

# TURKEY 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Turkey is a constitutional republic with a multiparty parliamentary system and a president. A unicameral parliament (the Grand National Assembly) exercises legislative authority. The most recent national parliamentary elections took place in 2015; Organization for Security and Cooperation in Europe (OSCE) observers expressed concern regarding restrictions on media reporting and a campaign environment that restricted candidates' ability to campaign freely. The most recent presidential election took place in 2014; OSCE observers concluded that candidates were generally able to campaign freely but noted an uneven campaign playing field that benefited then prime minister Erdogan, among other issues. In the April constitutional referendum, voters narrowly approved significant amendments to the country's constitution intended to eventually transition the country from a parliamentary system to a presidential system following the next joint parliamentary/presidential election, projected to take place in 2019.

Civilian leaders maintained effective control over security forces and dismissed thousands of additional police and military personnel on terrorism-related grounds using state of emergency decrees as part of the government's response to the failed coup attempt of July 2016.

The country experienced significant political challenges during the year. The continuing state of emergency--imposed following the July 2016 coup attempt, renewed once in 2016 and an additional four times during the year--had far-reaching effects on the country's society and institutions, restricting the exercise of many fundamental freedoms. By year's end authorities had dismissed or suspended more than 100,000 civil servants from their jobs, arrested or imprisoned more than 50,000 citizens, and closed more than 1,500 nongovernmental organizations (NGOs) on terrorism-related grounds since the coup attempt, primarily for alleged ties to cleric Fethullah Gulen and his movement, whom the government accused of masterminding the coup attempt.

The most significant human rights issues included alleged torture of detainees in official custody; allegations of forced disappearance; arbitrary arrest and detention under the state of emergency of tens of thousands, including members of parliament and two Turkish-national employees of the U.S. Mission to Turkey, for alleged ties to terrorist groups or peaceful legitimate speech; executive interference with independence of the judiciary, affecting the right to a fair trial and due

process; political prisoners, including numerous elected officials; severe restriction of freedoms of expression and media, including imprisonment of scores of journalists, closing media outlets, and criminalization of criticism of government policies or officials; blocking websites and content; severe restriction of freedoms of assembly and association; interference with freedom of movement; and incidents of violence against LGBTI persons and other minorities.

The government continued to take limited steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses; impunity for such abuses was a problem.

Clashes between security forces and the PKK terrorist organization and its affiliates continued throughout the year, although at a reduced level from 2016, and resulted in the injury or deaths of security forces, PKK terrorists, and an unknown number of civilians. The government declined to provide information on efforts to investigate or prosecute personnel for any wrongful or inadvertent deaths of civilians linked to counter-PKK security operations.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were credible allegations that the government contributed to civilian deaths in connection with violent clashes between government security forces and the terrorist PKK organization in the southeast, although at a markedly reduced level compared with 2016 (see section 1.g.). In September human rights groups and Republican People's Party (CHP) member of parliament Sezgin Tanrikulu claimed the government killed a civilian named Mehmet Temel and injured three others in a mountainous area of Hakkari Province during an armed drone strike on August 31. The government disputed the account, claiming the four were PKK terrorists.

According to the International Crisis Group in Turkey, in the first 11 months of the year, 35 civilians, 164 security force members, and 504 PKK militants were killed in eastern and southeastern provinces in PKK-related clashes. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK in the southeast.

The PKK continued its nationwide campaign of attacks on government security forces and, in some cases, civilians. On November 2, for instance, six soldiers and

two village guards were killed by PKK terrorists in Hakkari's Semdinli District. Turks across the political spectrum condemned the PKK in the wake of the August 11 death of 15-year-old Eren Bulbul, who was killed during a skirmish between the Jandarma (a paramilitary force under the Ministry of Interior) and the PKK in the rural town of Macka in the mountains of Trabzon Province. Bulbul, a local resident, was acting as a spotter for forces tracking PKK terrorists when he was killed.

During the year the government tightened control of its border with Syria, primarily to restrict the entry of ISIS terrorists moving through the country potentially to commit terrorist acts in Turkey and beyond. The impact, in some cases, restricted humanitarian access to the country for persons fleeing the conflict in Syria. The country allowed access only to those needing immediate medical assistance. Some Syrians attempting to cross the border were injured or killed during border crossings (see section 2.d.).

The Syrian Observatory for Human Rights claimed that from the start of the conflict in March 2011 to July 30, Turkish forces killed at least 292 Syrians (including 55 children and 29 women) on the Syria-Turkey border. It was unclear whether the government investigated these cases.

Human rights groups documented several suspicious deaths of detainees in official custody, although overall numbers varied. The Human Rights Foundation of Turkey (HRFT) reported at least 10 deaths in prison, including those of three children. The Human Rights Association (HRA) reported 17 deaths in prison. The Ministry of Justice, responding to questions from CHP member of parliament Baris Yardakas, reported that 66 prisoners committed suicide in 2016, 40 of them after the July 2016 attempted coup. For example, on August 3, Davut Turkel, a 59-year-old laborer and member of the AKCA-DER labor union, died in police custody. On July 13, police raided his home and detained him along with 90 others, reportedly as part of a Gulen-related investigation into the 2016 attempted coup. Following 12 days in detention, he was injured prior to appearing before a judge, transferred to a hospital, and died nine days later after falling into a coma. Police claimed he fell down on the courthouse steps and injured his head. A hospital autopsy confirmed the cause of death was a brain hemorrhage. Critics asserted the death was suspicious, in view of the fact that Turkel was at the courthouse with a two-person police escort when he sustained his injuries.

Citizens were also affected by terrorist attacks attributed to ISIS. On January 1, an attack on the popular Reina nightclub in Istanbul left 39 persons dead and dozens

injured. Upon capture, the perpetrator, a citizen of Uzbekistan, reportedly told law enforcement officers that he had been instructed by ISIS to carry out the attack. On August 13, an ISIS suspect in custody for reportedly planning a suicide attack stabbed and killed a police officer inside Istanbul's main police headquarters.

### **b. Disappearance**

There were some unconfirmed reports of disappearances during the year, some of which human rights groups alleged were politically motivated. Opposition politicians and respected human rights groups claimed at least 11 abductions or disappearances of individuals with alleged Gulen ties or who opposed the government occurred. For example, in June the 12-year-old son of agricultural engineer Cemil Kocak witnessed the disappearance of his father in Ankara after their vehicle was hit by another car. When Kocak exited the car to assess the damage, three persons forced him into another car and drove away. According to Human Rights Watch (HRW), there were "credible grounds" to believe Kocak and at least three other men had been forcibly disappeared by government agents.

Similarly in April Onder Asan disappeared in Ankara. Six weeks later, his family located him in an Ankara police station. Asan alleged that before being transferred to official custody, he was interrogated and tortured by security forces. Most of the victims identified by HRW had been dismissed from government jobs under the state of emergency. Government officials disputed HRW's claims but declined to provide information on its investigative efforts, if any.

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but there were reports that some government forces employed these tactics. Human rights groups alleged that torture and mistreatment in police custody increased, despite the presence of closed-circuit cameras installed by the government in 2012, and that police abused detainees outside police station premises. The HRA reported that during the first 11 months of the year, it received 423 complaints related to abuse while in custody. It also reported intimidation and shaming of detainees by police were common and that victims hesitated to report abuse due to fear of reprisal. Separately, the HRFT reported that in the first 11 months of the year, it received 570 complaints, including 328 allegations of torture and inhuman treatment by government authorities. The government declined to

provide information on whether it undertook investigations into allegations of mistreatment in prison or detention centers during the year.

In its *World Report 2017*, HRW concluded: “The weakening of safeguards against abuse in detention under the state of emergency was accompanied by increased reports of torture and mistreatment in police detention, such as beating and stripping detainees, use of prolonged stress positions, and threats of rape as well as threats to lawyers and interference with medical examinations. While many allegations arose in relation to members of the military and police detained in connection with the coup attempt, they were not the only groups who reported mistreatment after the coup attempt, and Kurdish detainees in the southeast had reported similar abuses during the prior year.”

Credible reports suggested that some doctors would not sign their names to medical reports alleging torture due to the fear of reprisal, meaning victims were often unable to get medical documentation that would help prove their claims. The pro-Kurdish Peoples’ Democratic Party (HDP) alleged that police tortured dozens of civilians in Hakkari Province in August following the death of a special forces officer in counter-PKK operations. Following release from detention, 10 detainees filed claims of torture against police at the local prosecutor’s office. Police dismissed the torture claims as terrorist propaganda. Authorities opened an investigation that continued as of year’s end.

Two journalists detained in August 2016 in connection with the closure of *Ozgur Gundem*, reported being beaten and threatened with rape by police officers. In July the Istanbul prosecutor’s office decided not to prosecute due to lack of evidence, dropping the charges and the investigation. A report by the HRFT profiled the suspicious death of Hamza Kacmaz, a prisoner in Antalya who allegedly committed suicide on August 19 by hanging himself in his prison cell. The autopsy report showed no signs of strangulation and noted signs of handcuffing. Other inmates testified that Kacmaz sustained beatings and torture prior to his death.

The HRA reported receiving a credible complaint from a former police officer who claimed that he and others accused of ties to the Gulen movement were tortured while in police custody in April. The former officer reported that groups of detained police officers were kept in small cells and that when most of the police station staff had departed for the evening, on-duty police took these detainees one-by-one into an interrogation room, stripped them, hooded them with plastic bags, and threatened them with sexual assault. The HRA did not specify the location of

these reported acts or the name of the victim, who asked to remain anonymous due to safety concerns.

A March report issued by the HDP catalogued several similar allegations of prisoner mistreatment, noting the case of Ergin Aktas in Izmir Menemen Prison, who lacked both his arms and claimed that he received insufficient physical assistance in prison. The HDP reported several alleged suicides among accused Gulenists imprisoned since the coup attempt as well as the suicides of four female inmates in the southeast by self-immolation, allegedly in response to torture.

In a case highlighted by HRW, at a February 16 hearing of 64 alleged Gulen members, seven defendants testified they were tortured by police and forced to sign false statements. One of the defendants, former preschool head Hasan Kobalay, testified that in November 2016, while at the counterterrorism branch of the Kirikkale police station, he was stripped, blindfolded, gagged, handcuffed, and sprayed with cold water on his genitals. In an October 31 statement, the Ministry of Justice responded that a government investigation found the allegations to be “groundless” and consequently decided not to pursue prosecution of the alleged perpetrators.

The government asserts a “zero tolerance” policy for torture. HRW maintained that the organization was “not aware of any serious measures that have been taken to investigate credible allegations of torture.” According to 2016 Ministry of Justice statistics, the government opened 42 criminal cases related to alleged torture. The government declined to provide data on its investigations into alleged torture.

According to media reports, some military conscripts endured severe hazing, physical abuse, and torture that sometimes resulted in suicide.

On July 30, the army general staff released a statement regarding the detention of a group of male Syrian refugees subjected to degrading treatment while in custody, including being forced to wear belly-dancing costumes. The general staff confirmed that it had started administrative and judicial proceedings against the four soldiers involved, including the arrest of three soldiers.

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

Prison facilities in general met international standards for physical conditions in many respects, with certain exceptions. Overcrowding (particularly following the

mass detentions after the 2016 coup attempt) and lack of access to adequate health care remained problems.

Physical Conditions: As of June 15, the Ministry of Justice indicated a total prison inmate population of 224,878 in government-operated detention facilities with a capacity of 202,676 inmates. At least 22,000 arrestees or convicts were in prisons and had to sleep on the floor or in rotation.

The government reported it housed children in separate prison facilities, where available; otherwise, children were held in separate sections within separate male and female adult prisons. Pretrial detainees were held in the same facilities with convicted prisoners.

In September the Ministry of Justice, responding to an inquiry by Gamze Akkus Ilgezdi, a CHP Istanbul lawmaker and parliamentary Human Rights Commission member, announced that 69,301 formally registered students were imprisoned as of the end of 2016, the highest number of jailed students in the country's history. As of August 1, the General Directorate of Prisons and Detention Houses stated that of the 2,767 children between the ages of 12 and 18 in prison, 197 were in prison on terror-related charges.

The government declined to provide data on inmate deaths from natural causes, suicides, and deaths from other causes.

Human rights organizations asserted that prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting. For example, on July 5, 61-year-old Kamil Ungut died while in prison in Elbistan in Kahramanmaraş Province; press reports attributed his death to cramped conditions and high temperatures.

Although authorities asserted that doctors were assigned to each prison, according to Ministry of Justice statistics made public by CHP member of parliament Ali Haydar Hakverdi, as of March 2016, only 11 doctors were serving in prisons, equating to one doctor for every 33 prisons and 16,830 inmates. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The HRA reported that in the first 10 months of the year, 1,037 inmates were sick, including 361 in critical condition. The number of inmates released for health reasons during the year was unavailable.

In one case, prison authorities did not provide adequate medical care for inmate and local Kurdish Hakkari politician Sibel Capraz, charged with terror-related crimes and incitement, who used a colostomy bag. Capraz's family and lawyers claimed she had not received medical care in the prison or at a hospital and that she had to rely on her fellow ward inmates for informal and unsanitary medical care. In February after widespread media coverage, authorities transferred Capraz to a hospital and put her under house arrest.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners whom they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.

Administration: At times authorities investigated credible allegations of abuse and inhumane or degrading conditions, but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. The government declined to provide data on investigations (both criminal and administrative) of alleged prison violence or mistreatment.

The government initially established the National Human Rights and Equality Institution (NHREI) and the Ombudsman Institution as monitoring bodies for prisons as well as for broader human rights and personnel issues. Parliament's Human Rights Commission (HRC) and the Ombudsman Institution had authorization to visit and observe prisons, including military prisons, without advance permission; while they did so, the frequency of such visits remained unclear.

Independent Monitoring: The government allowed prison visits by some international bodies. In May a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country and interviewed a large number of detainees in various sites. As of year's end, the government had not approved the public release of the CPT report and findings.

Some members of parliament were also able to conduct prison visits. In May CHP member of parliament Safak Pavey, after having visited Silivri, Sincan, Sakarya, and Bakirkoy Prisons on multiple occasions since July 2016, alleged widespread mistreatment, insult, and torture of inmates by prison authorities. "From what I have seen, I am of the belief that there has not been any period in Turkey when heavier human rights violations of inmates and convicts took place," she stated.



The government did not allow NGOs to monitor prisons. The HRFT noted that at least in one case of alleged inhuman treatment, treatment of the detainee improved following a complaint to government authorities.

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

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements. The Ministry of Justice reported that, as of July 15, 169,013 persons had been subjected to some type of “criminal procedure” (e.g., questioning, investigation, detention, arrest, judicial control, or a ban on travel) under the state of emergency. Of these, a total of 55,665 were arrested on terror-related grounds following the July 2016 coup attempt, according to official figures. Many were reportedly detained for alleged ties to the Gulen movement or the PKK, often with little due process or access to the evidence underlying the accusations against them (see section 2.a.).

The government alleged that individuals who used the messaging application ByLock were members of the Fethullah Terror Organization (FETO), a term the government applied to the Gulen movement, which it holds responsible for the 2016 coup attempt. On September 26, the Supreme Court of Appeals ruled that use of ByLock constituted prima facie evidence of membership in FETO. Based on an examination of the history of the ByLock application, including its alleged modification by alleged Gulen-linked staff working in an intelligence department of the National Police, the Appellate Court found that evidence of the use of ByLock was sufficient to sustain the convictions of two former judges who had filed appeals. By contrast in late December the Ankara prosecutor’s office paved the way for the release of approximately 1,000 detainee by ruling that they had been detained solely due to the presence of ByLock on their mobile phones, which it assessed had been unwittingly placed on their devices by a separate application.

Under the state of emergency, detainees could be held without charge for up to 14 days. There were numerous accounts of persons, including foreign citizens, waiting beyond 14 days to be formally charged. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons--especially those not provided by the state--and because many lawyers were reluctant to defend individuals suspected of ties to the 2016 coup attempt. The

HRA reported that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. It also reported that attorneys' access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.

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

The National Police, under the control of the Ministry of Interior, are responsible for security in large urban areas. The Jandarma, a paramilitary force, 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. The Jandarma supervised the "security guards" (formerly known as "village guards"); a civilian militia historically involved in human rights abuses that provide additional local security in the southeast, largely in response to the terrorist threat from the PKK. The National Intelligence Organization (MIT) reports to the presidency and is responsible for collecting intelligence on existing and potential threats.

Civilian authorities maintained effective control over the National Police, the Jandarma, the military, and the National Intelligence Organization, but government mechanisms to investigate and punish alleged abuse and corruption by state security officials remained inadequate, and impunity remained a problem. MIT members have had legal immunity from prosecution since 2014. A 2016 law granted other security officials involved in fighting terror retroactive immunity from prosecution and made it harder to investigate human rights abuses by requiring permission from both military and civilian leadership prior to pursuing prosecution. On August 24, a decree issued under the state of emergency required the president's permission before the head of MIT could come under investigation or testify before parliament.

The Ombudsman Institution, the NHREI, prosecutors' offices, criminal courts, and parliament's HRC were authorized to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. Civil courts, however, remained the main recourse to prevent impunity. National and international human rights organizations reported credible evidence of torture and inhumane treatment, asserting that the government took insufficient action against abusive practices, specifically of detainees in custody. The government declined to provide information on its efforts to address abuse through disciplinary action and training.

Officials employed the tactic of countersuing individuals who alleged abuse. On August 10, in Izmir two women, 19-year-old Derya Kılıc and 22-year-old Seray Gurer, asked two police officers for help, claiming they were groped by two unidentified men on motorbikes. Security footage showed one of police officer starting to beat Kılıc. According to Kılıc's formal complaint, the officer who hit her claimed the women were "dressed inappropriately." A prosecutor in Izmir sought a prison sentence up to three and one-half years for the officer. The officer in the meantime filed criminal complaints against the women, alleging they had attacked him. The outcome of case and count remained unclear as of year's end.

### **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. Under ordinary circumstances, individuals may be detained for up to 24 hours, after which a prosecutor may authorize extending the period to 48 hours, excluding transportation time, before arraignment them with a prosecutor's warrant before a judge. A chief prosecutor may apply to extend this period of custody for 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, and means a suspect is to be held in jail until and unless released by a subsequent court order. Authorities must notify suspects of the charges against them within 24 hours, although human rights activists claimed that authorities did not always inform suspects of the basis of a given charge. For crimes that carry sentences for conviction of fewer than three years' imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may either release the defendant on his or her own recognizance or hold the defendant in custody (arrest) prior to trial 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. Judges often kept suspects in detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney at any time, laws enacted in 2015 allow prosecutors to deny such access for up to 24 hours. 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 for conviction is more than five years' imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human

rights observers noted that in most cases, authorities provided an attorney where a defendant could not afford one. Judges also may limit a lawyer's access to the investigation file, should the judge decide the case is confidential (see Trial Procedures below). Defense lawyers' access to their clients' court files for a specific catalogue of crimes (including crimes against state security, organized crime, and sexual assault against children) may be restricted until the client is indicted.

The continuing state of emergency provided the government with expanded authorities to detain individuals for up to 30 days without charge and deny access to counsel for up to five days. A January 23 decree decreased the maximum detention period to 14 days. Authorities could hold suspects without access to counsel for up to 24 hours. An October 2016 state of emergency decree re-established that detainees could be held for 24 hours without access to legal counsel; it remained in place at year's end. Decrees give prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. The Human Rights Joint Platform reported that the renewed 24-hour attorney access restriction was arbitrarily implemented.

Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. On February 10, the Sanliurfa Bar Association stated that police intimidated lawyers who were chosen by the detainee or were assigned by the bar association, which it stated compromised their ability to effectively represent their clients. Multiple bar associations claimed their lawyers were hesitant to take cases, particularly those of suspects accused of PKK or Gulen ties, because of fear of government reprisal, including prosecution, against them. Government intimidation of defense lawyers also at times involved non-terror-related cases. In October police detained six lawyers working on a case that involved 301 victims of the 2014 Soma mining disaster for alleged membership in terrorist organizations. Critics claimed the detentions were spurious and instead aimed at silencing attorneys working on a politically sensitive case. According to the Arrested Lawyers Initiative (which tracks legal news in the country), more than 570 lawyers have been arrested in the country since the attempted coup and another 1,400 were under prosecution as of December 22. Prior to the 2016 coup attempt, human rights groups alleged that authorities frequently denied detainees access to an attorney in terrorism-related cases until security forces had interrogated their clients. The HRA noted anecdotal improvements in this area during the year.

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 groups alleged that in areas under curfew or in “special security zones,” security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse. For example, on November 12, Sanliurfa counterterrorism police detained Mahmut Ongor, the brother of the HRA’s Adana branch chairman, Ilhan Ongor. The family alleged it was not notified of his detention for three days and that Ongor was tortured during the first several days of his 11-day detention.

Pretrial Detention: An August 25 state of emergency decree increased from five to seven years the maximum time that a detainee could be held pending trial, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period remained two years with the possibility of three one-year extensions, for a total of five years.

The trial system does not provide for a speedy trial, and hearings in a case were often months apart. In the case of the opposition *Cumhuriyet* newspaper, 19 journalists and employees--including editor in chief Murat Sabuncu, multiple columnists, and a cartoonist--were first detained in October 2016 on terrorism-related grounds widely viewed as politically motivated. Most remained in pretrial detention until July 24, when the hearings for five of the defendants took place, followed by the hearings for the sixth and seventh in September. In October and December, hearings for the remaining detainees took place. At year’s end the group’s prosecution continued, and four individuals remained in detention.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court:

Detainees’ lawyers may appeal pretrial detention, although the state of emergency imposed limits on their ability to do so. The country’s judicial process allows a system of lateral appeals to Criminal Courts of Peace that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal case is

proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.

The Office of the UN High Commissioner for Refugees (UNHCR) noted that detention center conditions varied and were often challenging due to limited physical capacity and increased referrals. Refugee-focused human rights groups alleged that authorities prevented migrants placed in detention and return centers from communicating with the outside world, including their family members and lawyers, creating a situation of impunity and the potential for refoulement.

Amnesty: Article 104 of the constitution grants the president the right to grant amnesty on the grounds of chronic illness, disability, or old age, from all or part of the sentences imposed. The provision has rarely been used.

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

The law provides for an independent judiciary, but critics alleged the judiciary remained subject to influence, particularly from the executive branch. Constitutional amendments narrowly approved by voters in an April referendum further diminished judicial independence. Among other powers, the amendments provided the president authority to appoint half of the country's most senior judges and gave parliament the authority to appoint the other half. Critics expressed concern that if the president and the majority party in parliament happened to be from the same party, a single party could, in practice, appoint all the judges to the highest courts. The amendments also renamed, restructured, and reshuffled the Supreme Board of Judges and Prosecutors (HSYK), allowing the president and ruling AKP (Justice and Development Party) to appoint another slate of members to the top judicial body that assigns judges and prosecutors to the country's courts nationwide, a role that critics asserted became especially problematic after the removal of more than 4,000 judges and prosecutors following the July 2016 coup attempt.

Although the constitution provides tenure for judges, the careers of judges and prosecutors are controlled through appointments, transfers, promotions, expulsions, and reprimands made by the Board of Judges and Prosecutors (HSK, formerly the HSYK). Broad leeway granted to prosecutors and judges challenges the requirement to remain impartial, and judges' inclination to give precedence to the state's interests contributed to inconsistent application of criminal laws. Critics expressed concern regarding application procedures for prosecutors and judges

described as highly subjective, which they warned opened the door to political litmus tests in the hiring process.

The judiciary faced a number of challenges that sharply limited judicial independence, including the suspension, detention, or firing of judicial staff accused of affiliation with the Gulen movement. Observers alleged the government also interfered with the judicial process in certain cases, including those related to Gulenist trials. On April 3, the HSK suspended three judges who had ordered the release of 21 of 29 journalists accused of ties to Gulen and overturned the release order. Observers noted the reversal came after a progovernment social media campaign decried the decision of the judges. Some observers interpreted the move as a warning to judges who took independent decisions not in line with the government's expectations.

The government also targeted some defense attorneys representing a number of high-profile clients. On September 12, police raided the Istanbul and Ankara offices of lawyers representing two detained educators on hunger strike, Nuriye Gulmen and Semih Ozakca, whose cases had triggered protests and attracted significant national and international media attention. The raid and seizure of documents came two days before their clients' scheduled court hearings in Ankara. On September 15, Ankara police detained Celal Celik, an attorney for the main CHP opposition leader, Kemal Kilicdaroglu, in connection with an investigation into the Gulen movement. Celik, a former Supreme Court judge, had been an outspoken critic of Gulen and was detained in part due to his cancellation of a Digiturk cable subscription. Cancellation of Digiturk cable subscriptions after a certain date was one of the criteria authorities used to justify dismissals and arrests, arguing that Gulen had ordered his supporters to cancel the service after it dropped several Gulen-linked channels from its cable offerings. Critics viewed Celik's detention as an attempt to pressure or intimidate Kilicdaroglu. On April 9, prosecutors indicted Levent Piskin, a defense lawyer for imprisoned HDP co-chair Selahattin Demirtas, on terrorism-related charges. Evidence against him included his membership in the HDP Istanbul WhatsApp group. The case continued at year's end, with Piskin free under judicial supervision.

The country has an inquisitorial criminal justice system. The country's system for educating and assigning judges and prosecutors created close connections between the two groups. Prosecutors and judges studied together at the country's Justice Academy before being assigned to their first official posts by the Board of Judges and Prosecutors. After appointment, they often lodged together, shared the same office space, worked in the same courtroom for many years, and even exchanged

positions during their careers. Observers, including the European Commission, claimed this process led to the appearance of impropriety and unfairness in criminal cases. Justice officials asserted the system was designed to avoid these problems through regular reassignment of judges and prosecutors to different locations by the HSK. Human rights and bar associations noted that defense attorneys generally underwent less rigorous training than their prosecutorial counterparts and were not required to pass an examination to demonstrate a minimum level of expertise.

The constitutional changes approved in the April referendum abolished the country's military courts, reserving military justice for disciplinary cases only.

### **Trial Procedures**

The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that increasing executive interference with the judiciary and actions taken by the government through state of emergency provisions jeopardized this right.

As written the law provides defendants a presumption of innocence and the right to be present at their trial, although in a number of high-profile cases, defendants increasingly appeared via video link from prison, rather than in person. Judges may restrict lawyers' access to defendants' files during the prosecution phase.

A single judge or a panel of judges decides all cases. Courtroom proceedings were generally public except for cases involving minors as defendants. The state increasingly used a clause allowing closed courtrooms for hearings and trials related to security matters, such as those related to "crimes against the state." Court files, which contain indictments, case summaries, judgments, and other court pleadings, were closed except to the parties to a case, making it difficult to obtain information on the progress or results of the case. In some politically sensitive cases, judges cleared courtrooms and restricted access to Turkish lawyers only, limiting the ability of domestic or international groups to observe some trials.

Defendants have the right to be present at trial and to consult an attorney in a timely manner. Observers noted that especially in high-profile cases, courts failed to provide the defendants the right to exercise such rights. For example, Nuriye Gulmen, an academic who began a hunger strike after being dismissed from her job by a state of emergency decree following the 2016 coup attempt, was not brought to the courtroom for some of her hearings. Similarly, authorities did not



transfer imprisoned pro-Kurdish HDP co-chair Selahattin Demirtas to court for his December 7 hearing, claiming a need to maintain public order.

Defendants have the right to legal representation in criminal cases and, if indigent, to have representation provided at public expense. Defendants or their attorneys could question witnesses for the prosecution, although questions must usually be presented to the judges, who are expected to ask the questions on behalf of counsel. Defendants or their attorneys could, within limits, present witnesses and evidence on their own behalf. Secret witnesses were frequently used, particularly in cases related to national security. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for free interpretation to all parties in a case when needed. Human rights groups alleged free interpretation was not always provided, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

It sometimes took years before trials began, and appeals could take years to reach conclusion.

Observers noted the government often failed to establish evidence to sustain indictments and convictions in cases related to Gulen or supporting terrorism, highlighting growing concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous instances, use of the smartphone application ByLock was cited as the only evidence of alleged support for or membership in a terrorist organization. For example, on August 10, *Birgun* newspaper editor Burak Ekici and 34 other journalists were detained for membership in the Gulenist movement, which the government accused of undertaking the July 2016 attempted coup. The evidence cited for their detention was use of the encrypted messaging application ByLock, which the government contended was only used by Gulenists. In one of many such cases nationwide, in July more than 70 academics faced arrest warrants for their use of ByLock. On December 5, the Ministry of Interior stated it had detected or identified more than 102,000 individual ByLock users.

In October 2016 authorities arrested Andrew Brunson, a U.S. citizen and Christian pastor, on charges of membership in an armed terrorist group, espionage, and attempts to overthrow the state. Evidence underlying the prosecutor's accusations against him, widely believed to be political in nature, remained elusive. Brunson's pretrial detention continued at year's end.

### **Political Prisoners and Detainees**

The number of political prisoners was not a matter of public record and remained a subject of debate at year's end. In November media reported that, according to the Ministry of Justice, 62,669 prison inmates were charged with terrorism-related crimes. An exact breakdown of numbers of alleged members of the PKK, ISIS, and the Gulen movement was not available at year's end. In July the Ministry of Justice reported the arrest of 50,510 individuals in connection with the July 2016 attempted coup. Some observers considered many of these individuals political prisoners, a charge sharply disputed by the government.

Prosecutors used a broad definition of terrorism and threats to national security, and in some cases used what appeared to be questionable evidence to file criminal charges against a broad range of individuals, including journalists, opposition politicians (primarily of the pro-Kurdish HDP), activists, and others critical of the government. At year's end, nine HDP parliamentarians, including the HDP co-chair Selahattin Demirtas--head of the second-largest opposition party in parliament--remained imprisoned, as did one CHP lawmaker. On June 14, a court sentenced CHP lawmaker Enis Berberoglu--convicted of espionage for purportedly giving an opposition newspaper information allegedly showing the country's intelligence agency sending weapons into Syria--to 25 years' imprisonment. The government also removed from office numerous local elected opposition politicians, primarily in Kurdish-majority areas, on national security grounds, subsequently detaining or prosecuting some. As of December 12, the Prime Ministry reported the government had removed a total of 106 elected mayors from office. These included 93 pro-Kurdish Democratic Regions Party (DBP) or HDP mayors, nine AKP mayors, three National Movement party (MHP) mayors, and one CHP mayor. A majority were removed, detained or arrested for allegedly supporting PKK terrorism. The government installed trustees in more than 90 HDP or DBP municipalities.

Authorities used counterterrorism laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged members of the Gulen movement, among others. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling AKP, particularly the pro-Kurdish HDP or its sister party, the DBP. Authorities used both the antiterror laws and increased powers under the state of emergency to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of supporting the PKK, and individuals alleged to be associated with the Gulen movement. The government did not consider those in custody for alleged

PKK or Gulen ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.

Credible media reports claimed that some persons jailed on terrorism-related charges were subject to a variety of abuses, including long solitary confinement, severe limitations on outdoor exercise and out-of-cell activity, inability to engage in professional work, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media reports also alleged that visitors to prisoners accused of terrorism-related crimes faced abuse, including limited access to family, strip searches, and degrading treatment by prison guards.

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

The constitution provides for an independent and impartial judiciary in civil matters, although this differed in practice. Citizens and legal entities such as organizations and companies have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. On constitutional and human rights issues, the law also provides for individuals to appeal their cases directly to the Constitutional Court, theoretically allowing for faster and simpler high-level review of alleged human rights violations within contested court decisions. Critics complained that, despite this mechanism, the large volume of appeals of dismissals under the state of emergency and decreased judicial capacity caused by purges in the judiciary resulted in a backlog that slowed proceedings. Citizens who have exhausted all domestic remedies have the right to apply for redress to the European Court of Human Rights (ECHR).

Tens of thousands of individuals dismissed from government jobs appealed to the ECHR. In January the government established the Commission of Inquiry on Practices under the State of Emergency to adjudicate appeals of wrongfully dismissed civil servants. In May members of the commission were named and began accepting applications in July, which reached 102,000 as of September. The ECHR remanded the cases filed by Turkish nationals to the commission in July, citing the Commission of Inquiry as a suitable means of domestic redress. In late December the commission issued its first rulings on a limited number of cases. Critics complained that the appeals process was opaque, slow, and did not respect citizens' rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.

Figures regarding the toll of the state of emergency released by human rights groups and multiple officials during the course of the year varied. According to the HRA, since the coup attempt and pursuant to state of emergency decrees, more than 116,000 public employees had been dismissed or suspended; more than 4,000 judges and prosecutors had been dismissed; 49 private health-care facilities had been shut down; more than 2,300 private educational institutions--including schools, tutoring academies, and dormitories--had been closed along with 15 private universities and 19 unions and trade confederations; 187 media companies had been shut down; and nearly 1,600 associations or foundations had been closed. Other suspensions, dismissals, and reinstatements took place outside of the context of state of emergency decrees; observers estimated these impacted tens of thousands of other civil servants. Individuals and legal entities affected by the state of emergency decrees were eligible to appeal to the Commission of Inquiry.

### **Property Restitution**

In multiple parts of the southeast, many citizens continued efforts to appeal the government's expropriations of properties in 2016 to reconstruct areas damaged in government-PKK fighting.

The government reported that as of October, it had expended 2.6 billion lira (\$690 million) for reconstruction, new building construction, and infrastructure in conflict zones, primarily in areas of the southeast damaged in 2015-16 clashes with the PKK.

In May the government expropriated properties in the Alipasa and Lalebey neighborhoods of Diyarbakir's historic Sur district in the southeast, the site of major 2015-16 urban clashes between the government and PKK, for the purposes of facilitating government reconstruction. The government planned to demolish buildings and rebuild under an "urban renewal" program through which residents were compensated, although residents claimed compensation was not enough to find replacement housing. Several local residents resisted for weeks requests to vacate their homes, leading to police intervention in Diyarbakir. Amnesty International launched a campaign calling attention to the forced removals of residents.

Since the 2016 coup attempt the government has seized approximately 1,000 businesses worth an estimated 46 billion lira (\$12 billion), according to government officials. The HRA reported that, in the first 11 months of the year, the government seized the assets of more than 180 shuttered media companies. In

September the government's Saving Deposit Insurance Fund announced it would sell the assets of 21 media companies.

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

While 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 provides the MIT the power to collect information while limiting the ability of the public or journalists to expose abuses. MIT may collect data from any entity without a warrant or other judicial process for approval. At the same time, the law establishes criminal penalties for conviction of interfering with MIT activities, including data collection or obtaining or publishing information concerning the agency. The law gives MIT and its employees immunity from prosecution. An August state of emergency decree placed MIT under the presidency, providing the president enhanced oversight of the institution.

Police possess broad powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission to follow within 24 hours. Individuals subjected to such searches have the right to file complaints, but judicial permission occurring after a search has already taken place failed to serve as a check against abuse.

Security forces may conduct wiretaps for up to 48 hours without a judge's approval. As a check against potential abuse of this power, the Prime Ministry Inspection Board may conduct annual inspections and present its reports for review to parliament's Security and Intelligence Commission. Information on how often this authority was used was not available. Human rights groups noted that wiretapping without a court order circumvented judicial control and potentially limited citizens' right to privacy. Many citizens asserted that authorities tapped their telephones and accessed their email or social media accounts, perpetuating widespread self-censorship under the continuing state of emergency. Human rights groups asserted that self-censorship due to fear of official reprisal accounted in part for the relatively low number of complaints they received regarding allegations of torture or mistreatment.

Under the state of emergency, the government targeted family members to exert pressure on some wanted suspects. Government measures included cancelling the passports of family members of civil servants suspended or dismissed from state institutions, as well as of those who had fled authorities. In some cases the

government cancelled or refused to issue passports for the minor children of individuals outside the country who were wanted for or accused of ties to Gulen.

In November 2016 the Ministry of Family and Social Policies stated the government could remove children from their families if the state finds their guardians supported the coup attempt. For example, in November the press reported that a court returned the adopted daughter of a family in Gumushane Province to an orphanage due to her adoptive father's alleged links to Gulen.

The Law on the Protection of Personal Data stipulates that personal data-- information on race, ethnicity, political thought, philosophical beliefs, religious affiliation, appearance, membership in organizations, health, sexual life, and criminal record, as well as security-related information and biometric/genetic data-- may not be processed or transferred abroad without the individual's explicit consent. By law personal data may only be transferred to a foreign country if there is adequate protection in the receiving country, a written assurance of that protection, and permission of the government's newly created data-protection authority. Some legal experts asserted that the law fails to protect personal data adequately, particularly because it introduces a series of exceptions that give the state flexibility in collecting and using private data. The European Commission's 2016 progress report on the country noted that the Law on the Protection of Personal Data did not align with EU standards.

Government seizure and closure of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information.

### **g. Abuses in Internal Conflict**

Clashes between security forces and the PKK and its affiliates continued throughout the year, although at a reduced level relative to 2016, and resulted in the injury or deaths of security forces, PKK terrorists, and an unconfirmed number of civilians. The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and also decreed "special security zones" in some areas to facilitate counter-PKK operations, restricting access of both visitors and, in some cases, residents. Residents of these areas reported they sometimes had very little time to abandon their homes prior to the launch of counter-PKK security operations. Those who remained faced curfews of

varying scope and duration that, at times, restricted their movement and complicated living conditions.

Killings: Estimates of casualties from government-PKK fighting varied considerably and remained a topic of debate at year's end.

According to a July International Crisis Group report, in 2016 at least 653 security force members, 865 PKK terrorists, 263 civilians, and 139 youth of unknown affiliation died in PKK-related fighting.

The HRA claimed that in the first 11 months of the year, 183 security officers, 52 civilians, and 460 PKK affiliates were killed during clashes; 282 security officers and 28 civilians were reportedly injured. It reported that another 23 persons, including six children, were killed and 46 were injured in accidents involving the vehicles of security forces.

The HRA asserted that security officers killed 36 civilians and injured 12 in arbitrary killings throughout the country during the same period, including at government checkpoints and in government-PKK violence.

The government data on casualty tolls was unavailable.

PKK tactics included assault with conventional weapons, vehicle-borne bombs, improvised explosive devices (IEDs), and targeted killings, inter alia. At times IEDs or unexploded ordinance, usually attributed to the PKK, killed or maimed civilians. The HRA reported that, in the first 11 months of the year, IEDs generally attributed to the PKK killed one adult and five children and injured 25 persons, including 18 children.

In several cases during the year, human rights groups alleged the government failed to take adequate steps to protect civilians caught in the conflict between security forces and the PKK. PKK attacks claimed the lives of noncombatant civilians, including through kidnappings. In July authorities found the remains of a teacher, Necmettin Yilmaz, whom the PKK allegedly kidnapped in June. On July 8, alleged PKK terrorists attacked four vehicles in Hakkari Province, leaving four civilians dead. The PKK reportedly kidnapped and killed a shepherd in Sirnak, also in July. On June 9, a PKK attack killed Senay Aybuke Yalcin, a 22-year-old music teacher in Batman Province.

PKK attacks also targeted political figures with assassination campaigns. On July 1, the PKK-affiliated Women's Civil Protection Unit kidnapped the ruling AKP deputy district chair for Diyarbakir's Lice District, Orhan Mercan, in the middle of the night and shot and killed him near his home in Diyarbakir. On July 2, the PKK-affiliated People's Defense Force kidnapped the AKP deputy district chair for Van's Ozalp District, Aydin Ahi, in the middle of the night and killed him in front of his home. Police later detained 16 persons in connection with the killing.

Abductions: The PKK abducted both officials and civilians throughout the year. According to media reports, the PKK claimed it had abducted 20 persons, including two MIT employees.

Physical Abuse, Punishment, and Torture: Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. In June police allegedly beat three suspects while in custody in Gevas, in Van Province. The three were allegedly involved in a mortar attack against a police building. The suspects were later released and no charges filed, allegedly because police arrested the men in error. On May 30, Bergul Varan, a member of a leftist music band Grup Yorum, was detained by police along with 13 others during a raid on the Istanbul Culture Center. She alleged police pulled out large clumps of her hair while she was in custody.

Child Soldiers: The government alleged the PKK recruited and forcibly abducted children for conscription, while many in the country's Kurdish community asserted that youth generally joined the terrorist group voluntarily. Authoritative data on PKK youth recruitment remained elusive as of year's end.

Other Conflict-related Abuse: Extensive damage stemming from government-PKK fighting led authorities in 2016 to expropriate certain properties in specific districts of the southeast to facilitate post-conflict reconstruction. Many of these areas remained inaccessible to residents at year's end due to reconstruction. In Diyarbakir's Sur District, the Armenian Orthodox Church and the Mar Peytun Chaldean Church remained under the de facto control of the government during restoration. Some affected residents filed court challenges seeking permission to remain on expropriated land and receive compensation; many of these cases remained pending at year's end. In certain cases courts ruled to award compensation to aggrieved residents, although the latter complained it was insufficient. Overall numbers of those awarded compensation was unavailable at year's end.



Government actions and adverse security conditions limited journalists' and international observers' access to affected areas, which made monitoring and assessing the aftermath of these urban conflicts difficult.

The government dismissed elected mayors and replaced them with Ministry of Interior-appointed trustees, largely for alleged support of the PKK. This practice primarily affected southern and southeastern cities mayors representing the pro-Kurdish DBP and HDP. In November the HRA reported that women in the southeast were disproportionately affected by the state of emergency and cited restrictions on freedom of movement, the shuttering of women's NGOs by emergency decree, and the impact of the arrest and removal of female DBP/HDP elected representatives.

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

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression within certain limits, and the government restricted freedom of expression, including for the press, throughout the year. Multiple articles in the penal code directly restrict press freedom and free speech, for example, through provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that protect public order and criminalize insult. The law provides for punishment of up to three years in prison for conviction of "hate speech" or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law for not including restrictions based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.

Many in media reported the government's prosecution of journalists representing major independent newspapers and its jailing of scores of journalists during the preceding year hindered freedom of speech and that self-censorship was widespread amid fear that criticizing the government could prompt reprisals.

Hundreds of individuals, including journalists and minors, were indicted for insulting the president, prime minister, or state institutions. For example, on March 22, Ali Gul, an Istanbul law school student, was arrested and charged with insulting the president after he prepared a short video on social media regarding why Turks should vote "no" in the April constitutional referendum. He remained

in jail for two months. In June the Ministry of Justice announced that in 2016 it had tried 3,658 persons on charges related to insulting the president. Comprehensive figures for the year were unavailable at year's end.

Estimates of the number of journalists in jail varied. The Committee to Protect Journalists claimed that as of December 13, there were at least 81 journalists in prison. On December 6, the Journalists' Union of Turkey claimed 149 journalists were in prison; Reporters without Borders reported that, as of October 24, there were more than 100 journalists in jail; the NGO Platform for Independent Journalism (P24) reported that, as of November 28, there were 153 journalists, editors, or media managers in jail, the vast majority for alleged ties to the PKK or the Gulen movement. As of May, an estimated additional 123 journalists were outside the country and did not return due to fear of arrest, according to the Journalists Association. Hundreds more remained out of work after the government closed media outlets allegedly affiliated with the PKK or the Gulen movement as part of the previous year's government response to the attempted coup. On July 20, the Radio and Television Supreme Board revoked the licenses of five television stations for broadcasting inappropriate content. Another television station and 12 radio stations that previously had their licenses revoked under a July 2016 decree faced difficulty seeking redress and were unable to appeal to the Commission of Inquiry on Practices under the State of Emergency, which was established to review appeals by individuals and associations.

Freedom of Expression: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. At times many who wrote or spoke on sensitive topics or in ways critical of the government risked investigation.

In July parliament amended its by-laws to prohibit the use of the word "Kurdistan" or other sensitive terms by members of parliament on the floor of parliament, providing for the possible issuance of fines to violators. On December 13, parliament suspended HDP spokesperson and Sanliurfa member of parliament Osman Baydemir for two General Assembly sessions after he referred to himself as a "representative of Kurdistan" during a discussion in parliament.

Human rights groups reported intensifying government pressure that, in certain cases, resulted in enhanced caution in their public reporting. On November 1, leading philanthropist and widely respected civil society figure leader Osman Kavala was arrested and subsequently charged with terrorism-related crimes.

Observers widely viewed his detention as politically motivated. On July 5, police detained eight leading human rights activists, including Amnesty International Turkey director Idil Eser as well as two foreign trainers, during a workshop in Buyukada, near Istanbul, on terrorism grounds. On June 6, police detained Taner Kilic, the founder and chair of Amnesty International Turkey, in Izmir along with 22 others for alleged Gulen ties and in part for allegedly using the ByLock mobile application, a claim rejected by Amnesty International (see section 5). Critics alleged Kilic's detention stemmed from government displeasure with Amnesty reporting critical of the government. In October a court released the "Buyukada 10" pending the outcome of their trial, which continued at year's end. Kilic and Kavala remained in pretrial detention, with judicial proceedings against them continuing at year's end.

Press and Media Freedom: Print media were privately owned and active. Conglomerates or holding companies, many of which had interests before the government on a range of business matters, owned an increasing share of media outlets. Only a fraction of these companies' profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate. Private newspapers were also published in numerous languages, including Armenian, Arabic, English, and Farsi, although most had low circulations. Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees.

Government prosecution of independent journalists limited media freedom throughout the year. The pretrial detention since October 2016 of 20 prominent journalists, editors, and staffers of the country's leading independent newspaper *Cumhuriyet* continued. Prosecutors alleged that material in the newspaper dating to 2014 aided a variety of terrorist organizations, including the PKK, the Gulen movement, and the leftist Revolutionary People's Liberation Party or Front, and sought prison sentences ranging from seven and a one-half to 43 years. As of December 14, four employees remained in pretrial detention, some for more than 400 days.

As of December 14, a total of 18 journalists and editors who had worked for the now-closed, Gulen-linked *Zaman* newspaper and who were arrested in 2016, remained in detention on terrorism and coup-related charges. On December 8, an Istanbul court ruled for the continued imprisonment of 19 journalists and the release of three advertising and sales department staff members of the *Zaman*

media group. Travel bans remained in place for those released. The journalists' trial was in progress at year's end.

On May 19, government authorities raided the offices of the left-leaning daily newspaper *Sozcu*. *Sozcu*'s owner and three of its employees were detained, arrested, and charged with aiding the Gulen movement. Two were later released, while the other two remained jailed with judicial proceedings against all four continued at year's end.

Other journalists said they were fired from their jobs or asked to censor their reporting if it appeared critical of the government. Some journalists working with foreign correspondents reported being pressured by their organization's editors to avoid or stop working with those foreign journalists. These pressures contributed to an atmosphere of self-censorship in which media reporting became increasingly standardized along progovernment lines.

The government restricted access to the internet and regularly blocked selected online content, including online newspapers and journals (see Internet Freedom).

In several cases the government barred journalists from travelling outside the country. In August police confiscated the passport of Asli Erdogan, former board member and columnist for the closed pro-Kurdish daily *Ozgur Gundem*, as she was on her way to Germany to accept an award for her work. In September, after public pressure, authorities returned her passport. Some dual-national journalists entering the country were detained and many later deported. On February 14, German-Turkish national Deniz Yucel, a reporter for the German daily *Die Welt*, was detained; he remained in prison on terrorism-related charges as of year's end.

On October 10, *Wall Street Journal* correspondent Ayla Albayrak was convicted of terrorist propaganda based on a story she wrote on government-PKK clashes, and was sentenced in absentia to two years and one month in prison. Her case remained under appeal at year's end.

Violence and Harassment: Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack. President Erdogan and AKP members sometimes verbally attacked journalists by name in response to critical reporting.

Human rights groups noted that filing terrorism-related charges was a common tool the government used to target journalists reporting on sensitive issues, particularly

PKK terrorism and the Gulen movement (also see National Security). According to center-left online news portal *Bianet*, between July 2016 and July, courts heard 301 cases against journalists. In these cases prosecutors requested aggravated life sentences 142 times and life sentences five times.

Journalists reported that media outlets fired some individuals for being too controversial or adversarial with the government due to fear of jeopardizing other business interests. For example, journalist and television presenter Irfan Degirmenci was allegedly dismissed from his job at Kanal D, owned by the Dogan Publishing Group, after he announced on social media that he would vote “no” in the April constitutional referendum on constitutional changes proposed by the ruling AKP.

Journalists affiliated or formerly with pro-Kurdish outlets faced significant government pressure. Thirty-eight of the 56 individuals who worked as “solidarity” or “duty” editors of the *Ozgur Gundem* in 2016 faced prosecution for alleged “terror propaganda” at year’s end. On March 6, the acting editor of *Ozgur Gundem*, Nadire Mater, was sentenced to 15 months’ imprisonment and fined 15,000 lira (\$3,900). Her sentence was suspended. The trials of other high-profile duty editors, including the president of the HRFT, Sebnem Korur Fincanci, and Reporters without Borders Turkey representative Erol Onderoglu, continued at year’s end.

Government officials withheld press accreditation and denied entry to the country of several journalists from France, Germany, Greece, the Netherlands, Norway, Russia, Syria, the United Kingdom, and the United States. International journalists reported government interference in their ability to report within the country. On May 8, French photographer Mathias Depardon, while on assignment for *National Geographic* magazine, was arrested while working in Hasankeyf District in southeastern Batman Province on terrorism-related charges. On June 9, he was released following engagement by French authorities.

Censorship or Content Restrictions: Government and political leaders occasionally resorted to direct censorship of news media. On January 6, a state of emergency decree authorized the government to interfere with or stop broadcasts in the event of a terror incident. Lack of compliance could result in the media outlet being closed. The government declared media blackouts on terror attacks or other sensitive issues, although many media outlets disregarded these blackouts, which were not always enforced.

While the law does not prohibit particular books or publications, publishing houses were required to submit books and periodicals to prosecutors for screening at the time of publication.

The Turkish Publishers Association (TPA) reported that publishers often exercised self-censorship, avoiding works with controversial content (including government criticism, erotic content, or pro-Kurdish content) that might draw legal action. The TPA reported that publishers faced publication bans and heavy fines if they failed to comply in cases in which a court ordered the correction of offensive content. Publishers were also subject to book promotion restrictions. According to TPA's *Freedom to Publish Report for 2016-2017*, the government closed 30 publishing houses. In some cases prosecutors considered the possession of some Kurdish-language, pro-Kurdish, or Gulenist books to be credible evidence of membership in a banned organization.

Some 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 a myriad of publications and publishers on these grounds during the year. In January a court sentenced journalist Arzu Demir to six years in prison for spreading "terrorist organization propaganda" and "praising crime and criminality" for her two books, *Women on the Mountains* and *Revolution in Rojava*. Similarly, TPA reported that the government banned and confiscated *Rojava: The Time for Kurds* by Fehim Tastekin and *History of Kurds* by Aytakin Gezici.

On February 9, the government issued an emergency decree removing the Supreme Board of Election's authority to fine or halt private radio and television broadcast outlets that violated the principle of equality, which required that broadcasters give equal access to the country's major political parties. Critics charged that the move benefited the ruling AKP political party.

The Radio and Television Supreme Council continued the practice of fining broadcasters whose content it considered "contrary to the national and moral values of society."

Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by media.

Authorities charged citizens, including children, with insulting Turkish leaders and denigrating “Turkishness.” In January authorities forcibly returned from northern Cyprus to Turkey prominent fashion designer Barbaros Sansal following a controversial social media post he made that criticized Turkish society. As he left his plane in Istanbul, a mob, some of whom appeared to be airport staff, beat him. He was arrested the next day, charged with insulting the Turkish nation, and sentenced to six-plus months in prison. As of December 31, his appeal continued. In May historian Suleyman Yesilyurt was indicted for “insulting” Mustafa Kemal Ataturk, the founder of modern Turkey, while appearing on a television program. On June 1, after expressing remorse and apologizing in court, he was released.

Lawmakers, mostly from the pro-Kurdish HDP, were also targeted in a significant number of insult-related cases. At year’s end nine HDP lawmakers were in prison for a variety of charges related to terrorism and political speech.

While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the law was not applied equally and that AKP members and government officials were rarely prosecuted under it.

National Security: Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security. Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization--generally either the PKK or the Gulen movement. In December the HRA’s Adana branch reported that in 2016 and 2017, authorities opened approximately 100 criminal cases against 92 members of their association. The charges included violating meeting and demonstration laws, resisting government officers, spreading terrorist propaganda, insulting the state and praising crime and criminals. The HRA asserted the cases stemmed from an attempt to intimidate lawyers and undermine the organization’s operations.

In April a court in Sirnak Province banned the HDP’s constitutional referendum campaign song, resulting in a nationwide prohibition on the use of “Bejin ‘Na’” (“Say ‘No’”). A judge found the anthem’s lyrics to be a challenge to the indivisibility of the Turkish state. Prominent columnist Ahmet Altan and his brother, economist Mehmet Altan, both in prison on terror-related charges since

September 2016 for allegedly sending coded messages to the 2016 coup plotters during a panel discussion on a television program, remained in detention at year's end. Many observers viewed their prosecution as an effort to intimidate or silence prominent opposition voices.

Nongovernmental Impact: The PKK used a variety of pressure tactics that limited freedom of speech and other constitutional rights in the southeast. In the aftermath of curfews enacted in 2016 in response to PKK violence, some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces. In April PKK executive Cemil Bayik told media that if voters approved of AKP-proposed constitutional changes in the referendum that month, the PKK would attack Turkish security forces. PKK terrorists conducted or attempted targeted assassinations of a number of AKP and government officials in the southeast (see section 1.g.). In Van, an AKP provincial executive reported that her parents were threatened by the PKK because she worked for the AKP.

### **Internet Freedom**

During the year internet freedom continued to worsen. The government restricted access to the internet and regularly blocked selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence that the government monitored private online communications using nontransparent legal authority.

The Freedom House report *Freedom on the Net 2017: Manipulating Social Media to Undermine Democracy* highlighted increasing efforts by authorities to control use of virtual private networks and the use of government-employed “armies of ‘opinion shapers’” to spread progovernment views online.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including: insulting the founder of the Turkish Republic, Mustafa Kemal Atatürk; encouraging suicide, the sexual abuse of children, or the use of drugs and stimulants; providing substances dangerous to health; engaging in obscenity or prostitution; providing means for gambling; and threatening life or property. Sites may also be blocked to protect national security and public order.



The government-operated Communication Technologies Authority (BTK) is empowered to demand that internet service providers (ISPs) remove content or block websites with four hours' notice. The regulatory body must refer the matter to a judge within 24 hours, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months to two years in prison or fines ranging from 50,000 to 500,000 lira (\$13,500 to \$135,000) for conviction of failing to comply with a judicial order.

The law also allows persons who believe a website has violated their personal rights to ask the regulatory body to order the ISP to remove the offensive content. Government ministers may also order websites blocked, and the regulatory authority is legally compelled to comply within four hours, followed by a court order within 24 hours.

The state of emergency allowed the government expanded powers to restrict internet freedom with reduced parliamentary and judicial oversight. The law provides that government authorities may access internet user records to "protect national security, public order, health, and decency" or to prevent a crime. The law also establishes an ISP union of all internet providers that are responsible for implementing website takedown orders. The BTK is not obligated to inform content providers of ordered blocks or to explain why a block was imposed. Content providers, including Twitter and Facebook, were required to obtain an operating certificate for the country.

Government leaders, including the president, employed staff to monitor the internet and initiate charges against individuals accused of insulting them. According to the internet freedom NGO Engelliweb, as of October 1, the government blocked 16,089 websites during the year. Of those, 15,035 were blocked through a BTK decision and 722 by court order.

Internet access providers, including internet cafes, are required to use BTK-approved filtering tools. Additional internet restrictions operated in government and university buildings.

On April 29, the BTK banned Wikipedia from operating in the country due to two terrorism-related articles, pursuant to a law that allows filtering on national security grounds. The BTK also demanded the removal of "offensive content" and that Wikipedia open an office in the country. The organization appealed the

decision, which the Supreme Court upheld on May 5. As of December, Wikipedia remained inaccessible in the country without the use of virtual private networks.

According to Twitter's internal transparency report, the company received 2,710 court orders and other legal requests from authorities to remove content in the first half of the year. According to digital news source *The Daily Dot*, on July 23 and again on July 25, Twitter blocked at least 12 journalists' and three media outlets' accounts. As of the end of September, Twitter had blocked 26 media-related accounts in the country at the government's request.

In July authorities detained leading human rights activists and two foreign trainers during a digital security workshop for local human rights defenders. President Erdogan subsequently claimed the workshop was a "continuation" of the 2016 failed coup attempt.

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

During the year the government continued to limit academic freedom, restrict freedom of speech in academic institutions, and censor cultural events.

Hundreds of additional professors lost their jobs or faced charges due to political speech during the year. The Human Rights Joint Platform (HRJP) reported that, as of August 31, a total of 5,717 academics from 117 universities had been dismissed since the 2016 attempted coup under state of emergency decrees; 140 were reinstated. Those dismissed were prohibited from travelling abroad, as were spouses and children. As part of an emergency decree issued on April 29, rectors continued to require the permission of the chairman of the Higher Education Board to travel abroad. Other administrators and some professors were also required to seek permission from supervisors for foreign travel.

Some academics and event organizers stated their employers monitored their work and that they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-censorship. Human rights organizations and student groups criticized legal and Higher Education Board-imposed constraints that limited university autonomy in staffing, teaching, and research policies.

The state of emergency also affected arts and culture. On December 15, the Diyarbakir Governorate banned the ninth "Which Human Rights?" film festival in Diyarbakir, organized by the HRA and documentary filmmakers, without

providing an explanation. On July 27, the Tunceli Governorate refused to allow the Munzur Culture and Nature Festival to take place, citing the state of emergency. In May the Istanbul Metropolitan Municipality closed its arts and culture magazine, *1453 Istanbul Kultur ve Sanat*, after printing a cover photo that read, “Erdo-GONE,” an apparent reference to President Erdogan. The municipality filed a criminal complaint for “disrespectful and provocative content” and canceled the contracts of editors, the editorial coordinator in charge of content, and the editor in chief. On May 16, authorities blocked the magazine’s website.

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

The government restricted the freedoms of peaceful assembly and association under the state of emergency.

### **Freedom of Peaceful Assembly**

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one’s face during a protest. The law permits police to use tinted water in water cannons, potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into “protective custody” without a prosecutor’s authorization if there is reasonable suspicion that they are a threat to themselves or to public order. The state of emergency gave governorates enhanced authority to ban protests and public gatherings, a ban widely enacted during the year.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often using excessive force. At times the government used its authority to detain persons before protests were held on the premise that they might cause civil disruption.

Ahead of the April constitutional referendum, authorities regularly declined to permit rallies/events by the “no” camp, which opposed constitutional changes supported by President Erdogan and the ruling AKP. The Supreme Board of Elections denied opposition figure and former Nationalist Movement Party member of parliament Meral Aksener permission to hold a public rally in Isparta. In March some 100 campaigners were distributing “no” flyers in Istanbul’s Kadikoy District, when police sprayed them with tear gas and detained several of

them. The campaigners claimed they were targeted for handing out “no” flyers. In March in Canakkale, authorities detained 35 persons affiliated with the “no” campaign prior to a visit by President Erdogan.

The government also selectively restricted meetings to designated sites or dates, particularly limiting access to Istanbul’s Taksim Square and Ankara’s Kizilay Square, and set up roadblocks to prevent protesters from gathering there. The government banned many demonstrations outright if they touched on sensitive subjects.

Security forces at times responded with excessive force to protests, resulting in dozens of injuries, detentions, and arrests. The government generally supported security forces’ actions. The Human Rights Association (HRA) reported that in the first 11 months of the year it received 1,855 complaints from individuals injured in clashes with authorities during demonstrations. Human rights NGOs asserted that the government’s failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests.

On January 9, police used tear gas, water cannons, and rubber bullets against protesters--including members of the Ankara Bar Association, opposition members of parliament, and members of civil society groups--who gathered outside parliament to oppose proposed changes to the constitution.

On April 24, during commemorations of the birth of the Prophet Mohammad in Adana, police fired tear gas and plastic bullets at some 200 members of the Furkan Foundation, a conservative religious group critical of the ruling AKP. Police detained 50 persons.

On May 1 (Labor Day), the government restricted rallies in parts of Istanbul and other cities. In Istanbul, 207 persons participating in the celebrations were detained while the governorate closed Taksim Square, the traditional venue for the celebrations.

Pro-Kurdish demonstrations of many kinds faced violent police responses throughout the year. On May 17, Diyarbakir police responded with force and detained 32 members of the Confederation of Union of Public Workers who were protesting the dismissals of public employees under the state of emergency.

Following protests against the arrest and detention of hunger-striking educators Nuriye Gulmen and Semih Ozakca, the Ankara Governorate in May banned demonstrations, press conferences, and meetings. On June 6, Ankara police used tear gas and rubber bullets to disperse a group, including several members of parliament, making a public statement in support of Gulmen and Ozakca.

In November local authorities issued indefinite bans on lesbian, gay, bisexual, transgender, intersex (LGBTI) events in several parts of the country, including for film festivals and other public activities in Ankara and parts of Istanbul.

The HRA and HRFT jointly reported in December that, in the first 11 months of the year, police intervened in 350 demonstrations and gatherings, detaining nearly 2,000 persons.

### **Freedom of Association**

While the law provides for freedom of association, the government increasingly restricted this right during the year. Under the state of emergency, the government used its expanded powers to shut down associations and foundations for alleged threats to national security. The government declined to provide data on the number of nongovernmental institutions it closed during the year. According to the HRJP, between July 2016 and the end of August, the government closed nearly 1,600 nongovernmental associations or foundations for alleged threats to national security. Other NGOs reported different statistics, based on different data-collection methods. Observers widely reported that the appeals process for institutions seeking redress was opaque and ineffective (see section 1.e.).

By 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 requirement placed an undue burden on their operations. Human rights and civil society organizations, groups promoting LGBTI rights, 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. Bar association representatives reported that police sometimes attended civil society organizational meetings and recorded them, likely as a means of intimidation.

In July authorities detained eight leading human rights activists, including Amnesty International's Turkey director, and two foreign trainers during a workshop on digital security and stress management that President Erdogan claimed was a "continuation" of the 2016 failed coup attempt. Most were charged with supporting a terrorist organization. All were released from pretrial detention in October, but legal proceedings continued at year's end. In March a court appointed a trustee to conservative human rights NGO Mazlumder, removing and replacing its director and board of directors. The NGO's new leadership later closed 16 of the group's offices, mainly in predominantly Kurdish areas. The reasons for the takeover remained unclear as of year's end. Critics asserted the move was an attempt by the government to silence the organization's criticism of human rights violations in the southeast.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights. The government restricted foreign travel for tens of thousands of citizens accused of links to the Gulen movement or the failed 2016 coup attempt. Freedom of movement was also restricted in the southeast as a result of counter-PKK operations and, in certain cases, curfews imposed by local authorities. The government also limited freedom of movement for the 3.3 million persons from Syria as well as for the approximately 300,000 persons from Iraq, Afghanistan, and other countries who were present in the country.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers awaiting resettlement to third countries (termed "conditional refugees"), stateless persons, and temporary and international protection status holders.

Abuse of Migrants, Refugees, and Stateless Persons: Between January and November, authorities apprehended 361,000 individuals for crossing into the country from Syria, according to Turkish General Staff and Ministry of Interior data. Multiple sources reported that authorities denied entry to undocumented

Iraqis and Syrians during the year. The country's borders with Syria and Iraq have remained closed to all but extreme humanitarian cases since late 2015.

Incidents of societal violence directed against refugees and persons in refugee-like conditions increased during the year, and many refugees faced workplace exploitation. Early marriage and child labor also remained significant problems among refugees. Human rights groups alleged conditions in detention and removal centers sometimes limited migrants' rights to communication with and access to family members, interpreters, and lawyers (also see Refoulement).

UNHCR conducted a number of visits to temporary reception centers in Duzici/Osmaniye and Kayseri, where migrants readmitted from Greece were referred on a temporary basis, but did not have regular, unfettered access. In most cases these migrants did not have access to legal counsel or interpretation, leaving them vulnerable to refoulement.

UNHCR reported more than 1,000 LGBTI asylum seekers and conditional refugees lived in the country, most from Iran. According to human rights groups, these refugees faced discrimination and hostility from both authorities and the local population due to their status as members of the LGBTI community. Commercial sexual exploitation also remained a significant problem in the LGBTI refugee community.

In-country Movement: The constitution provides that only a judge may limit citizens' freedom to travel and only in connection with a criminal investigation or prosecution. The state of emergency allowed the government to limit citizens' internal movement without a court order.

Freedom of movement remained a problem in parts of the east and southeast, where continuing PKK activity led authorities to block roads and set up checkpoints, temporarily restricting movement at times. The government instituted special security zones, restricting the access of civilians, and established curfews in parts of several provinces in response to PKK terrorist attacks or activity (see section 1.g.).

Conditional refugees and Syrians under temporary protection also experienced restrictions on their freedom of movement (see Protection of Refugees).

Foreign Travel: The government placed restrictions on foreign travel for tens of thousands of citizens accused of links to the Gulen movement or the failed coup

attempt. Travel restrictions were applied both to those accused directly of affiliation with the Gulen movement or other terrorist groups as well as to their extended family members. Authorities also restricted several foreign citizens with dual Turkish citizenship from leaving the country. The government maintained that these travel restrictions were necessary and justified under the state of emergency.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on re-entry into the country if they chose to travel to a third country. The government issued individual exit permissions for Syrians under temporary protection departing the country for family reunification, health treatment, or permanent resettlement, and required an individual exception for all other reasons. The government sometimes denied exit permission to Syrians under temporary protection for reasons that were unclear.

Non-Syrian conditional refugees accepted by a third country for resettlement through a UNHCR process also needed to obtain exit permission before leaving Turkey. UNHCR reported that, through the end of September, 11,487 Syrians under temporary protection received exit permission and an additional 2,299 non-Syrian conditional refugees received exit permission to resettle to a third country.

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

The renewal of conflict between the government and PKK in the southeast in 2015 resulted in hundreds of thousands of IDPs. In some cases those displaced joined IDPs remaining from the conflict between security forces and the PKK between 1984 and the early 2000s. A reduction in urban clashes and government reconstruction efforts during the year permitted some IDPs to return to their homes. Overall numbers remained unclear at year's end.

The law allows persons who suffered material losses due to terrorist acts, including those by the PKK or by security forces in response to terrorist acts, to apply to the government's damage determination commissions for compensation. As of October, the government reported it had distributed 222.4 million lira (\$60 million) to more than 10,000 victims of displacement due to past PKK terrorism.

### **Protection of Refugees**

The government took steps during the year to increase services provided to the more than three million refugees in the country. A March 2016 agreement



between the government and the EU continued to reduce arrivals in Europe of irregular migrants via the Aegean Sea. As of December 10, a total of 28,205 arrivals in Greece from Turkey by sea were reported: 85 percent fewer than in the same period of 2016. By August migrants began using a new, more dangerous route to Romania via the Black Sea.

Refoulement: As of September, UNHCR reported 68 cases of possible refoulement of persons of various nationalities, including Iraqis, Afghans, Iranians, and Syrians. Reports of deportation of larger numbers of individuals, including Syrians and Iraqis, were also received. In June and July, authorities deported several Syrian staff of one international NGO to Sudan. Authorities generally offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 convention, although 68 unconfirmed cases of possible refoulement and hundreds of deportations may have taken place during the year.

Access to Asylum: The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but it limits rights granted in the 1951 UN Refugee Convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While non-European asylum seekers were not considered refugees by law, the government granted temporary protection status to Syrians while maintaining conditional/subsidiary refugee status and providing international protection for other asylum seekers. Individuals recognized by the government for temporary protection (Syrians) or conditional/subsidiary refugee status (all other non-Europeans, for example, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily.

The law provides regulatory guidelines for foreigners' entry into, stay in, and exit from the country, and for protection of asylum seekers. The law does not impose a strict time limit to apply for asylum, requiring only that asylum seekers do so "within a reasonable time" after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status.

UNHCR reported that approximately 325,000 persons of concern were registered with UNHCR Turkey as of September, including 137,077 (42 percent) who were Iraqi nationals, 141,247 (44 percent) Afghan nationals, 32,349 (10 percent) Iranian nationals, and 13,442 (4 percent) other nationalities. As of December 9, there were 3,381,005 Syrians registered for temporary protection; as of October 8, there were 231,252 Syrians and 6,853 Iraqis residing in government-run camps, according to

Ministry of Interior Directorate General for Migration Management (DGMM) statistics.

UNHCR reported it had intermittent and unpredictable access to detention and removal centers where non-Syrians returned to the country from Greece were detained. UNHCR expressed doubts all readmitted persons had access to the asylum procedure and reported that the access of those readmitted to information, interpretation services, and legal assistance was problematic.

Freedom of Movement: Authorities assigned “conditional refugees” to one of 68 “satellite cities,” where they received services from local authorities under the responsibility of provincial governorates. These asylum seekers were required to check in with local authorities on either a weekly or biweekly basis and needed permission from local authorities to travel to cities other than their assigned city, including for meetings with UNHCR or resettlement-country representatives. Syrians under temporary protection were also restricted by a Ministry of Interior circular from traveling outside of provinces listed on their registration cards without permission. Certain provinces did not accept travel permission requests from Syrians under temporary protection. Syrians were eligible for medical and other services and could qualify for a work permit, although these benefits were limited to the province in which they were registered. Syrians and non-Syrians could request permission to travel or to transfer their registration through the DGMM. Indigent Syrians were at times rounded up and moved to government-run camps in the country’s south. Syrians living in such camps required permission from camp authorities to leave the camps.

Employment: The law allows both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they have been registered in the province they wish to work in for six months. Applying for a work permit was the responsibility of the employer, and the procedure was so burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence, the vast majority of both conditional refugees and Syrians under temporary protection remained without legal employment options. As a result many refugees remained vulnerable to exploitation, such as withholding of wages and exposure to unsafe work conditions.

Access to Basic Services: The government provided free access to the public medical system to Syrians registered for temporary protection and subsidized medical care to other conditional refugees. The government also expanded access to education for significant numbers of school-age Syrian children. Many

encountered challenges overcoming the language barrier or meeting transportation, other costs, or both.

As of November 6, the Ministry of National Education reported that 63 percent of Syrian children in the country were in school, a significant increase from prior years. On November 6, the Ministry of National Education reported that 359,090 Syrian children were enrolled in regular public schools, while 253,513 were enrolled in temporary education centers, for a total of 612,603 school-age Syrian children in school. An estimated 37 percent remained out of school during the 2017-18 school year.

According to a June 8 statement by the Ministry of Family and Social Policies (MOFSP) minister Fatma Betül Sayan Kaya, more than 56,000 refugee children had received approximately 3.8 million lira (one million dollars) cash assistance for education through a joint program with UNICEF that was funded by a foreign government and the EU.

Provincial governments, working with local NGOs, were responsible for meeting the basic needs of refugees and other asylum seekers assigned to satellite cities in their jurisdictions, as well as of the Syrians present in their districts. Basic services were dependent on local officials' interpretation of the law and their resources. Governors had significant discretion in working with asylum seekers and NGOs, and the assistance provided by local officials to refugees and persons in refugee-like situations varied widely.

Durable Solutions: The law does not provide for durable solutions within the country for Syrians under temporary protection or for conditional refugees, but it allows them to stay until resettled to a foreign country or able to return to their country of origin. The government also granted citizenship to some Syrian refugees on a limited basis. As of September, authorities had granted approximately 50,000 Syrians citizenship between 2010 and 2017, according to the Interior Ministry's General Directorate of Population and Citizenship Affairs.

Temporary Protection: The government offered "temporary protection" to Syrian refugees who did not qualify as refugees due to the European-origin limitation in the law. Authorities required Syrian asylum seekers to register with the DGMM to legalize their temporary stay in the country. Syrians who registered with the government were able to receive an identification card, which qualified them for assistance provided through the governorates, including free health care. Residents

of the camps received significantly more assistance, including shelter, education, and food support.

Syrians who officially entered the country with passports could receive one-year residence permits upon registration with the government. The government reported that 48,738 Syrians were issued residency permits in 2016. Figures for the year were not available as of December 31.

### **Stateless Persons**

The government identified 117 persons as stateless in 2016. Figures for the year were not available as of December 31. The government provided documentation for children born to conditional refugees and Syrians under temporary protection, although statelessness remained an increasing concern for these children, who could receive neither Turkish citizenship nor documentation from their parents' home country. According to the MOFSP, as of September, there were more than 225,000 babies born to Syrian mothers in Turkey since the beginning of the Syrian conflict in 2011.

In June the government identified 130 persons living abroad, including two former HDP lawmakers, who it claimed would lose their citizenship if they did not return within three months to face justice for alleged crimes in the country (primarily related to the 2016 coup attempt). At year's end it remained unclear whether the government followed through with stripping any of them of their citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot. The government restricted the activities of some opposition political parties and leaders, and police detained opposition party officials and supporters. Nearly 150 parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016. The government also replaced democratically elected officials with state trustees when the former were accused of affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the pro-Kurdish HDP and its sister party, DBP.

### **Elections and Political Participation**

Recent Elections: National parliamentary elections were most recently held in 2015. In its final report, the official OSCE election observation mission expressed concern regarding restrictions on media reporting and a campaign environment that restricted candidates' ability to campaign freely, among other problems.

The most recent presidential election took place in 2014. The official OSCE mission concluded that candidates were generally able to campaign freely but noted an uneven campaign playing field (e.g., misuse of state resources) that benefited then prime minister Erdogan.

In an April constitutional referendum voters narrowly approved significant amendments to the constitution that are intended to transition the country from a parliamentary system to a presidential system following the next joint parliamentary/presidential election, projected to occur in 2019. International observers from the OSCE concluded that the campaign and vote, which took place under a state of emergency, occurred "on an uneven playing field" that disproportionately benefited the ruling party and the "yes" camp. In their final report, OSCE observers noted the "yes" camp had disproportionate access to media, observed "numerous" cases in which "no" supporters "faced bans of their campaign activities," and highlighted that the campaign was "imbalanced" due to the "active involvement of the president" and "many local public officials in the "yes" campaign," including through the "misuse of administrative resources by public officials in the campaign." The Parliamentary Assembly of the Council of Europe noted "the referendum did not live up to Council of Europe standards."

Political Parties and Political Participation: During the referendum campaign, there were multiple reports of activists in both the "yes" and "no" camps who were attacked by their opponents. The president, the prime minister, and other senior officials linked opponents of the referendum with the organizers of the failed coup and with terrorist groups in multiple public speeches.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, although Kurdish politicians representing the HDP and the DBP remained under disproportionate government pressure relative to other politicians. The number of women in politics and the judiciary remained small. As of year's end, there were 76 women in the 550-member parliament. Prime Minister Binali Yildirim's cabinet included two female ministers. The Ministry of Interior reported that, as of July, there were two female governors (Mugla and Yalova Provinces).

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

While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. There was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases.

Corruption: During the year the government prosecuted law enforcement officers, judges, and prosecutors who initiated corruption-related investigations or cases against government officials, alleging the defendants did so at the behest of the Gulen movement. Journalists accused of publicizing the corruption allegations also faced criminal charges. No senior government officials faced investigation for alleged corruption.

In the Transparency International *2016 Corruption Perceptions Index* of the country fell from 42 to 41 points out of 100, indicating the public perceived that corruption among public institutions and employees was common and worsening.

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. Officials generally complied with this requirement. The Prime Ministry 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. Parliament may establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister. The mechanism was not used during the year. A parliamentary majority may vote to send corruption-related cases to the courts for further action. The nature of government or parliamentary coordination with civil society on corruption-related oversight remained unclear at year's end.

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

Domestic and international human rights groups operated throughout the country, although many faced increasing government pressure during the year. 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. Human rights groups reported the government was sometimes unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights abuses 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.

Human rights groups reported intensifying government pressure. On June 6, police detained Taner Kilic, the founder and chair of Amnesty International Turkey, in Izmir along with 22 other persons for alleged ties to the Gulen movement. On July 5, police detained eight leading human rights activists--including the Amnesty International director for the country, Idil Eser--and two foreign trainers during a workshop on Buyukada, near Istanbul, on terrorism grounds. Critics charged that both episodes represented a government attempt to silence groups critical of its human rights record. At year's end Kilic remained in pretrial detention, while the others were released pending the outcome of the trial.

Following the release in March of a joint report on alleged human rights abuses by the military in Cizre in 2016, the government opened an investigation into the authors, which included the HRA, HRFT, the Diyarbakir Bar Association, the Health and Social Service Workers Association, and the Gundem Cocuk Association, for allegedly insulting the state. Critics viewed the investigation as a retaliatory action for reporting critical of government actions and policies. The investigation continued at year's end.

On April 24, a Gaziantep court convicted physician Serdar Kuni, HRFT's Cizre Representative, of "aiding and abetting terrorist organizations," but cleared him of membership in a terrorist organization. He was sentenced to four years and two months in prison but released pending appeal to the regional high court. In October Kuni was arrested again and tried for allegedly providing medical treatment to alleged "members of a terrorist organization" and for alleged membership in the PKK, despite the earlier court findings that no such link existed.

On March 15, police arrested HRA Diyarbakir chairman and national HRA vice-chairman Raci Bilici on terror-related charges. A court ordered his release on March 21. The case continued at year's end.

On October 3, the UN Human Rights Council reported it had raised concerns with the government regarding allegations of official reprisal against Osman Isci, an

academic researcher and human rights activist who was suspended in April from his research position at Agri Ibrahim Cecen University under a state of emergency decree. The council and Isci alleged the dismissal was connected to his cooperation with the special rapporteur on the promotion and protection of the right to freedom of opinion and expression during the latter's official visit to the country in November 2016 and to his signing of a petition in January 2016 by academics that criticized government security policies in the southeast.

International and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty renewing their official registrations with the government, obtaining program approvals, and obtaining residency permits for their staff. Some noted that documentation requirements were unclear. In March the government revoked the registration of the humanitarian organization Mercy Corps for allegedly violating various laws and regulations. The government did not renew the registrations of Save the Children, Catholic Relief Services, the Norwegian Refugee Council, and other international NGOs during the year. The organizations claimed that government actions against them and their staff were politically motivated because of their work in politically sensitive areas of Syria.

The United Nations or Other International Bodies: The government has a host country agreement with UNHCR, and continues to cooperate with other UN agencies and other international bodies, including the Council of Europe.

Government Human Rights Bodies: During the year the government staffed its human rights monitoring body, the National Human Rights and Equality Institution (NHREI). On March 16, the government appointed 11 board members to the NHREI. According to press reports, on November 2, Deputy Prime Minister Recep Akdag stated that the institution had received 360 applications for assistance in response to alleged human rights abuses during the year. Critics claimed the institution was ineffective.

The Ombudsman Institution operated under parliament but as an independent complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under state of emergency decrees did not fall within its purview. According to online data, the office received 5,519 applications for assistance in 2016, the majority of which dealt with public personnel issues. As of December, approximately 160 cases had been resolved during the year.



The Ministry of Justice's Human Rights Department served as the ministry's lead on human rights issues, coordinating with the ministry's Victims Rights Department.

Parliament's HRC functioned as a national monitoring mechanism. Commission members maintained dialogue with NGOs on human rights issues, although activists claimed the commission's ability to influence government action was limited.

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

### **Women**

Rape and Domestic Violence: The law prohibits sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for conviction of attempted sexual violation and at least 12 years' imprisonment for conviction of rape or sexual violation. In some cases the government did not effectively or fully enforce these laws or protect victims. The law prohibits violence against women, but human rights organizations claimed the government did not effectively enforce it.

The law covers all women and requires police and local authorities to grant various levels of protection and support services to survivors of violence or 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. According to press reports, as of September 11, the MOFSP reported 300 women changed their identities legally to escape abusive situations.

The law provides for the establishment of violence-prevention and monitoring centers to offer economic, psychological, legal, and social assistance. Women's NGOs asserted there were not enough shelters to meet the needs of the increasing numbers of women applying for assistance and that shelter staff did not provide adequate care and services.

The government operated a nationwide domestic-violence hotline. NGOs asserted that the quality of services provided in calls was inadequate for victims of domestic violence. Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for conviction of crimes such

as assault, wrongful imprisonment, or threats. Despite these measures, the number of killings and other forms of violence against women remained high.

Courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. A women's rights NGO alleged that capacity constraints as a result of the government's response to the failed coup in 2016 kept some authorities "too busy" to address complaints of violence against women. Women's associations also charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

Courts gave reduced sentences to some men found guilty of committing violence against women, citing good behavior during the trial or "provocation" by women as an extenuating circumstance of the crime, and in some cases dismissed rape charges if the suspect married the victim. For example, in August a court reduced the life imprisonment sentence of Kadri Tekin to 15 years for his conviction of the 2011 murder of his wife due to "good conduct."

Other Harmful Traditional Practices: So-called honor killings of women remained a problem. Human rights activists and academics alleged that the practice continued across the country.

Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that actual sentences often were reduced due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the "misbehavior" of the victim.

Sexual Harassment: The law provides for up to five years' imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer. Women's rights activists reported that authorities rarely enforced these laws.

During the year there were several high-profile instances of violence against women in public, including on public transit, because of their clothing. On September 30 in the Atasehir neighborhood of Istanbul, a man punched a woman wearing a headscarf; video footage showed the man hitting the victim and walking away. Authorities apprehended the perpetrator and sentenced him to five-plus months of imprisonment. He was subsequently released on probation.

Some women's rights NGOs asserted that weak legal enforcement of existing laws designed to protect women and light sentencing of violent perpetrators of crimes against women contributed to a climate of permissiveness for potential offenders. State of emergency provisions amended the Criminal Procedural Law to increase the number of crimes, including crimes involving threats to women, which may be resolved through mediation instead of the court system. Critics complained the move lowered the severity of potential criminal punishments of perpetrators of violence against women, undermining women's safety and potentially enabling impunity.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: While women enjoy the same rights as men by law, societal and official discrimination were widespread. Women faced discrimination in employment (see section 7.d.).

The constitution permits measures, including positive discrimination, to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of employers for several months for any female employee above age 18.

## **Children**

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

Education: Human rights NGOs and others expressed concern that the law on compulsory education allows some female students to be kept at home and married early. Ministry of National Education statistics for 2016 indicated that 49 percent of all students at state schools were girls. The Education Reform Initiative, an NGO focusing on education, reported in its *Education Monitoring Report for 2016-17* that the government took important positive steps to expand girls' access

to education, including by providing conditional cash transfers to incentivize poor families to continue education for their daughters.

The Organization for Economic Co-operation and Development, in its *Education at a Glance Report for 2016*, showed there were gaps between girls' and boys' access to education and that nearly 25 percent of women between the ages of 15 and 19 neither continued their education nor joined the labor market.

Child Abuse: Child abuse was a problem. The law authorizes police and local officials 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.

By law, if the victim of abuse is between ages 12 and 18, molestation results in a three-to-eight-year prison sentence, sexual abuse in an eight-to-15-year sentence, and rape in a sentence of at least 16 years. If the victim is younger than 12, molestation results in a minimum five-year prison sentence, sexual abuse in a minimum 10-year sentence, and rape in a minimum 18-year sentence.

Early and Forced Marriage: The law defines 18 as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. NGOs reported children as young as 12 were at times married in unofficial religious ceremonies, particularly in poor and rural regions and among the Syrian population living in the country.

Early and forced marriage was particularly prevalent in the southeast, and women's rights activists reported the problem remained serious. Media noted that official marriages only captured a fraction of underage marriages, since many such marriages were concluded as religious marriages only. A May 2015 Constitutional Court decision legalized the right to be religiously married without obtaining a civil marriage. On December 2, a law (colloquially known as the "mufti" marriage law) entered into force, allowing government-employed religious authorities (muftis) to perform and register marriages.

Separately, women's rights groups stated that forced marriages and bride kidnapping persisted, particularly in rural areas. According to media reports, in August a 16-year-old girl in Kilis jumped from a second-floor window in an attempted suicide to avoid being forcibly married by her family. After sustaining serious injuries from the fall, the girl was beaten by her brother and returned home.

Police detained the mother and brother; the whereabouts of the victim was unknown at year's end.

Sexual Exploitation of Children: The constitution requires the state to take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. The penalty for conviction of encouraging or facilitating child prostitution is up to 10 years' imprisonment; if violence or pressure is involved, the sentence may be doubled.

The age of consent for sex is 18. In July 2016 the Constitutional Court annulled a provision in the criminal code that punished all acts involving children under the age of 15 as "sexual abuse." The law prohibits producing or disseminating child pornography and stipulates a prison sentence of up to two years as well as a fine for violations.

Incest involving children remained a problem, although prosecutions remained minimal. The law provides prison sentences of up to five years for incest.

A global study conducted by ECPAT (End Child Prostitution in Asian Tourism) International in 2016 identified the country as a major hotspot for the sexual exploitation of children in travel and tourism. Many women's and migrant rights NGOs reported that displaced children, mostly Syrian, remained vulnerable to economic and sexual abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

According to the Chief Rabbinate in Istanbul, there were approximately 16,000 Jews living in the country. Some emigrated due to anti-Semitism.

Jewish citizens expressed concern regarding anti-Semitism and security threats in the country. A popular television series, *The Last Emperor*, featured an anti-Semitic storyline.

In July a group of approximately 100 members of the Alperen Hearths group protested outside Neve Salom Synagogue in response to security measures that Israel implemented at the Haram al-Sharif/Temple Mount in Jerusalem. Alperen Hearths Istanbul chair Kursat Mican accused the Israeli government of blocking Palestinians' freedom of worship and threatened the Jewish community: "If you prevent our freedom of worship there, then we will prevent your freedom of worship here and you will not be able to enter here." Protesters voluntarily dispersed after throwing stones and kicking the synagogue's doors. Senior government officials telephoned community leaders to express support, and several days later President Erdogan, Prime Minister Yildirm, and Foreign Minister Cavusoglu issued statements demonstrating support for the country's Jewish community.

Anti-Semitic rhetoric continued in print media and on social media throughout the year. In January columnist Yusuf Kaplan in the progovernment newspaper *Yeni Safak* claimed the country had been under Jewish influence for the last two centuries and described the result as a "tumor." In January a columnist in the Islamist *Yeni Soz* daily claimed that ISIS, al-Qa'ida, the PKK, the Gulen movement, and other similar groups were products of an alliance between the devil and Jews.

The government took a number of positive steps to combat anti-Semitism during the year. Presidential spokesperson Ibrahim Kalin and Ivo Molinas, the editor of the country's main Jewish newspaper, *Salom*, jointly condemned an anti-Semitic cartoon that appeared in a humor magazine in February. On January 27, Deputy Prime Minister Tugrul Turkes attended the Holocaust Remembrance Day Commemoration Ceremony at Ankara University.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution permits "positive discrimination" favoring persons with disabilities, and the law prohibits discrimination against them. NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively.

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. The government, nonetheless, made little progress implementing the law, and access in most cities remained extremely limited.

The Disabled and Senior Citizens Directorate General, under the MOFSP, is responsible for protecting persons with disabilities. The MOFSP reported there were social service centers assisting vulnerable individuals, including persons with disabilities. The ministry stated there were special education students in schools (prekindergarten through high school). The majority of children with disabilities were “mainstreamed” in public schools. The Ministry of National Education reported there were special education centers for students whose disability precluded them from participating in regular public schools.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students 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 education. UNESCO’s October *Global Education Monitoring Report* noted that 69 percent of school principals with children with disabilities at their schools said their schools had physical access problems. A MOFSP program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children.

### **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 national or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to exercise their linguistic, religious, and cultural rights fully.

More than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects. Kurdish communities were disproportionately affected by violence between the PKK and security forces, which took place primarily in rural areas throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with

government security operations aimed at clearing areas of PKK terrorists (see section 1.g.).

Kurdish and pro-Kurdish civil society organizations and political parties reported increasing problems exercising freedoms of assembly and association (see section 2.b.). Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 after the coup attempt remained closed. On December 11, the Diyarbakir branch of the HRA reported more than 3,000 persons had lost their lives during government-PKK clashes in the southeast since 2015 and that many citizens could not continue their daily lives in areas in which the government had declared special security zones (see section 1.g.).

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally used in their daily lives, on the condition that schools were subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish-language courses, and two universities had Kurdish language departments. The law also allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language; this right was not protected in practice.

The law restricts the use of languages other than Turkish in government and public services. For example, in January the government-appointed trustee mayor of the Edremit District of Van Province removed Armenian and Kurdish. Authorities also ordered Arabic signs removed in certain areas. In April municipal authorities in Adana ordered the removal of Arabic-language signs from store fronts to “protect [the] Turkish language.”

Although Kurdish is officially allowed in private education and in public discourse, the government did not extend permission for Kurdish-language instruction to public education.

Romani communities reported being subjected to disproportionate police violence and housing loss due to urban transformation projects that extended into their traditional areas of residence. The Romani community also faced problems with access to education, health care, and employment. Roma reported difficulty in taking advantage of government offers to subsidize rent on apartments due to discriminatory rental practices.



In line with a national Romani strategy adopted by the cabinet in 2016, the government started to implement pilot projects to enhance social inclusion of Romani citizens. Among other things, the government's employment agency, Is-Kur, organized vocational courses for Roma in cities with sizable Romani populations throughout the year.

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

The law does not include specific protections based on sexual orientation or gender identity. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law's failure to include protections based on gender identity and noted the law was sometimes used to restrict freedom of speech rather than to protect minorities. LGBTI definitions were not included in the law, but authorities reported that protections for LGBTI individuals are provided under a general "gender" concept in the constitution. KAOS-GL, a domestic NGO focused on LGBTI rights, maintained that due to the law's failure to recognize the existence of LGBTI individuals, authorities did not provide them social protection.

Numerous LGBTI organizations reported a heightened sense of vulnerability under the state of emergency, as well as growing restrictions on their freedom of speech, assembly, and association. In November the Ankara governor's office banned all public LGBTI events in the province indefinitely, citing public safety concerns. LGBTI groups initiated a legal appeal that continued at year's end. Later the same month, Istanbul's Beyoglu municipality banned an LGBTI film screening and a protest march, "in order to secure public order and safety, to protect the rights and freedom of other people and to prevent crime."

KAOS-GL reported some LGBTI individuals were unable to access health services or faced discrimination. LGBTI individuals complained they felt the need to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTI community.

In June an Edirne judge petitioned the Constitutional Court to revoke a provision in the Civil Code requiring the compulsory sterilization of transgender persons prior to the formal gender reassignment, asserting it was a human rights violation. In December the Constitutional Court supported the request and annulled the

provision for the case before it. Nonetheless, the sterilization requirement remained in force at year's end.

While the law does not explicitly discriminate against LGBTI individuals, legal references 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.

During the year LGBTI individuals experienced discrimination, intimidation, and violent crimes. LGBTI individuals in prostitution, particularly transgender individuals, reported that police detained them to extract payoffs. LGBTI advocates accused courts and prosecutors of creating an environment of impunity for attacks on transgender persons involved in prostitution. Human rights attorneys reported that police and prosecutors frequently failed to pursue cases of violence against transgender persons aggressively. Police often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. Judges routinely applied the law to reduce the sentences of those who killed LGBTI individuals. Courts of appeal upheld these verdicts based, in part, on the “immoral nature” of the victim.

Violence against LGBTI individuals continued throughout the year.

Prior to pride week in June, the country's LGBTI community reported receiving hate messages and threats from a variety of sources. Istanbul security officials provided police protection for some pride week events. The Istanbul governor's office did not permit the June 25 pride march or the July 2 transgender march to take place, citing security reasons. Police dispersed crowds using tear gas and rubber bullets, prevented peaceful demonstrators from gathering, and detained more than 28 persons cumulatively, including LGBTI activists and four lawyers who were present to provide legal assistance to protesters. The government did not respond to allegations of disproportionate use of force by police against LGBTI activists, police intimidation, or calls by groups for anti-LGBTI violence. In September the Istanbul prosecutor's office indicted the detained protesters for trying to join a parade banned by the governorship and claimed the police intervention involved “adequate/sufficient...use of force.” The case continued at year's end.

Some LGBTI groups reported harassment by police, government, and university authorities. University groups in cities across the country complained that rectors

had denied them permission to organize. LGBTI organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines.

When a private foreign secondary school organized a series of LGBTI awareness activities on March 27, the Ministry of Education opened an investigation against the school. In a March 31 column, the conservative daily *Yeni Akit* stated the school was exposing students to homosexuality and “immoral movies” and that its activities were “a perversion choir to present the homosexuality sickness as a normal human condition in society.” The investigation continued at year’s end.

### **HIV and AIDS Social Stigma**

Many persons with HIV/AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. The Positive Living Association noted the country lacked laws protecting persons with HIV/AIDS from discrimination and that there were legal obstacles to anonymous HIV testing. Due to pervasive social stigma against those infected by HIV/AIDS, many individuals feared that the results of tests for HIV would be used against them and avoided testing.

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

Armenians, Alevis, and Christians remained the subject of hate speech and discrimination. The term “Armenian” remained a common slur. On September 17, *Agos* newspaper reported Armenians leaving Narli Kapi Church in Istanbul were stoned by a group of youths shouting “death to Armenians.” On September 14, police arrested three persons involved in an attack during the funeral of an ethnically Kurdish Alevi former HDP member of parliament’s mother, Hatun Tugluk. After a service at an Alevi house of worship, more than a dozen persons tried to block the burial and attacked mourners, shouting: “You will not bury her here. We will not allow Kurds, Alevis, Armenians, and terrorists [to be] buried in this cemetery.” Police stopped the attack, and the minister of interior intervened to facilitate the burial.

Atheists also remained the subject of intimidation in progovernment media, albeit at a lower level relative to other religious minorities. Progovernment *Yeni Akit* newspaper in July, for example, targeted self-proclaimed atheists and those who believed in evolution, including artists and academics, claiming they insulted Islam and Muslims.

## **Section 7. Worker Rights**

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

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, but it places significant restrictions on these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity or payment of a fine equal to one year's salary.

Certain public employees, such as senior officials, magistrates, members of the armed forces, and police, cannot form unions. 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. For example, on March 20, the cabinet prohibited employees at Akbank from protesting, citing concerns regarding potential impact on economic and financial stability. Employees in some of these sectors were able to bargain collectively but were obligated to resolve disputes through binding arbitration rather than strikes.

The law allows the government to deny the right to strike in any situation it determines represents a threat to public health or national security. On May 24, the cabinet prohibited a planned strike by thousands of glass workers affiliated with the Kristal-Is union, citing national security concerns. The government maintained a number of restrictions on the right of association and collective bargaining. The law requires unions to notify government officials prior to meetings or rallies, which must be held in officially designated areas and allow government representatives to attend their conventions and record the proceedings. A minimum of seven workers is required to establish a trade union without prior approval. To become a bargaining agent, a union must represent 40 percent of the employees at a given work site and 1 percent of all workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties or working for or being involved in the operation of any profit-making enterprise. Nonunionized workers, such as migrants and domestic servants, were not covered by collective bargaining laws.

The government did not enforce laws on collective bargaining and freedom of association effectively in many instances, and penalties (generally monetary fines)

were insufficient to deter violations. Labor courts functioned effectively and relatively efficiently. Appeals, however, could often last for years. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate the individual, the employer generally paid compensation to the employee along with a fine.

Under the state of emergency, dismissed public-sector employees did not have access to adequate recourse to appeal their dismissals (see section 1.e.). The closure of foundations, universities, hospitals, associations, newspapers, television channels, publishing houses and distributors under state of emergency decrees left employees jobless, without their salaries and severance payments, as part of the seizure of assets by the government. In a July report, the Confederation of Revolutionary Workers Unions (DISK) asserted that government actions under the state of emergency violated a range of labor rights.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of some unions to conduct public and other activities. Police were frequently present at union meetings and conventions, and some unions reported that local authorities declined to grant permission for public activities, such as marches and press conferences. Under the state of emergency, the government disallowed a variety of public events by unions and other groups in numerous parts of the country. Authorities again restricted traditional May 1 labor day rallies in parts of the country and used tear gas to disperse participants in Istanbul's Taksim Square but allowed a similar celebration with thousands of participants in Istanbul's Bakirkoy District, which concluded peacefully.

According to DISK, under the state of emergency, the government postponed five strikes that it deemed threats to national security. On July 12, President Erdogan, while addressing the representatives of the Union of Chambers and Commodity Exchanges, stated: "We are enforcing the state of emergency so our business world will work better. We are interfering immediately in the places that are under the threat of strike. We say no, we don't tolerate strikes here because you cannot shake our business world."

Employers used threats, violence, and layoffs in unionized workplaces. Unions stated that antiunion discrimination occurred regularly across sectors. Service-sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity. Many employers

hired workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights.

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

The law generally prohibits all forms of forced or compulsory labor, but the government enforced such laws unevenly. Penalties (generally monetary fines) were insufficient to deter violations. Forced labor generally did not occur, although some local and refugee families required their children to work on the streets and in the agricultural or industrial sectors to supplement family income (see section 7.c.).

Women, refugees, and migrants were vulnerable to trafficking. Traffickers used psychological coercion, threats, and debt bondage to compel victims into sex trafficking. Although government efforts to prevent trafficking continued with mixed effect, it made improvements in identifying trafficking victims nationwide. Penalties for conviction of trafficking violations range from eight to 12 years' imprisonment and were sufficiently stringent compared with other serious crimes. The government did not make data on the number of arrests and convictions related to trafficking publicly available.

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

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

The law allows children to perform light work that does not interfere with their school attendance from age 14 and establishes 15 as the minimum age for regular employment. The law prohibits children younger than 16 from performing arduous or dangerous work. The government prohibited children younger than 18 from working in certain professions or under hazardous conditions.

The government did not effectively enforce child labor laws. Resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private agricultural enterprises employing 50 or fewer workers, which employed significant numbers of child laborers.

Illicit child labor persisted, including in its worst forms, driven in part by large numbers of Syrian children working in the country. Child labor primarily took

place in seasonal agriculture, street work (e.g., begging), and small or medium industry (e.g., textiles), although overall numbers remained unclear, according to a wide range of experts, academics, and UN agencies engaged on the issue. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were also a significant problem among Syrian, Afghan, and Iraqi refugee children. The government implemented a work permit system for registered adult Syrian refugees, but many lacked access to legal employment; some refugee children consequently worked to help support their families, in some cases under exploitative conditions.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law does not explicitly address sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation/views. Penalties, generally monetary fines, were insufficient to prevent violations.

Women to faced discrimination in employment and generally were under-represented in managerial-level positions in business, government, and civil society. According to government statistics based on 2015 data, women's participation in the labor force was 27.5 percent, corresponding to more than eight million women.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce consists of persons with disabilities; in the public sector, the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment of persons with disabilities.

LGBTI individuals faced particular discrimination in employment. Some statutes criminalize the vague practice of "unchastity." Some employers used these provisions to discriminate against LGBTI individuals in the labor market, although overall numbers remained unclear.

### **e. Acceptable Conditions of Work**

The national minimum wage was greater than the estimated national poverty level of 450 lira (\$118) per month.

The law establishes a 45-hour workweek with a weekly rest day. Overtime is limited to three hours per day and 270 hours a year. The law mandates paid holiday/leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The Labor Ministry's Labor Inspectorate effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime. According to the unions, the government-set occupational safety and health (OSH) standards were not always up to date or appropriate for specific industries.

The government did not effectively enforce laws related to minimum wage, working hours, and OSH in all sectors. The law did not cover workers in the informal economy which included an estimated 25 percent of GDP and more than one-quarter of the workforce. Penalties came in the form of monetary fines but were not adequate to deter violations.

OSH remained a major challenge, particularly in the construction and mining industries, where accidents were common and regulations inconsistently enforced despite government efforts to improve OSH conditions. The Assembly for Worker Health and Safety reported at least 1,851 workplace deaths during the first 11 months of the year. In many sectors workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment, and authorities did not effectively protect vulnerable employees. Overall numbers of labor inspectors remained insufficient to enforce compliance with labor laws across the country.

Unions reported that existing OSH laws and regulations did not sufficiently protect contract workers or unregistered workers. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors, including seasonal agriculture, industry, and construction.