrial and in-trial detention of prominent journalist Mustafa Balbay for four years and 227 days was unlawful and a violation of his right to hold the office of parliamentarian to which voters had elected him while he was in prison. Accordingly, on December 9, the Istanbul 13th Heavy Penal Court, which had originally convicted him, ruled for his release. On December 10, Balbay took his seat in parliament. Six others elected while in prison--Engin Alan, Kemal Aktas, Ibrahim Ayhan, Selma Irmak, Faysal Sariyildiz, and Gulser Yildirim--remained imprisoned and were not sworn into office.

Political Parties: While political parties and candidates could freely declare their candidacy and run for election, the chief prosecutor of the Court of Appeals can seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court.

Participation of Women and Minorities: There were 79 women in the 550-seat parliament and one woman in the 26-member cabinet. There was one Christian Syriac in the parliament; he was the first Christian to win a seat in approximately 50 years.

#### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The European Commission noted in its October progress report that there was no progress in limiting the immunity of members of

parliament and senior public officials in corruption-related cases or in establishing objective criteria for lifting their immunity.

On December 17, the Istanbul Chief Prosecutor's Office executed arrest warrants for scores of suspects on charges of bribery, money laundering, and misuse of state-owned land in real estate deals. Public prosecutor Muammer Akkas launched a second probe on December 25 ordering the arrests of 41 people on similar charges, although these detentions were not carried out. Many suspects have family and/or business ties to the AKP's top echelon, including three ministers' sons, CEOs, and other prominent officials (see section 1.e., Denial of a Fair Public Trial).

Corruption: Authorities have not established a pattern of investigating, indicting, and convicting individuals accused of corruption, and there were concerns about the impartiality of the judiciary in the handling of anticorruption cases.

Whistleblower Protection: There is no whistleblower law to provide protection to public and private employees.

Financial Disclosure: The law requires certain high-level government officials to provide a full financial disclosure, including a list of physical property, every five years, and officials generally complied with this requirement. The Prime Ministry's Inspection Board, which advises the Corruption Investigations Committee, is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. The parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister. A majority can vote to send such cases to the courts for further action. There was no coordination with civil society on oversight.

Public Access to Information: The law provides for public access to government information; however, the government occasionally rejected applications on national security grounds. The law restricts access to information pertaining to state secrets, as well as concerning the privacy of individuals and intellectual property. The law requires institutions to provide the requested information within 15 or 30 working days, depending on the volume of the request. In such a case, the applicant is to be informed of the extension and the underlying rationale within 15 working days. Processing fees, which observers considered reasonable, are waived if the information can be obtained and provided via e-mail. Officials and other

civil servants who negligently, recklessly, or deliberately obstruct the law are subject to disciplinary sanctions.

Denials of requests for information are subject to appeal. Within 15 days starting from the date of official notification, an applicant whose request for information is rejected may appeal to the Board of Review of Access to Information, which then has 30 days to render a decision. Following the board's decision, individuals can also appeal for judicial review in an administrative court.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated throughout the country, but some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were occasionally uncooperative and unresponsive to their views. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. Authorities continued to detain scores of lawyers, particularly those defending plaintiffs in high-profile cases, throughout the year.

The trial of Muharrem Erbey, president of the HRA in Diyarbakir and vice president of the national HRA, who was arrested in 2009 on KCK-related charges, continued at year's end. The trial began in 2010. The HRA and many international human rights organizations asserted that Erbey's arrest was a consequence of his work at the HRA and as a human rights lawyer.

On January 24, the Ankara Heavy Penal Court found several HRA members guilty of "being a member of the armed, illegal organization" in reference to the KCK. The court sentenced HRA Ankara Branch former chairperson Filiz Kalaycı to seven years and six months in prison, and gave HRA general executive board member Hasan Anlar, HRA Ankara branch chairperson Halil Ibrahim Vargun, and HRA member Murat Vargun sentences of six years and three months each. Their appeals continued, and numerous other HRA employees remained in pretrial detention.

Government Human Rights Bodies: The Human Rights Presidency (HRP), a body in the Prime Ministry, has authority to monitor the implementation of legislation relating to human rights and to coordinate the work of various government agencies involved in the field of human rights. All 81 provinces established provincial human rights councils under the HRP, which was generally accorded little to no credibility by human rights organizations.

The Human Rights Agency was intended to replace the HRP and to act autonomously to protect and promote human rights.

The Ombudsman Institution, established in June 2012, began receiving complaints in April. It operates under the parliament but as an independent complaint mechanism to investigate, research, and make suggestions regarding government practices and actions, particularly in regards to human rights issues. The EU progress report assessed that the Ombudsman Institution had yet to gain the full trust of civil society, that it should have more authority to make spot checks on its own initiative, and that parliament should follow up on its recommendations.

The Ministry of Justice's Human Rights Department is the sole responsible authority in the ministry regarding human rights issues. It has responsibility for with facilitating the implementation of the country's obligations under the ECHR and coordinating the execution of ECHR decisions. By October the HRIC received 2,330 complaints of alleged human rights violations related to issues including judicial process, prisons, worker rights, terror damages, coup cases, suspicious deaths in the military, and Gezi Park protests.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status. The government did not enforce these prohibitions effectively. The constitution allows measures to advance gender equality as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans, without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

### **Women**

Rape and Domestic Violence: The law prohibits violence against women, but human rights organizations claimed that the government did not effectively enforce it. The law prohibits sexual assault, including rape and spousal rape, with penalties of imprisonment for two to seven years. The government did not effectively or fully enforce these laws or protect victims, and victims often waited days or weeks to report incidents due to embarrassment or reprisals, hindering effective prosecution of assailants. Government statistics on violence against women were incomplete, and human rights organizations alleged that authorities manipulated the statistics to show progress on the issue. Societal acceptance of domestic abuse in some cases contributed to underreporting of gender-based violence.

The law covers all women, regardless of marital status, and provides for the police and local authorities to grant various levels of protection and support services to victims of violence or to those at risk of violence. It also requires government services such as shelter and temporary financial support for victims, and provides for family courts to impose sanctions on perpetrators.

The law provides for the establishment of prevention-of-violence and monitoring centers to offer economic, psychological, legal, and social assistance. The Ministry of Family and Social Policies (MFSP) operated 90 women's shelters with a capacity of 2,429 persons. These shelters assisted 4,463 women and 1,899 children as of September. The MFSP reported that municipalities operated 32 women's shelters with a capacity of 779 persons, although the Ministry of Interior put this figure at 57 women's shelters. One women's shelter was NGO-operated.

Regulations call for state-funded women's shelters in any city with a population of more than 50,000. Observers noted that there were an inadequate number of shelters, or no shelters at all, in many such cities. The NGO shelter suffered from a lack of financial support, and two shelters in Ankara and Istanbul were closed through March due to insufficient funding. Through August 31, the government's domestic violence hotline received 75,836 calls regarding violence, negligence, or exploitation. The TBA's Poppy Center, which provides legal support to women facing domestic violence, received 589 requests for assistance through September 30. The Federation of Women Associations received 1,715 domestic violence reports via telephone and internet.

Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. The criminal code does not specifically forbid "spousal abuse" but provides for crimes such as assault, wrongful imprisonment, or threats. The civil code establishes spousal abuse as a

ground for divorce. During the year courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. Women's associations charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

On August 9, Beyaz Bal's husband stabbed her 27 times on an Istanbul street near Taksim Square, less than 500 feet from the local police station. According to the women's rights NGO, "We Will Stop the Murders of Women," Beyaz Bal had applied for police protection from her husband numerous times but was always turned away.

The Turkish Women's Associations Federation reported the killing of 165 women through September 30, primarily by husbands or domestic partners. In the first 11 months of the year, according to reporting by the independent news entity BIANET, violence led to the killing of 189 women, the raping of 164, and battery of 195. The GDS reported 39,084 incidents of domestic violence involving 46,432 victims through May 31. As of October the Jandarma reported 10,848 domestic violence incidents and 489 sexual assaults.

Harmful Traditional Practices: So-called honor killings of women continued to be a problem. Most honor killings occurred in conservative families in the rural southeast of the country or among families of migrants from the southeast living in large cities. Individuals convicted of honor killings may receive life imprisonment. Because courts reduce sentences for juvenile offenders, observers noted that families often designated young male relatives to perform such killings. Due to penalties for honor killings, family members sometimes pressured girls to commit suicide to preserve the family's reputation. The Jandarma reported 18 honor killings during the year, in addition to one reported by the TNP. For example, on September 28, 22-year-old Sibel Aslan, married four years by traditional matchmaking and seven months pregnant, was found hanged in her father-in-law's house in Van. Relatives from her husband's side claimed she had committed suicide. An investigation was ongoing at year's end.

Sexual Harassment: The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring three months to two years' imprisonment plus a fine for sexual harassment and two to seven years' imprisonment for sexual assault. Women's rights activists reported authorities rarely enforced these laws. BIANET counted 129 cases of sexual harassment through November, while the Jandarma reported 578 cases as of October.

Reproductive Rights: Couples and individuals in most cases had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections. The prime minister called for married women to have at least three children, after calling in 2012 for them to have at least two.

The UN Population Fund report, *State of World Population 2013*, estimated that skilled attendants assisted in 91 percent of all births, while 73 percent of married women used some method of birth control as of 2010.

Discrimination: While women enjoy the same rights as men under the law, societal and official discrimination were widespread. The constitution permits measures, including positive discrimination, to advance gender equality.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to the Turkish Statistic Institute, women's participation in the labor market was at 31.8 percent, compared to 30.3 percent in 2012. Women mostly served as unpaid family workers with no social protection apart from that afforded by other family members. According to the European Commission's progress report, some women were dismissed or discouraged from working because they were pregnant or had children.

The number of women in politics and the judiciary remained very small. Of 81 provincial governors appointed by the Ministry of Interior, only one was female. There was only one female chief prosecutor. Of 4,357 judges, 300 were women. Of 550 members of parliament, 79 were women. Sometimes members of parliament used language that denigrated women.

Women were also underrepresented in management in trade unions. The government, working with the state employment agency Is-Kur and women's groups, developed programs to encourage the hiring of women. The government reported that men and women had equal employment opportunities and received equal pay for equal work.

## **Children**



Birth Registration: There is universal birth registration and births were generally registered promptly. A child receives citizenship from his or her parents, not through birth on Turkish soil. Only one parent needs to be a Turkish citizen to pass citizenship to a child. In special cases where a child born in Turkey cannot receive citizenship from any other country due to the status of his or her parents, the child receives Turkish citizenship.

Child Abuse: Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. The law provides police and local officials the authority to grant various levels of protection and support services to victims of violence or to those at risk of violence. It requires the government to provide services to victims, such as shelter and temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence.

Forced and Early Marriage: The law defines 17 as the minimum age for marriage, although 16-year-olds may marry with parental permission and an approved court application. Children as young as 12 were at times married in unofficial religious ceremonies, particularly in poor, rural regions. Some families applied to the court to change the date of birth of their daughters so that they could “legally” marry. Early and forced marriage was particularly prevalent in the southeast, and women’s rights activists reported that the problem remained serious. According to the TBA’s Poppy Center, as many as one in four brides in the country were under 18. According to the UN Population Fund, birth rates were 29 per thousand teenage girls, and 38 per thousand girls aged 15 to 19 during the period 2005-10; as many as 91,000 girls under the age of 18 give birth each year across the country, with the largest percentages concentrated in the southeast.

Sexual Exploitation of Children: The constitution provides that the state shall take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. There were reports that children were subject to commercial sexual exploitation. The penalty for encouraging or facilitating the entry of children into prostitution is four to 10 years’ imprisonment; if violence or pressure is involved, the sentence can be doubled.

The age of consent is 15. The law provides for imprisonment for six months to two years for statutory rape; the sentence is doubled if the offender is more than five years older than the victim. The law prohibits producing or disseminating

child pornography and provides for a sentence of six months to two years in prison as well as a fine.

Incest involving children remained a problem, although official statistics were incomplete and prosecutions remained minimal. In 2012 the TNP estimated that family members sexually abused 400,000 children in the previous 20 years.

Child Soldiers: The terrorist group PKK regularly recruited children in the past, although the current number of PKK child soldiers was unknown.

International Child Abductions: The country is a party to the Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

There were some reports of anti-Semitic incidents against members of the Jewish community, who numbered approximately 20,000. A variety of newspapers, commercials, and television shows continued to carry anti-Semitic messages, and anti-Semitic literature was common in bookstores. At the February 27 UN Alliance of Civilizations Global Forum in Vienna Prime Minister Erdogan stated, "Islamophobia must be recognized as a crime against humanity--just like Zionism, anti-Semitism, and Fascism."

In June and July, in response to the Gezi Park protests, and again in December in response to the corruption allegations, the prime minister and several senior government officials publicly blamed "shadowy" international groups, attributing problems to an alleged international Jewish conspiracy, the "interest rate lobby," the "Neocons" and "the Rothschilds." In July, Deputy Prime Minister Besir Atalay blamed the "Jewish Diaspora." The chief rabbi and the Jewish community lay board issued a joint press release condemning statements blaming Jewish groups.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The constitution permits positive discrimination favoring persons with disabilities and the law prohibits discrimination against them in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The government did not enforce the law effectively.

The law requires all governmental institutions and businesses to enable access by persons with disabilities to public areas and on public transportation by July 2011, but the government continued to make little progress implementing the law. Access in most cities was extremely limited, and there was no clear system of fines or other punishment for noncompliance. The Disabled and Senior Citizens Directorate General, under the MFSP, is responsible for protecting persons with disabilities, although human rights associations, including domestic advocacy organization Solidarity Association for the Physically Disabled, claimed the directorate general lacked adequate funds.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce be persons with disabilities; in the public sector, the requirement is 4 percent. The MFSP reported that a job placement initiative launched with an April 2012 exam yielded 5,254 positions for disabled persons in 2012 and an additional 5,926 as of October 2013. As of March, the MFSP reported 10,266 applications filed, yielding 9,528 job offers in the private sector and 67 job offers in the public sector.

The law requires all public schools to accommodate disabled students, although activists reported instances of students with disabilities being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to an education. Through the end of May, the Ministry of Education's Directorate General for Special Education and Counseling spent 578 million lira (\$289 million) on special education schools and socialization classes for 262,970 students with disabilities. Students with disabilities received at least eight hours of individual education and four hours of group education per month. The MFSP reported that the number of special education schools for disabled students had increased to 911 in 2010, serving 41,170 students in the 2010-11 school year.

### **National/Racial/Ethnic Minorities**

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox

Christians. Other ethnic or religious minorities, including Alevis, Assyrians, Protestants, Roman Catholics, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, are prohibited from fully exercising their linguistic, religious, and cultural rights and continued to face varying levels of pressure to assimilate.

More than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects. Against the backdrop of government-PKK peace talks, official censure or harassment of Kurds who publicly spoke Kurdish or asserted their ethnic identity decreased markedly. In both law and practice, the government took steps toward acceptance of the Kurdish language in education, the judiciary, state-owned media, and public services.

Restrictions remained on use of languages other than Turkish in government and public services. Children whose first language was Kurdish could not receive a full education in Kurdish in either private or public schools, but beginning in 2012, schools expanded their offering of Kurdish as an elective course, beginning in the fifth grade, with the addition of a higher grade expected each year thereafter. At least three universities provided Kurdish language programs; the first master's degree in Kurdish was awarded in Mardin; and the government approved plans to establish a university in Diyarbakir, where courses would be taught primarily in Kurdish, but also in Turkish, Armenian, Syriac, and English.

As in the previous year, the gatherings on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915 were peaceful and received police protection where necessary.

On January 19, at least 10,000 persons marched in Istanbul to commemorate prominent Turkish-Armenian journalist Hrant Dink's life and call for justice. On September 17, Yasin Hayal's 2012 conviction of masterminding the 2007 murder of Dink was overturned and a new trial begun. The court declared that new evidence indicated there might have been a wider plot and conspiracy behind the killing.

Observers estimated there were more than two million Roma in the country. The Romani community continued to face problems with access to education, health care, and housing. Romani populations also suffered displacement as housing projects extended into their traditional areas of residence.

On September 9, in Iznik, in response to the death of an ethnic Georgian after a fight with a Roma approximately 2,000 Turks and ethnic Georgians rioted through

three Romani neighborhoods calling out anti-Roma slurs, death threats, and demands for removal of Roma from Iznik. The crowd destroyed property and broke into homes, attacking Romani businesses and the local Romani association. Police responded from Iznik and the Bursa provincial authority and dispersed the crowd using tear gas and pepper spray. During the evening of September 10, the anti-Roma rioters returned but police cordons prevented them from entering the Roma neighborhoods. Although police protected Roma neighborhoods, Roma were themselves trapped within the police cordons and were reportedly refused bus service, fired from jobs, and threatened with beating if they came to the central shopping district even to buy food or go to the hospital. The NGO European Roma Rights Center reported that by September 11, approximately 100 members of the 1,200-member Roma community had fled Iznik. The Roma also concluded it was too dangerous to allow their children to go to school for the September 15 start of the school year. No local or national figure stepped forward to attempt to disperse the anti-Roma mob.

Alevis, followers of a belief system that incorporates aspects of both Shia and Sunni Islam and draws on the traditions of other religious groups indigenous to the region, constitute between 10 and 25 percent of the population. They faced systemic discrimination from the state. They were underrepresented in the state bureaucracy, and held none of the country's 81 provincial governorships appointed by the central government. Alevi houses of worship or "cem evi" did not have a legal status equal to mosques or receive state funding, and the state's Presidency of Religious Affairs represented only Sunni interests, as did compulsory religious education in schools. Alevis regularly faced societal discrimination. For example, in early December vandals marked the homes of 13 Alevi families with red paint, in an echo of similar warnings in 1978, before a massacre of dozens of Alevis in Maras Province.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While the law does not explicitly discriminate against LGBT individuals, references in the law relating to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" sometimes served as a basis for discrimination by employers and abuse by police. Gay prostitutes reported that police detained them to extract payoffs. The law states, "No association may be founded for purposes against law and morality." Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters, and the TIB blocked LGBT social websites. Some LGBT advocates attributed the

end of TRT broadcasts of the Eurovision song contest to an onstage kiss by two lesbian Finnish performers.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. As of November 30, the NGO KAOS-GL reported one lynching, one abduction, one rape, seven assaults, a house raid, and four other hate crimes against LGBT persons. Transgender Europe reported that five transgender persons were killed between November 20, 2012, and October 31, while BIANET reported that 34 transgender persons were killed between 2008 and 2013.

LGBT advocates accused the courts and prosecutors of creating an environment of impunity for attacks on transgender persons in prostitution. Human rights attorneys reported that police and prosecutors frequently failed to pursue violence against transgender persons aggressively. They often did not arrest suspects or hold them in pretrial detention, as was common with other defendants, and even when arrests were made, defendants could claim “unjustifiable provocation” under article 29 of the Turkish penal code and request a reduced sentence. That article states that punishment “will be reduced if the perpetrator commits a crime under the influence of rage or strong, sudden passion caused by a wrongful act.” In the case of transgender persons in prostitution, convicted murderers often claimed they became enraged when the sex worker suggested that they engage in a homosexual sex act that the “straight” murderer found highly objectionable, testimony the court often accepted without corroboration. Judges routinely interpreted the subsequent rage caused by the “wrongful act” of an invitation to engage in homosexual sex as fitting the definitions of the article, and judges sometimes drastically lowered the sentences of the murderers of transgender persons. Courts of appeal have upheld these verdicts based, in part, on the “immoral nature” of the victim.

Police provided protection to some pride events in Istanbul and other cities, and participants did not experience any opposition or counter demonstrations.

There were active LGBT organizations in Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and on university campuses. Groups reported harassment by police and government authorities. Many university groups in small cities complained that they had tried to organize, but the rectors denied permission. LGBT organizations reported that the government used regular and detailed auditing to create administrative burdens and threaten the possibility of large fines.

On January 31, parliament passed the “Turkish Armed Forces Discipline Law 6413.” The law made homosexuality grounds for discharge from military service. While the practice of expelling gay men from the military was not new, this was the first time that the armed forces defined homosexuality as “unnatural intimacy.” Under the disciplinary law, gay enlisted service personnel are considered guilty of a disciplinary crime and are discharged from the military due to their “psychological disorder.”

### **Other Societal Violence or Discrimination**

The Ministry of Health reported 1,068 new cases of HIV/AIDS in 2012, the highest ever one-year increase. Human rights organizations complained that the media and medical professionals often did not respect the privacy of individuals with HIV/AIDS. Many persons living with HIV/AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. The Positive Living Foundation claimed that the government’s program of free and anonymous HIV testing and counseling was dormant.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the right of most but not all workers to form and join independent unions of their choice, to conduct their activities without interference, to participate in strikes, and to bargain collectively. Certain public employees, such as senior officials, magistrates, the military, and police, cannot form unions. There are no restrictions on membership or participation of persons or unions in regional, national, or international labor organizations. The law requires unions to notify government officials prior to holding meetings or rallies (which they must hold in officially designated areas), and they must allow government representatives to attend their conventions and record the proceedings. The law provides for the right to strike but prohibits strikes by public workers engaged in safeguarding life and property and by workers in the coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education. While the latter groups of workers can bargain collectively, the law requires them to resolve disputes through binding arbitration rather than strikes.

The law prohibits antiunion discrimination, and workers have the right to sue when dismissed, with employers bearing the burden of proof of nondiscrimination. If

workers win a suit, the employer is required to either reinstate or compensate them. For regular employees the employer may choose either option, whereas union officials and shop stewards have the right to demand reinstatement. Compensation for wrongful dismissal ranges from four to eight months' salary, but it is at least a year's salary for antiunion dismissal.

The government maintained a number of restrictions on the right of association and collective bargaining. A minimum of seven workers is required to establish a new trade union without prior approval. By law, to become a bargaining agent a union must represent 40 percent (reduced from 50 percent in 2012) of the employees at a given work site and 1 percent (reduced from 10 percent, and due to rise to 3 percent in a stepwise fashion) of all workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols in any union or confederation publications.

Despite restrictions, workers exercised their rights of association and collective bargaining and, in the private sector, the right to strike. Turkish Airlines flight crews called a strike in May for better pay and reinstatement of employees fired after a strike in May 2012. Courts ruled against the company in July for hiring strikebreakers to replace striking staff, but this verdict was overturned, and the case remained pending at year's end. On the 2012 firings, court rulings have favored 26 of 305 plaintiffs, entitling them to reinstatement or compensation; the remaining cases continued. In solidarity with Gezi Park protesters, the Confederation of Public Workers' Unions (KESK) twice declared one-day strikes in June.

Government restrictions and interference limited the ability of unions to conduct their activities, particularly with respect to freedom of association. Police were frequently present at union meetings and conventions. In March security forces conducted a dawn raid at the offices of stevedores union Liman Is, ostensibly searching for a past president who had left the union 14 years earlier. Authorities in Istanbul denied unions permission to access Taksim Square to hold May Day workers' rallies, although unions had conducted such events peacefully in prior years. Police used tear gas and water cannons to disperse protesters who did assemble. In August, Confederation of Progressive Trade Unions of Turkey President Kani Beki testified that more than 200 workers were injured in the rallies, three of them with life-threatening injuries, and over 70 workers were detained.



In February police arrested 169 members of KESK in the third such operation against the union in 12 months. The cases continued of 72 KESK officials and members arrested in June 2012 under antiterror laws. In these cases 22 members remained in prison for 289 days before their first hearing was held in April; the other 50 were released pending trial. The KESK president remained barred from traveling to meetings abroad.

Threats, violence, and systematic layoffs were common responses to unionized workplaces. Unions alleged that antiunion discrimination occurred regularly across sectors. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate him or her, the employer generally paid compensation to the employee along with a fine. Worker advocates said these fines were low enough that employers could regard them as routine business costs. Service sector union organizers reported that private sector employers sometimes ignored the law and dismissed workers to discourage union activity. There was an increasing trend toward hiring short-term workers, or workers on revolving contracts of less than a year's duration, who were not eligible for equal benefits or bargaining rights.

### **b. Prohibition of Forced or Compulsory Labor**

The law generally prohibits all forms of forced or compulsory labor, and the government effectively enforced such laws, but the Military Service Act leaves room for the use of military conscripts for purposes of economic development. The law on collective agreements, strikes, and lockouts also provides for penal sanctions involving compulsory labor for participation in strikes.

There were no available data on the number of victims removed from forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law generally bars the employment of children younger than 15 and prohibits children under the age of 16 from performing arduous or dangerous work. The government prohibits children younger than 18 from working in certain professions or under hazardous conditions, such as working at night or in underground mining.

The Ministry of Labor and Social Security (MOLSS) effectively enforced these restrictions in most workplaces. While businesses were subject to labor inspections, inspectors did not routinely visit many workplaces that employed children, including farms employing 50 or fewer workers, maritime and air transportation facilities, family handicraft businesses, and small shops employing up to three persons. Inspection of these workplaces was possible if a complaint was submitted to the MOLSS. As of September MOLSS inspectors identified 786 youth workers (ages 15 to 18) and 397 child workers.

While government statistics were not available, observers assessed the frequency of child labor as moderate. The law protects children from exploitation in the workplace, and the government effectively implemented the law with some exceptions. The use of child labor was found mostly in agriculture, carpentry, the shoemaking and leather goods industry, auto repair, small-scale manufacturing, and street sales, although its incidence difficult to detect. Some parents forced their children to work on the streets selling tissues or food, shining shoes, or begging. Employment of young boys and young girls was not uncommon. While girls rarely worked in public, many were kept out of school to work in handicrafts or light assembly tasks at home, particularly in rural areas. The Labor Ministry identified the worst forms of child labor as working in the streets, in the informal urban economy, in seasonal commercial agriculture, in domestic service. In the agricultural sector, children often worked long hours, including with heavy machinery and exposure to chemical pesticides. Children also migrated with their families following harvests, potentially disrupting their education.

According to a ministerial response to a March 2012 parliamentary inquiry, the Ministry of Family and Social Policies operated 37 Child and Youth Centers (and five observatories belonging to these centers) in 29 provinces to protect children living and working on the streets and to ensure their rehabilitation and social reintegration. Services direct children to vocational training; treat drug addiction; provide shelter, food, clothing, and health and education services; and seek to reintegrate them into society. As of August 2011, these centers had provided support to 8,539 children.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage was 1,021 lira (\$560) per month through the end of the year. The official poverty level was 3,322 lira (\$1700) per month in August, according to unions. All workers covered by the labor law were also covered by the law establishing a national minimum wage; the law requires equal pay for equal work. The MOLSS Inspection Board effectively enforced the law. The Organization for Economic Cooperation and Development indicated that the national minimum wage did not take sufficient account of regional variations in productivity and living costs.

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. The law mandates premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The MOLSS Labor Inspectorate effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in informal and nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime.

While the law mandates occupational health and safety regulations, the Inspection Board did not carry out sufficient inspection and enforcement programs. As of September the MOLSS reported that 10,528 inspections had uncovered 83 violations of labor laws, triggering administrative fines. An additional 4,043 health and safety inspections uncovered 3,218 violations.

For 2012 MOLSS reported 74,871 workplace accidents, 744 deaths in workplace accidents, 398 occupational illnesses, and one occupational death. The Labor Inspection Board reviewed 199 work-related accidents, including 84 deaths. According to the worker advocate organization Assembly for Worker Health and Safety, at least 1,145 workplace deaths occurred during the year to November 30, a significant increase from 2012. The construction, metallurgical, mining, and agricultural sectors were the most hazardous.

Because of previously high inflation, insufficient public services, lack of coordination between public organizations, and ineffective supervision mechanisms, the country has historically had a large informal economy. According to official statistics, the informal sector's share of the economy fell to an estimated 26.5 percent of GDP from 28 percent in 2012.