



## Turkey

### Country Reports on Human Rights Practices - [2001](#)

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Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. After the 1999 parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahceli, and former Prime Minister Mesut Yilmaz's Motherland Party (ANAP) formed a Government with Ecevit as Prime Minister. In May 2000, the Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercises indirect influence over government policy and actions in the belief that it is the constitutional protector of the State. The Government respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for constitutional and legislative changes to further strengthen the judiciary's independence in practice.

From 1984 through 1999, the Government engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal was the formation of a separate state of Kurdistan in southeastern Turkey. The level of violence decreased in the second half of 1999, and has remained low for the past 2 years. Although the situation in the southeast remained a concern, the conflict between government security forces and separatist PKK terrorists continued to be at a low level, and according to the military, there were only approximately 45 armed clashes during the year. More than 30,000 persons have returned to their villages or moved to "consolidated villages" near their original homes. Despite the end of the war, a state of emergency, declared in 1987, continued in four southeastern provinces that had faced substantial PKK terrorist violence. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK, and conducted operations against villages throughout the region which yielded ammunitions caches. The governor of the state of emergency region has authority over the provincial governors in the four emergency provinces, as well as in seven adjacent provinces. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. Only limited judicial review of the governor of the state of emergency region's administrative decisions is permitted. In November the state of emergency decree was renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for four months.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (paramilitary forces under joint Interior Ministry and military control) carry out this function in the countryside. Unlike in the previous year, the military no longer directly carries out operations against the PKK inside the country, and has ended its internal security function. However, Jandarma (national police) troops continued to carry out such operations, and were under operational control of the military when performing these functions. Although civilian and military authorities remained publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams" and anti-terror squads, other TNP personnel, village guards, and Jandarma committed serious human rights abuses.

The country's population is approximately 67.8 million. During the year, the country went through its worst economic crisis in a generation, although by year's end, the economy began to recover. Early in the year, delays on an ambitious structural reforms program led to a loss of investor confidence, which resulted in the country's abandoning its pegged exchange rate regime and converting to a floating exchange rate. The lira depreciated nearly 50 percent and the economy shrank by 8.5 percent by year's end. Inflation increased to 88.6 percent during the year; the per capita gross national product was approximately \$2,400. The country embarked on a strengthened reform program, backed by new International Monetary Fund and World Bank funding.

The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in some areas, and several serious problems remained. Extrajudicial killings continued, including deaths

due to excessive use of force and torture. There were two disappearances of political activists. Torture, beatings, and other abuses by security forces remained widespread, although the number of reported cases declined. There were reports that police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. In the southeast, nation-wide problems such as torture were exacerbated by substantially abridged freedoms of expression and association. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (particularly in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces. The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. Prison conditions remained poor, despite some improvements. As a result of the continuing hunger strikes to protest new small-cell prisons, 48 prisoners and sympathy strikers outside prison died during the year. In December 2000, Parliament passed the "Law on Probation of Sentences and Deferment of Judgements" (Conditional Suspension of Sentences Law) which granted the conditional release at that time to thousands of prison inmates and suspended the trials of hundreds of others. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined. Prolonged pretrial detention and lengthy trials continued to be problems. Even when a decision was reached, the appeals process could reverse the decision and bring cases back to lower courts. Prosecutions brought by the Government in State Security Courts (SSC's) reflected a legal structure that protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists. At times the Government restricted freedom of assembly and association. The police beat, abused, detained, and harassed some demonstrators. The Government continued to impose some restrictions on religious minorities and on some forms of religious expression. At times the Government restricted freedom of movement. The Government permitted thousands of forcibly displaced persons to return to their villages in the southeast and initiated some resettlement efforts; some villagers returned by themselves. The Government restricted the activities of some political parties and leaders. The Government continued to harass the pro-Kurdish People's Democracy Party, HADEP, through various methods including police raids and detentions. The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that were expressed in public forums. Branches of several nongovernmental organizations (NGO's) were closed, temporarily or indefinitely, particularly in the southeast. The Government exerted disproportionate pressure on ethnic Kurdish NGO's in the southeast. Human Rights Association (HRA) offices in Malatya and Gaziantep were closed throughout the year, but Mazlum-DER's Malatya branch reopened in August after being closed for 2 years. Violence against women, particularly spousal abuse, remained a serious problem, and discrimination against women persisted. Abuse of children remained a serious problem. Restrictions on and discrimination against ethnic minorities persisted, particularly for the Kurdish minority. There were restrictions on workers' rights to associate, strike and bargain collectively. Child labor remained a serious problem. Trafficking in persons, particularly women and girls, remained a problem.

In October Parliament passed an extensive constitutional reform package that aims to improve human rights. The 34-article amendment package received a significant majority of the votes, including both Government and opposition parties. The reforms, which must be implemented through legislation, potentially apply to areas such as free speech, free assembly, free association, the role of the military, privacy, detention periods, equality of spouses, and constitutional challenges to more than 800 laws; however, most implementing legislation had not been enacted by year's end. In December the Justice Minister issued a circular to all prosecutors instructing them to act in accordance with the new amendments pending implementation.

PKK abuses, including kidnappings and bombings, which were common during its violent campaign against the Government and civilians, have decreased significantly. Thousands of heavily armed, militarily organized PKK members remain encamped in neighboring countries close to the country's borders. Although the climate of violence engendered by the PKK insurgency has declined, other terrorist organizations, most notably DHKP-C and Turkish Hizbullah, engaged in violence.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

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

There were credible reports of extrajudicial killings by government agents; however, accurate figures were unavailable. According to the Human Rights Foundation (HRF) and press reports, there were 9 reports of deaths of detainees, and 21 persons killed by police or Jandarma, allegedly for not heeding "stop warnings" or for resisting arrest. The 1996 amendment to the Anti-Terror Law that gives wide powers to the police to open fire if suspects do not heed a call for surrender was challenged successfully in the Constitutional Court but has

not been replaced. In January the Constitutional Court published the detailed reasoning of its decision in the Official Gazette and gave Parliament 12 months to replace the provision. There is no rule mandating a non-lethal response in the case of unarmed suspects.

There were allegations that two HADEP officials, Serdar Tanis and Ebukeir Deniz, who disappeared while in custody at a Jandarma station in Silopi in January, were killed (see Section 1.a.). In March police killed a man in Aydin during a house search; in July a trial against 13 policemen charged in his death began. Two relatives of the dead man also were being tried on the charge of resisting an officer. In August two police officers detained a 16-year-old boy in Erdemit, on the Aegean coast, on the charge of harassing two women. The next day the boy was dead; police claimed that it was a suicide. No action was taken against the police. In August in Akkise village in Konya, during a routine identity check at a coffeehouse, villagers tried to stop Jandarma from detaining two persons without identity papers. Fighting broke out and one man was killed; 3 civilians and 25 Jandarma were injured. Inspectors found that the use of firearms by the Jandarma was appropriate. In September Istanbul police raided a HADEP office, and a youth fleeing the police fell off the roof of the building and died. In October a suspected DHKP-C bomber was found dead in his detention cell; police alleged that he committed suicide by hanging himself. Investigations into the case were started on the order of the Public Prosecutor, and in December the Minister of the Interior reported a finding of suicide.

The courts investigated most alleged extrajudicial killings; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. Punishments, when handed down, generally were minimal; monetary fines have not kept pace with the high rate of inflation; and sentences were frequently suspended. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the apparent impunity of security forces for such deaths.

According to the Minister of Interior, between 1995 and 2000, a total of 62 persons died in custody; some died as a result of illness or suicide.

According to the HRF and press reports, eight ongoing trials in cases of past extrajudicial killings by security officials ended during the year. Out of the 27 police, Jandarma, or prison officials on trial in these cases, 9 were convicted and 12 were acquitted; charges were suspended against 6 others. In cases of past extrajudicial killings by police, Jandarma, or prison guards, 10 trials began during the year or continued from previous years. In September a court acquitted three police officers for killing suspect Fuat Unlu in March 1999 in Istanbul; the court held that the suspect had fired first at the police while fleeing, thereby giving the police the right to shoot back; in July a police officer was given an 8-year sentence for killing detainee Mustafa Koca in 1999. Also in July, the Court of Cassation confirmed the 2000 acquittal of Sami Sen, a police officer accused of firing 7 of 48 bullets found in the body of Suleyman Ors, who was shot during a house raid in Istanbul in 1997. Sen had also been acquitted of the 1998 shooting deaths of two suspects and the 1994 shooting deaths of three suspects. In June in Istanbul, the trial of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu ended with a conviction; the court sentenced Bozkurt to 2 years' imprisonment for intentional murder, increased to 36 years because he used an officially issued weapon. His appeal was pending at year's end. On July 4, a court convicted policemen for torturing to death Ankara college student Birtan Altinbas, in 1991, while trying to coerce a confession; the four were given sentences of 4 1/2 years' imprisonment each.

In May 4 of the 6 police officers accused of shooting and killing 2 persons during a raid in Adana in October 1999, were convicted of murder and sentenced to 8 years' imprisonment. Their sentences subsequently were reduced to 7 months' imprisonment, then suspended due to the officer's clean records; 2 other suspects were acquitted.

Trials continued in a number of cases from previous years, including: The case of 161 Jandarma officials accused of killing 10 prisoners and seriously injuring others during the September 1999 uprising at Ulucanlar prison; 10 policemen accused of the July 1999 killing of Alpaslan Yelden while in custody in Izmir's Public Order Branch; 3 police officers accused of killing trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul security directorate political police center; the appeal of the Diyarbakir Provincial Administrative Board's refusal to prosecute police officers who allegedly killed 18-year-old Hamit Cakar in 1998 following a hunger strike at Diyarbakir's HADEP provincial organization building; 29 Jandarma soldiers and 36 antiterror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir; the retrial of two police officers whose 2000 conviction for the 1995 shooting deaths of nine persons in the Gazi district of Istanbul was annulled by the Court of Cassation; the retrial of six members of a Diyarbakir Jandarma antinarcotics squad accused of killing a businessman in 1991 and whose convictions were reversed in 2000.

During the year, the European Court of Human Rights (ECHR) ruled against the country on 8 cases in which

18 persons had been killed in detention or taken into custody and then disappeared. The court noted that most domestic legal remedies were insufficient; citizens may pursue a case in the ECHR before all domestic legal remedies have been exhausted.

The Government and PKK continued to commit a few human rights abuses against noncombatants in the southeast. According to statistics from the state of emergency region governor, 23,512 PKK members, 5,044 security force members, and 4,472 civilians have lost their lives in the fighting since 1987. During the year, 9 civilians, 22 members of the security forces, and 111 terrorists died as a result of armed clashes, according to the military. According to human rights groups, less than 10 civilians were killed due to clashes with security forces. Human rights groups, villagers, and the Government disagreed on whether some deaths were of civilians or of "terrorists," as defined by the Government. In September soldiers allegedly killed a young deaf shepherd in Van province who was working near an antismuggling operation and did not hear the gunshots or warnings.

Landmine explosions in the southeast killed more than 15 persons, mainly children or military personnel; many more persons were maimed. Landmines near the Greek border killed 7 persons who were trying to cross the border illegally.

The PKK discontinued its practice of targeted political killings, but it remained armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. Other armed groups, such as Revolutionary Left (Dev Sol/DHKP-C), the Islamic Eastern Raider's Front (IBDA-C), and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism, in some cases leading to deaths. In January and September, DHKP-C suicide bombers attacked police stations in Istanbul, killing several police officers and civilians. Operations against Marxist TIKKO guerillas, mostly in the east, resulted in a number of reported deaths of alleged TIKKO operatives.

Members of the Turkish Hizbullah terrorist group are suspects in the shooting death of the Diyarbakir chief of police and four other police officers in a January ambush and claimed responsibility for the shooting death of two police officers in Istanbul in October. Meanwhile, the trial continued of 21 alleged Turkish Hizbullah militants who were indicted in July 2000 for a number of murders, including those of journalists Ahmet Taner Kislali and Ugur Mumcu. An unrelated suspect in Mumcu's killing also remained on trial. During an interrogation, a Hizbullah suspect reportedly confessed to killing moderate Islamic scholar Konca Kuris in the early 1990's.

The HRA reported a nationwide total of 171 unsolved killings by the end of September, some of which may have had a political component. Unlike in the previous year, there were 2 reports of killings of pro-Kurdish politicians, journalists, or lawyers.

Women continued to be victims of "honor killings" (see Section 5).

#### b. Disappearance

There were at least two credible reports of disappearances of political activists during the year. In early January, HADEP officials Serdar Tanis and Ebubekir Deniz helped open a Subprovincial office in Silopi (Sirnak Province); Tanis and his father allegedly received threatening phone calls from Jandarma officials regarding the office. In late January, Tanis and Deniz disappeared; they were seen last entering the Jandarma station in Silopi after allegedly being asked to report to the station. Several eyewitnesses gave sworn testimony stating that they had seen them entering the Jandarma police station. After initially denying that the two had been detained, the Jandarma admitted they had been in the station but that they had left after half an hour. Tanis and Deniz remained missing at year's end. There were reports that they had moved to northern Iraq, but observers do not view these reports as credible. In October the ECHR accepted their relatives' petition to investigate the case. In the wake of these disappearances, several other unconfirmed cases of disappearances were reported in the southeast; however, there were no reports of official investigations.

In February the U.N. Special Rapporteur for Missing and Disappeared Persons, Asma Jhangir, visited the country and met with government officials and nongovernmental contacts. She expressed her view that the security forces appeared to be responsible for the disappearances of Tanis and Deniz, but she did not have sufficient information to comment on other alleged cases. She stated publicly that conditions regarding disappearances had improved greatly, but that security force impunity continued.

Accurate statistics on the disappearance in previous years of persons under detention, or seen being taken into custody by security forces or law enforcement officials, were difficult to confirm. There was no new information available and none is expected on the case of Aydin Esmer who, according to Amnesty

International, disappeared in September 1999.

The Government continued to make efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. In March the Minister of Interior reported that since 1996, a total of 426 reports of disappearances related to terrorist groups had been reported. Of these 426 missing, 46 were found dead; 90 were found alive; 18 were found in prison; and 272 cases remained unsolved at year's end. According to the Bureau, during the year, there were 29 new disappearances reported; 10 of these were solved by year's end, 1 person was found dead, 8 persons were found alive, and 1 person was in jail. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the Bureau for the Investigation of Missing Persons. In 2000 Amnesty International criticized the Bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards.

Unlike in previous years, there were no reports that Turkish citizens may have been kidnaped or secretly killed by Turkish Hizbullah.

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

The Constitution prohibits such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continued to be widespread, particularly in the southeast. However, based on reports from a number of sources, the incidence of torture appears to have slightly declined, including in the southeast (see Section 1.d.).

The HRF estimated the number of credible applications by torture victims at its 5 national treatment centers to be approximately 1,200, an increase from 1,023 reports in 2000. These figures included complaints stemming from previous years' incidents, and do not represent the actual number of persons tortured during the year while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent reported torture because they fear retaliation or believe that complaints are futile. In September the Diyarbakir HRF center was raided and torture treatment files of patients were compromised (see Section 4).

Some of the factors affecting the lower rate of torture are the decreased use of incommunicado detention and a slight decline of detentions in general; the near-absence of PKK violence, which has eased treatment by security officials of detainees; and increased concern about the problem from many sources. Human rights monitors reported some improvement, but also reported that torture remained widespread in the southeast and in large cities. In a book published in October, MP Sema Piskinsut stated that "starting in 1996, and particularly from 1998, there is a decrease in torture during interrogation and in prisons ... Despite this decrease, in different provinces, different detention places and different times, torture practices continue with the same methods." Amnesty International, which sent a delegation to the country in June, alleged that torture remains widespread and methods reportedly were severe.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes were generally tortured by police and Jandarma during periods of incommunicado detention before they were brought before a court; ordinary criminal suspects also reported frequent torture and mistreatment by police. In October the constitution was amended to allow the Government to demand members of the security forces who are responsible for torture to pay compensation for civil torture claims; the methods of compliance had not been created by year's end.

Because the arresting officer is responsible for interrogating the suspect, officers frequently resorted to torture to obtain a confession that would justify the arrest. Although there is a law prohibiting evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture (see Section 1.e.). Reportedly police practice for those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes differ. Observers say that security officials often tortured political detainees in order to express anger and to intimidate the detainees. For example, many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence.

Human rights monitors and medical experts say that security officials often use methods that do not leave physical traces, such as beating detainees with weighted bags instead of clubs or fists, or applying electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the

soles of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing incidents of torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees often are touched, insulted, and threatened with rape. An NGO called the Legal Counsel Project Against Sexual Harassment and Rape (affiliated with the HRA) indicated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities. In one case, an alleged victim faced social ostracism and divorce after publicly accusing a policeman of rape.

On January 8, a group of 28 youths in Viransehir, Urfa province, some as young as 10, were detained on the charge of "supporting the PKK" for chanting slogans. According to Amnesty International, they were subjected to verbal and physical abuse. Six of them were kept in jail until their first hearing, a month later.

In January Ercument Ozturk, a human rights activist, alleged that in December 2000 in Eskisehir, two men who said they were policemen kidnaped him, forced him to drink pesticide, and left him for dead in a field. He was rescued and recovered after being in a coma for 3 days.

State-employed doctors administer all medical exams for detainees. Medical examinations occur once during detention and a second time before either arraignment or release; however, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees asserted that some medical examinations occur too long after an incident of torture to reveal any definitive evidence of torture. Lawyers contend that medical reports--their only basis for filing a claim of torture--were not placed regularly in prisoners' files. The Turkish Medical Doctor's Association played a leading role in the development, under U.N. auspices, of the December 2000 "Istanbul Protocol," which is an alternative medical report process that instructs doctors how to identify and treat victims of torture.

The Government took actions against doctors who have attempted to report torture. Dr. Sebnem Korur Fincanci, who had reported and certified the death by torture of a man while in detention, lost her position in February at the Government's Forensic Medicine Institute. She has appealed her dismissal but had not received a response by year's end. She also faced a case in a felony court for "insulting the security forces"; an investigation against her by her employer, Istanbul University, continued and was based on unspecified complaints by the SSC. Dr. Fincanci brought a lawsuit against the Governor of Istanbul in 2000 for trying to get her fired from the University by writing a letter against her. The case was dismissed and she appealed to the High Administrative Court which upheld her appeal. According to Dr. Fincanci's attorneys, the Governor then requested a "Correction of Decision," which is the final stage of the courts process. After the Governor's request, all members of that chamber of the Court, except the Chairman, changed; the Court subsequently ruled in favor of the Governor.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. Health Ministry regulations allowed doctors to ask security force members to leave during examinations; however, some doctors claimed that in practice they cannot do so because they could face disciplinary procedures or court cases. According to the Medical Association and other human rights observers, the presence of a security officer can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there were few such prosecutions.

Government officials admitted that torture occurs but denied that it was systematic. In July Minister of Interior Yucelen stated that government officials investigate "all claims of torture" and "punish those personnel who are accused of torture." He also issued a circular noting the ECHR decisions against the country and warning officials to comply with existing regulations against torture, particularly those regulating detention registration, timing and conditions, and those relating to access to an attorney (see Section 1.d.). The armed forces emphasized human rights in training for officers and noncommissioned officers throughout the year.

Noncommissioned police officers receive 2 years training, an increase from only 10 months in the past. Police and Jandarma also receive human rights training.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare, and accused officers usually remained on duty pending a decision, which can take years. Legal, administrative, and bureaucratic barriers impede prosecutions and contributed to the low number of convictions for torture. The 1999 Civil Servant Prosecution Law has not resulted in a greater number of prosecutions, because civil servants generally are immune from direct prosecution unless their superiors grant permission to investigate them. The law authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials, but in practice this occurs rarely. Within a 30-day deadline, with a possible 15-day extension, a civil servant's supervisor must decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on "enmity, hatred or slandering."

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignored their claims of abuse during interrogation. Some prosecutors believe that all allegations of torture are manipulated by political organizations such as the PKK and claim that detainees fabricated torture claims and injured themselves to accuse and defame the security forces.

Prosecutors may initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects, but cannot prosecute without their supervisor's permission. If the case involves the police chief or Jandarma commander, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges. In the state of emergency regions, any prosecution or legal action directed at government authorities must be approved by the state of emergency governor; approval is rare.

According to a 1999 directive from Prime Minister Ecevit, public prosecutors are required to make unscheduled inspections of places of detention to look for torture and other maltreatment, and to report to the Prime Minister the results of their inspections. Although the Ministry of Interior states that thousands such inspections have taken place and were reported to the Ministry, human rights advocates and some prosecutors term such inspections cursory and unlikely to lead to criminal charges against the police. The reports were not made public at year's end.

On March 12, former detainees (or family members of current detainees) who spoke out in late 2000 at a conference about their sexual abuse under detention at various times during the last 7 years were indicted under article 159 of the Penal Code for "insulting security forces." In several of the detainees' cases, police officers were on trial for the alleged sexual abuse. In May new charges were brought against five of these women, on the grounds that they "incited racial and religious enmity" because they used the expression "Kurdish women" in their speeches. Subsequently in August, a book of their speeches was banned and the editor was standing trial for "divisiveness" at year's end (see Section 2.a.).

The Government has not followed up on February 2000 revelations by then-chair of Parliament's Human Rights Committee, Sema Piskinsut, and two other Members of Parliament of their findings in an Istanbul police station. At the station, the Members of Parliament found several instruments of torture, including a so-called Palestinian hanger, and turned the instruments over to the police. A public prosecutor questioned police officials and asked the parliamentary committee for the names and addresses of persons tortured in the police station. However, the committee has refused to violate the principle of confidentiality and would not reveal the names of the alleged torture victims. As a result, in December the prosecutor dropped the investigation.

In May and June 2000, the Parliament's Human Rights Committee, under then-Chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. Piskinsut, who interviewed over 8,000 prisoners, refused to divulge the names of the alleged torture victims. In July the Acting Chief Prosecutor asked Parliament to lift Piskinsut's parliamentary immunity so that she could be prosecuted for refusing to provide the names of those alleging torture in her prison reports; in October the President of the Parliament decided to comply with the prosecutor's demand. A final decision must be taken jointly by the Constitution and Justice Committees, but had not been made by year's end.

The Minister of Interior reported that by October 31, 4,897 police officers had been charged with either "mistreatment" or "torture" of detainees that resulted in 186 convictions, 944 acquittals, 314 "mistreatment" cases that were suspended under the Conditional Suspension of Sentences Law, and 1,813 cases that were brought to trial. According to the Turkish National Police, during the year, 124 police officers received administrative punishments, such as short suspensions, for torture or mistreatment.

According to the Justice Ministry, during the year, 1,258 cases were brought to prosecutors against police and Jandarma, and of these, 449 investigations were ongoing; 78 indictments were forwarded to the courts, and 227 cases did not go forward. Of the 78 cases forwarded to the court and ongoing cases from previous years, there were 86 acquittals and 45 convictions; other cases remained pending at year's end.

Many cases from previous years remained ongoing or were unresolved, including the cases of: Christian Kemal Timur who alleged that he was beaten on the soles of his feet while in detention in 2000 (see Section 2.c.); HADEP officials including the deputy mayor of Diyarbakir, Ramazan Tekin, and the president of HADEP who alleged that they were tortured while in detention in 2000; Dr. Zeki Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, who continued to pursue legal redress through a civil court and the ECHR for his alleged torture while in custody in October 1999; four police officers accused of sexually harassing, raping with a truncheon, and torturing two female high school students arrested in March 1999 (the girls were convicted of belonging to a terrorist organization and firebombing a bus) based solely on their confessions which allegedly were obtained under torture; and eight policemen on trial in Diyarbakir for allegedly raping a female detainee, accused of being a PKK member, in 1997.

Also pending were the cases of 10 police officers accused of torturing 15 teenagers in Manisa in 1995, whose trials had concluded in November 2000 after 5 years and three appeals, were reopened because the defendants' attorney resigned during the final court session; police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996; four defendants in Istanbul have been jailed since 1995 without having been convicted (they are accused of being members of TIKKO) and whose trials were pending the outcome of a case against four police officers accused of torturing them (one of the accused persons was released from prison following a hunger strike); and seven police officers who allegedly raped and tortured a 45-year-old female suspect in 1992.

A court case against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees was suspended under the December 2000 Conditional Suspension of Sentences Law. In October eight police officers were acquitted of torturing six detainees in 1994; the prosecutor stated that medical reports did show marks consistent with torture on the detainees' bodies, but he requested the case's dismissal because the statute of limitations had expired.

The ECHR ruled against the country in several cases of torture from previous years. The ECHR noted that domestic legal remedies were insufficient because prosecutors had not taken adequate steps to investigate the torture claims. In August the ECHR required the country to pay Abdulkaki Akbay \$37,000 (50 billion TL) in compensation for his torture in 1995. Akbay requested, and received, a written statement from the Government expressing regret for the mistreatment of detainees. There are unsubstantiated claims that persons who applied to the ECHR for decisions have been harassed by the police.

Police harassed, beat, and abused demonstrators (see Section 2.b.). Police allegedly harassed and abused some lawyers who represented clients in political cases (see Section 1.e.). There were reports that police facilitated trafficking (see Section 6.f.).

As a result of the 1984 to 1999 conflict with the PKK, the Government continued to organize, arm, and pay a civil defense force of more than 65,000 in the southeast region. This force is known as the village guards. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is low.

In February a former Batman provincial governor admitted that during his 1993 to 1997 term, his office acquired weapons worth \$1.1 million (1.5 trillion TL) to equip extraordinary units fighting the PKK. He stated that most were given to the Jandarma and some to the police; some allegedly were given to village guards as well, and may have been used to commit human rights abuses. The then-Prime Minister agreed to fund the purchase in order to "protect the State," she explained, although the Ministry of Interior had not agreed. The foreign-made weapons entered the country without clearing customs. The extralegal aspects of the transaction fueled speculation that some weapons may have disappeared. There was no parliamentary investigation following the revelations. However, a case that was opened against four officials from the Foreign Trade Undersecretariat's General Directorate of Imports for "allowing illegal importation of weapons by the Batman governate," was dropped under the Conditional Suspension of Sentences Law, which applies to the misuse of public authority.

Prison conditions remained poor, despite some improvements. Between December 2000 and January 2001,



the Government released 23,600 prisoners under the new nation-wide Conditional Suspension of Sentences Law, resulting in less overcrowding of prisons. However, with some exceptions (i.e., for high-profile political prisoners or for those with gang connections), underfunding, and very poor administration of penal facilities remained problems. Most prisons lacked adequate medical care for routine treatment or even medical emergencies. Inmates' families often had to supplement the poor quality food. Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial. Men and women are held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held together. However, pretrial detainees are not usually held separately from convicted prisoners.

Until late 2000, prisons were run on the ward system and most prisoners lived in 50-100 person wards. Prisoners accused of terrorism and those who shared similar ideological views were incarcerated together. In some cases, the ward inmates indoctrinated and punished fellow prisoners, resulting in gang and terrorist group domination of entire wards. Between December 2000 and January 2001, the Ministry of Justice moved hundreds of prisoners to small-cell "F-type" prisons, which left many of the prisoners in strict isolation; human rights groups and prisoners' groups criticized this action. Critics of the F-type cells claimed that prison authorities isolate inmates from each other and control prisoners' access to water, food, electricity, and toilets. There were allegations that prisoners were badly beaten during the transfer and denied medical assistance for severe injuries.

In November and December 2000, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, and claimed that they intended to starve themselves to death. The Government entered the prisons in December 2000, after the fast had reached its 60th day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and 2 Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths--including those who allegedly set themselves on fire on the order of their organization--was unclear. Many hunger-striking prisoners were released from jail for temporary medical reasons. Groups linked to terrorist organizations also strongly protested this change in the prison system. Prisoners and sympathizers conducted hunger strikes; approximately 150 hunger strikes continued at year's end. By year's end, 48 hunger strikers had died. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who want to quit.

In July a mainstream newspaper, Radikal, published alleged secret government autopsy reports and asserted that: Prisoners were responsible for the death of only one of the two Jandarma who died during the December Government intervention in the hunger strike; that Jandarma or prison guards used tear gas at inappropriately close quarters; that prisoners were shot at great distances, contradicting the idea that some had killed each other; and that some prisoners may have been tortured before they died. The Council of Europe's Committee to Prevent Torture (CPT) also found serious and credible allegations that prison guards and Jandarma burnt prisoners to death in the women's section of Bayrampasa prison. The Ministries of Justice and Interior issued a joint statement that the newspaper accounts were illegal and incorrect. In August a prosecutor opened a case against Radikal for publishing the reports but the paper was acquitted on the grounds that they had not violated the Press Law. In October an Istanbul prosecutor opened a case against 1,615 persons on duty at Bayrampasa prison during the hunger strike, charging them with mistreatment and dereliction of duty. At year's end, a trial was ongoing against 167 prisoners for fomenting violence at Bayrampasa and against hundreds of other prisoners at other prisons where violence occurred. The Bayrampasa defendants allegedly were beaten by Jandarma when they tried to read a statement at their October hearing.

In March the CPT recommended that the Government amend the Anti-Terror Law to end the practice of total isolation of political prisoners; to create opportunities for limited social interactions among prisoners; to allow telephone calls; and to create visiting committees for outside review of prison conditions and special prison judges. In May the Government amended the Anti-Terror Law to allow limited interaction among political prisoners and passed legislation creating the position of special prison judges who would be responsible for examining the complaints of prisoners regarding their conditions and treatment.

In August implementing legislation was passed for the creation of the five-person visiting committees composed of nongovernmental experts, such as doctors and lawyers; the committees will have unrestricted access to prisons and prisoners. According to the Ministry of Justice, as of December 117 visiting committees had been established. In November and December, the Government appointed 130 special prison judges and took steps by year's end to allow some social interaction, visits by some family members, and telephone calls.

The Government permits prison visits by representatives of some international organizations, such as the CPT and the U.N. Special Rapporteur on Torture; the CPT visited in January, April, and September, and conducts ongoing consultations with the Government. Requests by the CPT to visit prisons are routinely granted; however, domestic NGO's do not have access to prisons. In June a European Parliament committee visited some prisons.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems. According to the HRA, there were 35,389 detentions by the end of September, compared with 35,007 in 2000. During the year, police routinely detained demonstrators, including those protesting prison conditions, and anti-war demonstrators following U.S. and UK airstrikes on Afghanistan in October (see Sections 1.c. and 2.b.). Police detained dozens of members of the legal pro-Kurdish party HADEP on several occasions (see Section 3). The Government continued to detain persons, particularly in the southeast, on suspicion of links to Hizbullah, including teachers and imams. Over 2,000 Hizbullah suspects remained in detention pending trial or investigations. Police also detained human rights monitors (see Section 4). In November police briefly detained women who were mailing postcards to women in prison on terror-related charges.

To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime by the police. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare.

The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities did not always respect these provisions and that most citizens did not exercise this right, either because they are unaware of it, or because they feared antagonizing the authorities. By law a detainee's next of kin must be notified as soon as possible after arrest; in criminal and civil cases this requirement is observed. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces (see Section 1.c.). Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days. In October Parliament amended the Constitution to limit incommunicado detention for such crimes to a maximum of 4 days; however, as a result of another constitutional provision that allows for repeated and prolonged detention in areas under state of emergency rule, this new amendment does not apply in the state of emergency region. In October in Diyarbakir, two students were detained for 44 days under the law and then charged with being members of a terrorist organization.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. Lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refused to disclose the place of detention or even the fact that the detainee was being held. Regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions if it could compromise the investigation. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. However, at times legal limits on detention periods reportedly were circumvented by subjecting a detainee to successive charges or falsifying detention records. According to the HRA, in the state of emergency region the police detained, beat, and then released groups after the maximum period of detention in order to intimidate them. Juveniles have been detained with adults.

The decision concerning early access to counsel in such security cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial (see Section 1.e.), judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involve persons accused of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases.

The Constitution prohibits forced exile, and the Government does not employ it, although it retains the authority to authorize internal exile. Since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in

place for 15 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast during the year, according to press reports (see Section 6.b.). There were occasional press reports that teachers working in the southeast had been transferred to assignments in other parts of the country following their participation in political or union activities.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various government and judicial officials discussed the need to adopt legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the National Security Council (NSC) periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The seven-member High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice and a deputy, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. Its decisions are not subject to review. The composition of the High Council is widely criticized as restricting the independence of the judiciary, since the Minister of Justice is part of the legislative branch of the Government. Although the Constitution provides for security of tenure, the High Council controls the career paths of judges through appointments, transfers, promotions, and other mechanisms.

The judicial system is composed of general law courts, military courts, the SSC's, and the Constitutional Court, the nation's highest court. The Court of Cassation hears appeals for criminal cases, including appeals from the SSC's. The Council of State hears appeals of administrative cases or cases between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and may try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft. In September a military court acquitted 16 civilians who had republished, as an act of civil disobedience, a banned article criticizing mandatory military service.

SSC's are composed of panels of five members: Three civilian judges and two prosecutors. SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the Court of Cassation (Appeals Court) dealing with crimes against state security. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and sections of the Criminal Code relating to free expression. Human rights observers cite prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticize the military or the Government's practices as evidence that the SSC's often serve the primarily political purpose of silencing persons who criticize the Government. According to press reports and human rights advocates, during the year, police began investigating an SSC judge in Diyarbakir when he refused a Jandarma request to extend the detention period of several Kurdish suspects.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts. Prosecutors also are charged with determining which law has been broken and objectively presenting the facts to the court.

Defense lawyers do not have equal status with prosecutors. Defense attorneys continued to face intrusive searches when visiting incarcerated clients. Prisoners also are searched before and after meeting their attorneys. Although prisoners may by law be forced to surrender defense-related documents for review, this

rarely occurs in practice. Attorneys are suspected by prison authorities and prosecutors of acting as couriers for their clients, particularly those incarcerated for Mafia or terror crimes. Defense attorneys generally have access to the public prosecutor's files only after arraignment and routinely are denied access to files that the Government asserts deal with national intelligence or security matters, particularly in SSC cases.

The harassment of lawyers involved in political cases in the southeast and throughout the country continued, although there were fewer legal cases brought against attorneys than in 2000. Many attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys can face criminal charges and other harassment, particularly if they defended clients accused of terrorism or illegal political activity, pursued torture cases, or sought prompt access to their clients (which police often viewed as interference). Malatya lawyer Hasan Dogan faced a number of charges related to his work defending human rights and HADEP; most of his trials have ended due to the December 2000 Conditional Suspension of Sentences law. In 2000 a court case was opened against Dogan at a misdemeanor court for allegedly having a dirty Turkish flag at the HADEP headquarters while he was provincial chairman; the case was ongoing at year's end. In March the lawyer for the teenagers tortured in Manisa (see Section 1.c.) was acquitted of charges that she showed pictures of the accused policemen to the media.

In February the trial of 25 Diyarbakir lawyers at the Diyarbakir SSC ended under the December 2000 Conditional Suspension of Sentences Law. In 1993 and 1994, the defendants were charged with "aiding and abetting the PKK" and "membership in an illegal terror organization." Human rights monitors believed that their prosecution was intended to punish them for representing clients unpopular with the Government and for publicizing human rights violations in the southeast (see Section 1.e.). The lawyers have been free pending the outcome of their trial after an initial detention period in 1993.

In October Parliament approved a constitutional amendment providing for the "right to a fair trial"; however, the amendment had not been implemented by year's end.

There is no jury system; a judge or a panel of judges decides all cases. The Constitution provides for the right to a speedy trial; however, at times trials last for years (see Section 1.d.). Trials for political crimes or torture frequently last for months or years, with one hearing scheduled each month. Proceedings against security officials often are delayed because officers do not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations (see Section 1.c.).

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. In practice only a tiny percentage of defendants have lawyers. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. Bar Associations in large cities, such as Istanbul, have attorneys on call 24 hours a day; costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities; however, while legal proceedings are conducted solely in Turkish with some interpreting available, some defendants whose native language is not Turkish may be disadvantaged seriously.

The Government recognizes the jurisdiction of the ECHR. During the year, the Government lost 154 cases to which it was a party, most of which pertained to dispossession of property (from villages in the southeast), due process, torture, deaths, and past disappearances. In 57 additional cases the Government accepted a friendly settlement and paid \$2 million (approximately 2.7 trillion TL); and the ECHR dismissed a further three cases. The Government paid several million dollars in fines and friendly settlements.

Convicted PKK leader Abdullah Ocalan faces a sentence of execution, which was suspended by the Prime Minister, pending the results of his appeal to the ECHR which was ongoing at year's end. The ECHR is inquiring into Ocalan's allegations regarding irregularities of his capture and trial in the country. Human rights observers, including the U.N. High Commissioner for Human Rights, had raised several due process concerns in the Ocalan case.

There is no reliable estimate of the number of political prisoners in the country. The Government claims that alleged political prisoners are in fact security detainees convicted of being members of, or assisting, terrorist organizations. After the December 2000 "conditional release" of prisoners, approximately 1,660 prisoners who had been convicted of "assisting terrorist organizations" (in some cases for providing food and shelter, or for participating in public demonstrations) were released from prison.

International humanitarian organizations are allowed access to political prisoners, provided the organization can obtain permission from the Ministry of Justice. With the exception of the CPT, which generally has good access, in practice few such permissions are granted (see Section 1.c.).

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

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected outside the state of emergency region. If delay may cause harm to a case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large; other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels.

In the provinces under the state of emergency, the regional governor empowers security authorities to search without a warrant, residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintained that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Seven provinces remained under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas, and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks to stop and search vehicles in the southeast decreased.

According to a 1999 law that permits wider wiretapping, a court order is needed to carry out a wiretap; however, in an emergency situation, a prosecutor may grant permission. The wiretap may last only 3 months, with two possible extensions of 3 months each. A constitutional amendment passed in October protects the right to privacy of person and domicile by requiring written authorization for searches and wiretapping, and they may only be used for reasons of national security. These regulations are generally respected in practice.

Defense attorneys continued to face intrusive searches when visiting incarcerated clients (see Section 1.e.)

Between 1984 and 1999, and particularly in the early 1990's, the Government forcibly displaced a large number of persons from villages. Approximately 1 million persons remained internally displaced as a result of these actions (see Section 2.d.).

The Government bans the wearing of religious head coverings in government offices, other state-run facilities, and universities (see Sections 2.b. and 2.c.).

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

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Government, particularly the police and judiciary, limits freedom of expression through the use of constitutional restrictions and numerous laws including: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code Articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors bring dozens of such cases to court each year, which constitute a form of harassment against writers, journalists, and political figures, judges dismiss many charges brought under these laws.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process; the role of the military; political Islam; and the question of ethnic Kurds as "minorities;" however, persons who wrote or spoke out on such highly sensitive topics risked prosecution. Many individuals and groups who voiced opposition to the new "F-type" prison regime faced charges, as did a group of women who publicly accused security forces of rape (see Section 1.c.). In September a court convicted 16 trade unionists of "aiding and abetting an illegal organization" for their statements protesting the new F-style prisons. Officials of the teacher's trade union face charges of "insulting the army and judiciary" for statements made during a December 2000 labor rally. On several occasions in October, police prevented the reading of public statements in protest against U.S.-UK

military actions in Afghanistan.

In October Parliament passed amendments to the Constitution which expanded freedom of expression; however, the amendments had not been implemented by year's end. For example, previously the Constitution prohibited the manifestation of an intent or willingness to abuse to criticize fundamental principles such as national security or the secular, unitary state. Under the amendments, only actions against fundamental principles are prohibited. However, the Penal Code and the Anti-Terror Law, which codified the pre-amendment constitutional provisions, remained on the books in contradiction to the new constitutional provisions.

In January the Ministry of Foreign Affairs issued a letter to the judiciary noting the large number of cases at the ECHR involving free expression, and urged that judges take the country's international obligations into account. The chairman of the Court of Cassation, Sami Selcuk, responded that the judiciary is following the law and that Parliament has the responsibility for changing these laws. In July the Council of Europe adopted an Interim Resolution regarding a number of judgements before the ECHR regarding violations of free expression. The resolution urges the Turkish authorities to erase the criminal records and end restrictions on the civil and political rights, of successful applicants to the courts; the ECHR further urged the Government to bring Turkish law into conformity with the European Convention on Human Rights.

Independent domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, were available widely, and the newspaper business was extremely competitive. However, news items may reflect a progovernment bias. For example, persons killed by the security forces during operations in the southeast often are described as "terrorists" without providing proof of terrorist activities. Government censorship of foreign periodicals is rare, although forms of censorship against domestic periodicals exist.

Broadcast media reach almost every adult, and their influence, particularly that of television, is great. According to the High Board of Radio and Television, there are 229 local, 15 regional, and 22 national officially registered television stations, and 1,052 local, 116 regional and 40 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish that are not world languages, such as Kurdish. The High Board of Radio and Television (RTUK) monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures. The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. In general RTUK suspended television broadcasts for a day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The human rights monitoring group Mazlum-DER (the Organization of Human Rights and Solidarity for Oppressed Peoples) recorded closures of 28 television stations for a total of 824 closure days, and closures of 37 radio stations for a total of 1,654 days, while according to the Press Council, RTUK closed 38 television stations for 1,407 days, and 30 radio stations for 2,651 days; some of these stations were closed more than once. In July RTUK closed Ozgur Radyo, which had started broadcasting in 1995, for one year for playing a Kurdish song; the station continued to broadcast on the Internet. In January RTUK closed a Batman radio station for 90 days for playing a Kurdish song reportedly containing the word "Kurdistan."

RTUK decisions may be appealed to the provincial administrative court and then to the Council of State (Danistay). In some cases, such appeals were successful. In September a Diyarbakir radio station won its appeal of a 1999 RTUK decision to close the station for a year for playing a Kurdish song; however, because it was without revenue for a year, the station had to close permanently. In August RTUK issued an order to ban rebroadcasting of programs by British Broadcasting Coalition (BBC) and Deutsche Welle. In October the Ankara Administrative Court ruled against the RTUK Chairman who had sued his board over the decision; the Chairman's appeal was pending before the Danistay at year's end. Neither BBC nor Deutsche Welle rebroadcast by year's end.

The governor of the state of emergency region, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. One radio station broadcasts in Kurdish but is believed widely to be government-sponsored. Kurdish music is played on radio and television programs with certain restrictions, particularly in the emergency zone and adjacent provinces. The state of

emergency regional governor frequently bans from the region Kurdish recordings that may be played legally elsewhere in the country. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems. Pro-PKK Medya-TV, which is banned, broadcasts in Kurdish from Europe and can be received via satellite dish. Another station that is not banned, Kurdistan-TV, is based in northern Iraq and can be received via satellite.

A Government decree gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban the distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, lead to self-censorship by journalists on some issues.

Despite Government restrictions, the media criticized government leaders and policies daily and has adopted an adversarial role vis-a-vis the Government. However, some journalists remained in prison at year's end for writing about sensitive subjects. The European Union reported that 80 journalists were imprisoned between January and November, including some who were jailed for political activities. The Committee to Protect Journalists (CPJ) reported that 13 journalists were imprisoned at year's end, compared with 14 in 2000; however, some local journalists' groups dispute whether all of them are legitimate journalists. According to the Government, 9 journalists remained in jail. In June Dr. Fikret Baskaya, an economist, was imprisoned for writing an article about the history of Kurdish uprisings, following the arrest of Abdullah Ocalan. He was sentenced to 16 months in prison. Journalist associations note that some persons imprisoned for media crimes are political activists with only tenuous journalistic credentials.

Several cases also continued against journalists. A columnist with the mainstream newspaper Radikal, Nese Duzel, faced charges at year's end of "inciting religious enmity" for an interview she conducted in 1996 with an Alevi foundation about the problems of the Alevi community. She also faced charges in another case for "insulting the military." Burak Bekdil, who writes for the English-language Turkish Daily News was investigated in September for an article he wrote that was critical of the justice system; he may face charges of "insulting state institutions." Metin Munir, a journalist for the mainstream newspaper Sabah, has been charged with "insulting the judiciary" for an article regarding a prosecutor with alleged Mafia connections. In June four writers from the newspaper Yeni Asya were sentenced on the charge of inciting religious enmity, and the editor-in-chief, general director, and four writers also faced charges at year's end. In June the trial of Ahmet Altan, a journalist who criticized the intervention of the armed forces into politics, began for "insulting the government and armed forces". In September when the Court of Cassation confirmed sentences against the editor-in-chief and a journalist of the daily Yeni Asya, and required the newspaper to close for 1 month; it was closed from September 10 to October 10. The editor and journalist had not been imprisoned by year's end; however, Yeni Asya's owner was imprisoned for statements "inciting religious separatism" (see Section 2.c.). According to journalist Abdurrahman Dilipak, there are more than 100 charges against him relating to articles or speeches outstanding; most of the charges were suspended under the 1999 Conditional Suspension of Sentences for Journalists Law; 11 charges, mostly related to inciting religious enmity, continued by year's end in the Felony Courts, SSC and other criminal courts.

In December 2000, Parliament passed the Conditional Suspension of Sentences Law. In addition to leading to the eventual release of thousands of ordinary criminals, this law allowed for the release and suspension of trials of many persons prosecuted on charges related to free expression. The suspension of trials applies to those whose "criminal act" took place before April 23, 1999. In January Esber Yagmurdereli was released from prison. Under an earlier suspension law, charges were dropped against journalists or writers if they did not commit the same crime again during the 3-year period; if a second offense was committed during this time, the suspension was revoked. Human rights advocates, journalists, and other writers claimed that the conditions for this suspension amounted to censorship, although in practice few if any have been reimprisoned.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. For example, in August a book of speeches detailing several women's abuse in police custody was banned and the editor is standing trial for "divisiveness" (see Section 1.c.). Police frequently raided the offices of such publications.

Kurdish-language audio cassettes and publications were available commercially, although the periodic banning of particular audio cassettes or singers continued, particularly in the state of emergency region. In January in Adana, police seized 1,500 Kurdish-language 2001 calendars published by the Mesopotamian Cultural Center (MKM) during a raid on a HADEP branch. In January the governor of the state of emergency region ordered the closing of a play which opened in Diyarbakir and included a song in Kurdish. In October Kurdish writer Mehmet Uzun's book "Creating a Language" was confiscated by the Istanbul SSC on the grounds that it "incited hatred and enmity." In April a court acquitted Uzun of charges of "assisting illegal organizations" (the

PKK) for his book "Brightness Like Love, Darkness Like Death."

A group of human rights activists, actors, journalists, and academicians have mounted a series of challenges to existing legal restrictions on expression by republishing banned articles and signing their names as the "publishers." In September a military court acquitted 16 members of this group of charges that they "turned persons away from military service", but at year's end they still faced charges at the Istanbul SSC. In October another group of 65 activists published a new "Freedom of Thought" booklet and began their trial at the Istanbul SSC on charges of supporting illegal organizations and spreading separatism.

Internet use was growing. Although it faces few government restrictions (some banned newspapers can be accessed freely on the Internet), in March the police closed an anti-military web site. In November the manager of another Internet site was acquitted on appeal of charges that he had insulted the Turkish security forces. The manager had been tried on the basis of an anonymous message posted on his web site's "forum" page.

Academic freedom generally is respected; however, there reportedly is some self-censorship on sensitive topics.

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

The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. Significant prior notification to the authorities is required for a gathering, and the authorities may restrict meetings to designated sites. The authorities may deny permission to assemble if they believe that a gathering is likely to disrupt public order. In October a constitutional amendment expanded the rights of free assembly and association by placing the emphasis on citizens' rights and reducing the number of restrictions on their activities.

Authorities prevented some demonstrations. For example, some provincial governors, including the governor in Ankara, issued temporary blanket bans on street demonstrations following violent protests in April of the economic crisis. The Ankara governor also denied permission to several groups for a demonstration in October against U.S. actions in Afghanistan. On several occasions in October, the police prevented peace marches in Istanbul.

The police beat, abused, detained and harassed some demonstrators. For example, in February large unsanctioned demonstrations were held in the southeast following the disappearance of two HADEP officials (see Section 1.b). The demonstrations mainly were peaceful; however, police forcibly disrupted the demonstrations, injured several persons, and detained 33 others; it is not known if they were formally charged.

For the second year in a row, the March 21 Kurdish Nevruz ("New Year") celebrations were marked by calm and respectful behavior among most participants and security forces. Celebrations were held in major cities, including one in Diyarbakir with at least 100,000 participants. However, in Istanbul participants and police clashed during such celebrations, and there were some detentions.

Security forces in Diyarbakir prevented demonstrators from holding rallies to celebrate the May 1 holiday. The police dispersed the demonstrators peacefully, but detained some of them after they chanted slogans. Governors in Mardin, Sanliurfa, Tunceli and Elazig also denied permission for May 1 rallies.

Prior to World Peace Day on September 1, Minister of Interior Rusta Yucelen instructed all provincial governors and the governor of the state of emergency region to facilitate Peace Day activities. However, Ankara's governor did not accept a HADEP petition for a rally in an Ankara convention hall on September 1, citing problems with moving out military equipment leftover from August 30 "Victory Day" celebrations. The refusal came on August 29, as HADEP members were gathering in Diyarbakir to board buses for Ankara. Police dispersed the several thousand persons waiting in Diyarbakir and briefly detained dozens of them. In September Istanbul police raided a HADEP office and a youth fleeing the police fell off the roof of the building and died (see Section 1.a.). Police also detained demonstrators in Tatvan, Kars, and Batman. A week later, during protests in Tunceli, Istanbul, and Van against police suppression of World Peace Day events, police detained HADEP officials and members, and allegedly drove an armored vehicle into a crowd in Van, injuring 1 person.

In August the new chief of police in Ankara issued a circular reorganizing the 1,500-member antiriot police squad and ordering them not to use truncheons under any circumstances; the circular had a positive affect in practice.



Police have detained and, on occasion, mistreated members of groups that protested prison conditions. In March an Istanbul criminal court released 67 members of the HRA who had been detained for attempting to hold an illegal demonstration in support of prisoners on a hunger strike (see Section 1.c).

In March Oktay Konyar, an environmental activist who has led several peaceful, illegal demonstrations to protest a gold mine in the northern Aegean region of the country was convicted under the Demonstrations Law and given a sentence of 18 months in prison. His appeal of the decision was pending at year's end.

In February a court acquitted some police officers of the charge of staging an illegal demonstration for participating in riots in Izmir in December 2000 after terrorist attacks killed two antiriot police officers; the court held that they had not intended to commit a crime. In December a representative of TNP stated that following December 2000 demonstrations, a total of 1,827 police were investigated, of whom 1,500 had received administrative penalties. Several court cases continued at year's end.

Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center; Gunseli Kaya, who also works at the Center; and 66 others face charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Their trial began in January 2000 and was ongoing at year's end.

The Constitution provides for freedom of association; however, there are some restrictions on this right. Associations and foundations must submit their charters for government approval, which is a lengthy and cumbersome process. The Government has closed some opposition political parties alleging that they were centers for illegal activity (see Section 2.c. and 3).

In an October amendment to the Constitution, the Parliament removed the ban on challenging the constitutionality of the highly restrictive "Law on Associations"; no court cases had been brought under the law by year's end. In June Prime Minister Ecevit called on civil servants to treat civil society and NGO's with tolerance rather than restrictions and prohibitions, stressing the need to comply with EU standards.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities. The Constitution establishes the country as a secular state.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet, which some groups claim reflects the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulates the operation of the country's more than 70,000 mosques. Local and provincial imams, who are civil servants, are employed by the Diyanet. The Government states that the Diyanet treats equally all who request services.

A separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu), regulates some activities of religious minorities, including those established under the Lausanne Treaty in 1923 (Greek Orthodox, Armenian Orthodox, and Jewish), and their affiliated churches, monasteries, and religious schools. The Vakiflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. The Vakiflar oversees 160 minority religious foundations, including Greek Orthodox (approximately 70 sites); Armenian Orthodox (approximately 50); and Jewish (20); as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maroni foundations.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. Participation in certain mystical Sunni Islamic, quasi-religious, social orders (Tarikats) was banned in the 1920's but is largely tolerated. The NSC has called for stricter enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism; however, prominent political and social leaders remain associated with Tarikats or other Islamic communities. The trial of Fetullah Gulen, the leader of a moderate Islamic religious community who was charged with plotting to overthrow the State by force, continued at year's end. Gulen, who lives abroad, was still being tried in absentia.

Alevis (an offshoot of Shi'a Islam) are a minority within the predominant Sunni Muslim faith. Many Alevis alleged discrimination in the State's failure to include any of their doctrines or beliefs in religious instruction

classes. Alevis also charge that there is a Sunni bias in the Diyanet since the Directorate tends to view the Alevis as a cultural rather than a religious group and does not fund its activities. Some Sunni Islamic political activists charge that the secular State favors and is under the influence of the Alevis.

There is no law that explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, particularly when such activities are deemed to have political overtones. Police sometimes arrest proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that has criminal or separatist elements; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but they usually are able to reenter the country.

In January two men were detained for alleged Baha'i proselytizing in Sivas and were released immediately pending an investigation that was ongoing at year's end. At year's end, two university professors at Sivas' Cumhuriyet University faced expulsion for allegedly ignoring official duties due to Baha'i related activities.

On December 6, the State Security Court acquitted Aydogan Fuat, a Sufi Muslim preacher and a foreigner, of the charge of inciting others to racial or religious enmity. In October police officers at the felony court trial hearing recanted sworn statements that they had made against Fuat, stating that they had been told what to say by another officer. Fuat still faces charges of engaging in illegal activities and dressing in violation of public order; his trial in the Izmir felony court is scheduled for March 2002. In August the trial in Ankara of a group of Islamist politicians and business figures of the "National View Organization" ended, when the court decided to apply the December 2000 Conditional Suspension of Sentences Law and dismissed the trial.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often take place in nondesignated places of worship. However, police occasionally bar Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally lead to police detention and trials. A Christian congregation in Gaziantep encountered difficulty in obtaining permission to hold services. One member of the group was briefly detained for allegedly bribing persons to convert to Christianity. Several Christians in Istanbul continued to stand trial on charges of opening a Christian training institute without legal permission and violating Law 2911, which "prohibits unauthorized meetings and demonstrations," for holding church and bible study meetings in an apartment. In January the trial began of Turkish Christian Kemal Timur who was charged with insulting Islam. Timur, who was arrested and detained for a day in May 2000, alleges that he was beaten on the soles of his feet while in detention. His trial continued at year's end. In August the Interior Ministry issued a circular warning governors of the laws restricting unauthorized religious gatherings, particularly by Protestant Christians.

The Government continued to enforce a more than 50-year-old ban on the wearing of religious head coverings at universities or by civil servants in public buildings, claiming that such coverings were inconsistent with the secular principles of the state and could constitute a form of pressure on other women. Dozens of women who wear head coverings, and both men and women who actively have shown support for those who defy the ban, have lost their jobs in the public sector as nurses and teachers; some others were not allowed to register, as university students. According to Mazlum-DER, during the year 44 teachers lost their jobs for wearing head coverings and there were small-scale protests against the headscarf ban. In March the Turkish Higher Education Council (YOK) ruled that Fatih University could not register new students for the upcoming academic year, and might be subject to further sanctions, because the university allegedly has close ties to Fetullah Gulen and had violated the dress code by allowing students to wear headscarves. However, a higher administrative court reversed the YOK decision in May. In October three lawyers and a student were detained while documenting the ban against headscarved students entering the Marmara University Theological Faculty.

In June the Constitutional Court ruled to close the Islamist Fazilet Party and expel two party members from Parliament. The Court found Fazilet guilty of being a center of activities "contrary to the principle of the secular Republic." The Court cited in part the "statements and actions" of Merve Kavakci and others who had advocated an end to the headscarf ban (see Section 3). Kavakci, who was elected to Parliament as a Fazilet Party Member of Parliament in April 1999, had unsuccessfully sought to take her Parliamentary oath while wearing a headscarf. In July the ECHR upheld the Government's 1998 closure of Fazilet's predecessor party, Refah, on the grounds that the closure did not violate the European Human Rights Convention.

In May an Islamic leader began serving a 2-year prison sentence for "inciting religious hatred." Mehmet Kutlular, leader of the Nur Cemaati religious community and owner of the newspaper, Yeni Asya, had published a statement in October 1999 that the earthquake (that killed over 17,000 persons) was "divine retribution" for laws banning headscarves in state buildings and universities (see Section 2.a.). In September a trial began against senior columnist for the Islamist newspaper Yeni Safak, Fehmi Koru, on charges of "inciting religious enmity" for a television broadcast in October 1999 upholding Kutlular's right to make such a claim.

In November an Istanbul NGO hosted an Iftaar dinner attended by the head of the Diyanet, the Armenian and Greek Orthodox Patriarchs, the Chief Rabbi, and the heads of the Syrian Orthodox, Roman Catholic, Bulgarian, Anglican and other Protestant churches, with the theme of brotherhood and tolerance.

There are legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property. Religious affiliation is listed on national identity cards. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation.

Minority foundations, including those of religions recognized under the Lausanne Treaty, may not acquire property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the Vakiflar takes over direct administration and ownership; however, according to Vakiflar no properties were taken over by the Government during the year. If such minorities can demonstrate a renewed community need, they may apply legally to recover their properties. According to the Armenian community, the case of an Armenian church in Kirikhan which may be taken over by the Vakiflar remained pending at year's end. Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to existing religious facilities. Restoration or construction may be carried out in buildings and monuments considered "ancient" only with authorization of the regional board on the protection of cultural and national wealth.

Syriac Christians have been allowed to renovate their historic buildings in Mardin, although their efforts remain closely monitored by the authorities. Syriac Christian churches in Nusabayin and Gercus were re-opened in the past 2 years. In November there were press reports that a Syriac Christian church in Harput, Elazig province, was reopened after 51 years; it is the second oldest church in the country.

In February the Baha'i community lost a legal appeal against government expropriation of a sacred site near Edirne and brought the case for a final appeal to the High Administrative Court. The Ministry of Culture had granted cultural heritage status to the site in 1993, but in January 2000, the Baha'i community was notified by the Ministry of Education that the property had been expropriated for future use by the adjacent primary school.

The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening its seminary on the island of Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under existing restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. Coreligionists from outside the country have been permitted to assume leadership positions.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools is compulsory. Upon written verification of their non-Muslim background, minorities recognized by the Government under the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempted by law from Muslim religious instruction. Other minorities, such as Catholics, Protestants, and Syriac Christians, are not exempted. Students who complete the 8-year primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran courses.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave the country may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continued to improve in the southeast, security officials decreased the use of roadblocks and vehicle and passenger searches.

Between 1984 and 1999, and particularly in the early 1990's, the Government forcibly displaced a large number of persons from villages. The practice was justified by the Government as a means of protecting civilians or preventing PKK guerrillas from obtaining logistical support from the inhabitants. The Government reported that 378,000 persons had "migrated" (it disputes the term "evacuation") from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. A credible estimate of the number of persons who remained internally displaced during the year was as high as 1 million. The Interior Minister confirmed that in 25 provinces in the state of emergency region, 4,455 villages and hamlets were have been destroyed or deserted.

Migration to cities for reasons connected to terrorism and the Government's response to terrorism has ended, although economic migration still occurred at a much slower rate. During the period of migration, regional

cities in the southeast doubled and tripled in size, without a commensurate increase in services such as schools, health services or housing. Many persons from the area went to major cities in the West of the country. A 1998 parliamentary committee investigation concluded that the State was partly responsible for the displacements and had failed to compensate adequately villagers who had lost their homes and lands in the region.

In April the Interior Ministry issued a circular requiring anyone wanting to visit Syriac villages in the east and southeast to obtain prior permission from the authorities. Diaspora Syriac Christians and others from Europe frequently visited these villages, some of which were evacuated and re-settled by village guards, according to local observers. In June the Prime Minister issued a circular to all Ministries stating that: Some Syriac-origin Turks had alleged that they could not visit their property or villages; these allegations had led to criticism of the country; the Interior Ministry would conduct all necessary arrangements to allow Syriac-origin Turks to "freely use their rights" to visit or return to their villages of origin.

In July security forces forcibly evacuated two villages in Sirnak province following a landmine explosion which killed one soldier and wounded another. Although the villagers were allowed to return in September, their villages remained under a "food embargo," in which security forces severely restricted the amount of food villagers could buy for their personal use in nearby towns. In August security forces in Sirnak arrested and imprisoned a young villager from the area, Rasim Asan, who described the evacuation of his village to visiting journalists and human rights activists. In November Asan was released; however, he faces other charges of insulting the state and security forces under Article 159 of the Penal Code in the Sirnak Felony Court. An HRA official with whom Asan spoke, Osman Baydemir, also was briefly detained and remained a codefendant on the same charge.

Citing security concerns, provincial authorities continued to deny some villagers access to their fields and high pastures for grazing, but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons may return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. Some villagers and southeast Members of Parliament alleged that the Government only compensated those who claim that they left their homes due to "terrorism", rather than due to government actions. There also have been charges that resettlement priority was given to village guards and their families.

According to the Interior Ministry, between June 2000 and December, 35,513 persons had returned to 470 villages or pastures; over 6,000 homes had been constructed and the state had given over \$3 million (4 trillion TL) in construction materials or other supplies. In August the governor of the state of emergency region estimated that since 1999, 18,600 persons had returned to their villages in that region with government assistance, with a total of 5,853 houses constructed for the "citizens who were forced to abandon their villages due to terrorism." In August the Tunceli provincial governor announced that he had given permanent settlement permission to 30 villages during the year and temporary settlement permission to 50 others. The governor stated that these villages would be resettled by families who migrated to big cities, noting that a total of 151 villages in the province had been abandoned or evacuated. The province provides some public services and financial aid to the returnees. In Diyarbakir 80 families applied to return to a village which was evacuated in 1992; they received financial aid and services from the Government, according to media reports. The Bitlis governor announced that 220 families (952 persons) had returned to 31 villages in 2000, and 35 more villages are scheduled to be reopened. Hakkari provincial authorities have distributed sheep to returning villagers, noting a return to normal economic production after a 2-year period of peace.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, upon ratifying the Convention, the Government exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted the geographic limit of its treaty obligation, since 1994 the Government has granted temporary asylum to all those recognized as refugees. Asylum-seekers apply to the Government for temporary protection and to the U.N. High Commissioner for Refugees (UNHCR) for resettlement. If both procedures recognize the asylum-seeker as a refugee, UNHCR proceeds with resettlement and submits the case to other countries. European refugees are given temporary residence permits by the Government, renewable until they achieve resettlement or a durable solution. The UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, there were 2,658 cases of asylum seekers during the year, representing 5,041 persons; out of these cases and cases from previous years, the UNHCR rejected the asylum applications of 969 and accepted 1,287.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as asylum seekers. The time limit for registration in the Government's asylum program is implemented strictly and remained an obstacle to the full access by asylum seekers to procedures to

determine their refugee status. According to the UNHCR, during the year, 97 refugees and asylum-seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process. The obstacles in the Government's asylum procedures lead to many refugees being considered as "illegals." The UNHCR estimates that approximately 14 percent of asylum-seekers who approached the UNHCR were unable to register with the Government on procedural grounds. Furthermore, detained illegal immigrants found near the border areas were more likely to be questioned about their asylum status and referred for processing than those found in the interior of the country. The UNHCR and government authorities continued to work to resolve this problem and to find ways to allow greater access of all asylum seekers to processing.

If they comply with the asylum regulations' requirements, asylum seekers are registered by the Government and processed for eligibility determination. According to the law and in practice, the failure to submit an asylum claim within a fixed time limit should not be a reason to refuse to address the application or grant asylum.

In March according to the UNHCR, more than 8,000 Macedonian refugees, mostly ethnic Albanians, entered the country as a result of hostilities in the Tetovo area, but most had left by the end of the month. More arrived after renewed fighting in June and July, and approximately 3,000 to 4,000 Macedonians were in the country as of the end of August, living with friend, or relatives.

The country continued to be a transit and departure point for illegal migrants and asylum seekers of various nationalities on the way to other European countries, who travel in small groups utilizing land routes, boats, and ships.

Since 1998 the UNHCR and the Government have continued to cooperate in training border guards and other government officials responsible for asylum seekers and refugees. During the year, approximately 80 officials received UNHCR-sponsored training in Ankara. The training has been successful and has led to increased contacts between the UNHCR and local, military, and judicial authorities. The UNHCR also noted that the incidence of repatriation has declined as a result of this training, and credits the Government for its willingness to improve the functioning of the national asylum procedure. The UNHCR works with local partners including the Turkish Red Crescent Society, the Association for Solidarity with Asylum Seekers and Migrants, and the Anatolian Development Foundation to integrate refugees into society. In the past 2 years, the UNHCR has initiated several new projects to support NGO's in providing counseling and specialized assistance directed in particular at women, children, and other vulnerable groups.

In March in connection with the country's EU candidacy, Parliament adopted the "National Program of Action for the Adoption of the EU Acquis" (NPAA) (see Section 4). The NPAA chapter on migration contained the Government's intention to lift the geographical limitation on asylum seekers and to intensify training of asylum officials; however, no action to lift the geographical limitations had been taken by year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the Government restricted the activities of some political parties and leaders. The country has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them are very small), 6 of which are represented in Parliament. Parliament elects the President as Head of State every 7 years or when the incumbent becomes incapacitated or dies.

In accordance with the Constitution, the NSC, a powerful, constitutionally mandated advisory body to the Government composed of senior military officers and civilian government leaders and chaired by the President, plays a significant role in shaping government policy. Nevertheless the Government disregards NSC advice at times; in February Prime Minister Ecevit dismissed NSC concerns that the release of 1,660 prison inmates who had been accused of "aiding and abetting terrorists" (many of whom were unconnected to any violent activity) would be a security threat. In August Deputy Prime Minister Yilmaz was criticized strongly by the military and some other party leaders for statements that politicians, not the NSC, should define the limits of "national security." In October Parliament passed a constitutional amendment to add more civilian members to the NSC and revise the description of its function to underline its advisory capacity; however, the amendment had not been implemented by year's end.

The Government neither coerces nor forbids membership in any political organization; however, the chief public prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The chief public prosecutor opened cases in 1999 to

close two significant opposition parties, the Islamist party Fazilet and the pro-Kurdish party HADEP, alleging that they were centers of illegal activities. In June the Constitutional Court ruled to close Fazilet and expel two party members from Parliament on the grounds that Fazilet was guilty of being a center of activities "contrary to the principle of the secular Republic" (see Section 2.c.).

In July the ECHR ruled that the four Democracy Party (DEP) Members of Parliament who had been convicted in December 1994 of belonging to an armed organization in relation to alleged activities in support of the PKK, had not been given a fair trial. The ECHR stated that the Ankara SSC was not an independent and impartial tribunal; that the applicant's rights to a fair trial had been violated because they were not given key information about charges and witnesses; and that the alleged membership in an organized gang had not been proved. The ECHR awarded \$25,000 to each applicant and an additional \$10,000 for costs and expenses. The deputies remained in prison at year's end.

The case to close HADEP, whose predecessor parties were also closed by the Government, was pending at year's end. The case cannot be resolved without the resolution of several other SSC cases against HADEP officials, which were ongoing at year's end. Elected HADEP officials were able to perform their duties during the year. However, throughout the year, the police raided dozens of HADEP offices, particularly in the state of emergency region, and detained hundreds of HADEP officials and members. Although most were released within a short period, many of those detained faced trials, usually for "supporting an illegal organization"; "inciting separatism"; or for violations of the Law on Meetings and Demonstrations. In September an unknown assailant threw a hand grenade into a HADEP office in Cizre (Sirnak province) and caused some damage, but no injuries; a police investigation was inconclusive.

Former HADEP Secretary General Ahmet Turan Demir served 35 days in jail in August and September for his convictions under the Anti-Terror Law of promoting separatism, for a speech he gave in October 1999. His pretrial detention counted towards his 4-month sentence. On December 12, the Ankara SSC acquitted Demir and 15 administrators on the charge of making propaganda against the indivisibility of the state. These charges were based on a statement by HADEP on the occasion of World Peace Day in September 2000. Demir's conviction under Article 169 for his remarks at the Ankara Provincial Convention were also suspended.

During the year, the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda." One mayor faces possible charges for speaking Kurdish to a visiting delegation of Kurdish women. Three southeast HADEP mayors, who were arrested in February 2000, continue to stand trial for "supporting an illegal organization (the PKK)" under Article 169 of the Penal Code. However, they were able to conduct their official duties without impediment. The HADEP mayor of Semdimli remained suspended from office pending resolution of similar charges against him.

Shortly after a July announcement that former Istanbul mayor Tayyip Erdogan was forming a new political party, the Court of Cassation Chief Prosecutor applied to the Constitutional Court for a review of Erdogan's eligibility to lead a party. Erdogan, who was convicted and served a 1999 jail term for violations of Penal Code Article 312 ("inciting religious enmity") is barred by the Constitution from being a Member of Parliament. The Chief Prosecutor asked the courts to suspend Erdogan's authority as a party leader; the case was ongoing at year's end. In July a similar case was adjudicated by the Court, concerning former "Re-birth" party leader Hasan Celal Guzel, who had also been convicted under Article 312. The Court allowed Guzel to resume political activities by ruling that the December 2000 Conditional Suspension of Sentences Law effectively released him from a previous political ban.

The Democratic Mass Party (DKP), which the Government closed in February 1999, has not yet had its closure decision published in the official gazette, preventing its founders from forming or joining another party.

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically. There are 22 women in the 550-seat Parliament, there are no female ministers in Prime Minister Ecevit's 35-member Cabinet, and there are no female governors. However, the leader of the main opposition party in Parliament is female. Several women are subgovernors.

There are no legal restrictions on political activity by minorities; however, the percentage of some minorities does not correspond to their percentages of the population in government and politics. Nevertheless, some ethnic minorities are active in political affairs; for example, many Members of Parliament and senior government officials are Kurds (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

NGO's operate in many regions but face government obstruction and restrictive laws regarding their operations, particularly in the four provinces that comprise the state of emergency region. The Associations Law governing the activities of most NGO's (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The HRA has branches nationwide and claims a membership of approximately 20,000 persons. The HRF, established by the HRA, operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO's include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Doctor's Association, human rights centers at a number of universities, and Mazlum-DER. Some human rights organizations are represented on the Provincial and Sub-provincial human rights councils.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. Two of the four HRA offices that were closed in December 2000 for anti-prison protests, were reopened in Van and Bursa in July and December respectively; however, Malatya and Gaziantep offices remained closed throughout the year. In January police searched the Ankara headquarters of the HRA, ostensibly on the grounds of a news report, which alleged Greek Government funding for the HRA. After the search and seizure of HRA documents, prosecutors opened a trial alleging improper activities on the part of HRA and requesting its closure. The "improper activities" included anti-prison protests, which HRA argued successfully were within its organizational goals and parameters. In October the trial ended with a rejection of the prosecutor's closure request. The HRA's Ankara branch remained on trial at year's end for allegedly "helping an illegal organization." Police seized documents and computers from the branch office in December 2000. In October HRA administrators in Rize were acquitted of charges of "unauthorized gathering" following a December 2000 anti-prison demonstration. Former HRA Chairman Akin Birdal remained on trial for alleged statements in September 2000 that the Government "should apologize for the Armenian genocide," a statement that he denies making. Other charges against him for 1995 and 1998 speeches were suspended mid-year under the Conditional Suspension of Sentences Law.

In September police raided the Diyarbakir torture treatment center of the HRF and seized confidential files on torture victims, allegedly to research whether the HRF was exceeding its mandate. The files were returned a month later. In late October, the Office for Foundations conducted an unscheduled audit of HRF administrative and financial files. Since September the Diyarbakir torture treatment center has been under government investigation on the grounds that it had not obtained necessary permission from the Health Ministry to operate as a health care provider. The SSC concluded that the case does not fall under its jurisdiction, and no court case had been opened by year's end.

In August Mazlum-DER's Malatya branch reopened after being closed since 1999. The Mersin Migrants' Association (Goc-Der) was able to function normally throughout the year, after having been closed from 1998 through 2000.

Dr. Seyfettin Kizilkan, the former director of Diyarbakir's largest hospital who was arrested after police allegedly found bomb materials and PKK documents in his home, no longer faces charges of "assisting and sheltering an illegal organization"; the charges were suspended under the Conditional Suspension of Sentences Law. He continued to work at a state hospital in Urfa at year's end.

The CPT visited the country several times during the year and received excellent access during the year (see Section 1.c). In June a delegation from the France-based "International Federation for Human Rights" visited the country. The delegation drew attention to the nearly 10,000 prisoners who are in jail for "political" or terrorism-related crimes, alleging that the definition of such crimes is so wide it criminalizes free speech (see Section 2.a.). In November the Council of Ministers turned down Amnesty International's application for permission to form a legal association in the country. Unofficial Amnesty International groups continued to work in Ankara, Istanbul, and Izmir on human rights issues in other nations, such as Russia and the Balkans.

In February Dr. Asma Jahangir, the U.N. Special Rapporteur for Missing and Disappeared Persons, visited the country. Her visit had been scheduled previously in response to the reports of the disappearances of two HADEP officials in Sirnak (see Section 1.b). She was given full cooperation in her investigation of those cases as well as in her overall access. Dr. Jahangir visited Istanbul, Ankara, Diyarbakir, and Batman, but could not get to Sirnak because of weather conditions; however, she was able to meet with the press delegation which investigated the HADEP case. She met with the governor of the state of emergency region, prosecutors, police officials, Jandarma, NGO's, lawyers and private citizens, as well as officials at the Ministries of Foreign Affairs, Interior, and Justice.

Representatives of diplomatic missions who wish to monitor human rights are generally free to speak with private citizens, groups, and government officials; however, security police routinely place such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights monitors; however, in one case the Government discouraged EU diplomats from meeting Mazlum-DER officials. There were no public reports of officials representing foreign governments being denied permission for such visits.

In March the Cabinet adopted the NPAA, in line with its commitment to the EU candidacy process (see Section 2.d.). The NPAA is the roadmap for actions in all areas of the *acquis* that would bring the country into compliance with EU standards. In the section on political criteria, the program calls for examining existing laws restricting free expression, while reiterating a commitment to the existing Penal Code restrictions; commits to a review of laws governing police behavior and modernization of forensic medicine facilities to address the problem of torture; and provides for a review of the military-dominated NSC and a lifting of the state of emergency "in due regard to threat assessments and developments on the ground." The plan also commits the country to: Review the Penal Code with revisions relating to freedom of expression, death penalty, and torture; enhance constitutional safeguards for NGO's; introduce a constitutional provision to ensure adequate legal defense to detainees; enact the Turkish Civil Code; enact a new Criminal Procedure code with improved regulations for detention and attorney access; and review the Political Parties Law and the ongoing state of emergency. Many of these goals were incorporated in the constitutional reform package passed in October; however, full implementation of the constitutional amendments had not occurred by year's end.

The Parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports, did not play an active role in investigating prison problems or the issue of torture, as it had in the past. By year's end, members of the Committee had visited detention centers in four cities, and prepared a publication and website on international human rights conventions.

Provincial and Subprovincial Human Rights Councils have been established in all 81 provinces and hundreds of subprovinces. These councils are intended to institutionalize consultations among NGO's, professional organizations, and the Government; however, in practice, they have received few human rights complaints. The Government argues that this demonstrates the lack of real human rights concerns versus those that are politicized by NGO's. Other observers argue that there is a lack of trust in the councils, since the government-affiliated members generally outnumber the NGO's. Some human rights NGO's have boycotted the councils, while others were not invited to participate.

In August 2000, Parliament passed a law creating a Human Rights Presidency that is intended to monitor the implementation of legislation relating to human rights. Parliament established numerous government bodies to monitor the human rights situation in the country including a High Human Rights Board, which is an interministerial committee responsible for making proposals intended to promote and to strengthen human rights protections and a Human Rights Consultation Board designed to serve as a permanent forum for an exchange of ideas between the Government and NGO's.

In August Parliament passed a law establishing a Board for the "Examination and Investigation of Alleged Human Rights Violations." Its duties and functions will be defined through regulations, which were being finalized at year's end; it will involve groups of ad hoc experts who will investigate specific human rights problems. During the year, the Presidency and the High Human Rights Board were active in pursuing training activities and coordinating the introduction of legislation including the constitutional amendments. Other boards were still being formed at year's end and were not yet active.

The Government's "Ten Year Human Rights Education Committee" held regional seminars to educate civil servants and others on human rights problems. Minister for Human Rights Arseven attended these seminars and spoke forcefully against the country's problem of torture. Regional bar associations and the EU held training seminars with the police and judges and prosecutors in several provinces and in Ankara headquarters, focusing on EU human rights standards.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that the country is a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remained a problem in several areas.

#### Women

Violence against women remained a problem, and spousal abuse was serious and widespread. According to



the Family Research Institute in the Prime Minister's office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation that made spousal abuse illegal, complaints of beatings, threats, economic pressure, and sexual violence continued. According to a 2000 survey, at least 10 percent of women experienced violence on a daily or weekly basis. However, spousal abuse is considered an extremely private matter, involving societal notions of family honor, and few women go to the police. Police are reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials noted that this provision has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses, and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

There are 9 government-sponsored shelters and 6 consultation centers for battered women; in addition the child protection and social services agency provides services to victims of domestic violence through its 19 social centers.

The law prohibits rape and spousal rape; however, laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. According to national police statistics, there were 945 complaints of rape throughout the country during the year; however, cases of rape were believed to be underreported.

"Honor killings"--the killing by immediate family members of women who are suspected of being unchaste--continued in rural areas and among new immigrants to cities; according to media reports, there may be dozens of such killings every year. Under the law, persons convicted of killings that were "provoked" (such as honor killings) may receive a lighter sentence than for other types of killings. Because of further sentence reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing. In June three brothers were convicted of murdering their 15-year old sister after she ran away from an arranged marriage to an older man. The court imposed sentences between 4 and 12 years; however, the court stated that they would only have to serve approximately 1/3 of their sentences because of their young age and because the boys were provoked. In May in Adana, a 14-year old boy was arrested for stabbing his mother to death. Government authorities have tried to send a clear message of intolerance for this practice through the prosecution of those responsible for the killings.

The problem of suicide among young girls forced into marriage persisted and was prevalent particularly in the southeast, where suicides have risen by more than 50 percent since 1993 and where 80 percent of suicide victims are women. A study in Batman province showed that for young girls with physical and psychological problems, an early marriage can be catalyst to suicide. The traditional practice of "virginity testing" also continued, despite governmental regulations prohibiting it unless requested by the woman.

Trafficking in women for the purpose of sexual exploitation was a serious problem (see Section 6.f.).

Some laws discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. An October constitutional amendment codified the equality of the sexes within the family, ending the husband's legal status as the head of family. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child; a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to the property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives 1/4 of the estate, and her children receive the rest. According to a 1994 government survey, households headed by women have 50 percent less income than those headed by men. In December a new Civil Code was passed, which addresses many discriminatory aspects of family law; the new Constitution is scheduled to be implemented in 2002.

Particularly in urban areas, women continued to improve their professional position, including in the professions, business, and the civil service, and women constitute more than one third of university students. However, women continued to face discrimination in employment to varying degrees. Women are generally underrepresented in managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help.

According to 1999 statistics, the literacy rate for women was 78 percent, compared with 94 percent for men,

but in rural areas the rate can be as low as 50 percent for women. One reason for the higher rate is that men must serve in the army; if they do not know how to read, they are taught upon entry.

Independent women's groups and women's rights associations exist but have not significantly increased their numbers or activities, mostly because of funding problems. The concept of lobbying for women's rights, including changes to the civil code and greater elected representation, continued to gain support. There are many women's committees affiliated with local bar associations. Other organizations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. Women continued to be very active in ongoing debates between secularists and Islamists, particularly with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities (see Section 2.c.).

Children

The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family issues oversees implementation of the Government's programs for children. In 2000 the Children's Rights Monitoring and Assessment High Council was established to focus on children's rights issues.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to ensure that more girls continued their education. According to the Ministry of Education, this policy has increased successfully the number of female students over the past 3 school years by more than 450,000, while the number of male students increased by 270,000 in the same period. However, in rural areas, the literacy rate for girls remained low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some children continued on to high school, for which they generally must travel or live away from home.

The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving approximately 20 percent of families and their children without coverage, according to a 2000 UNICEF report on "The State of Women and Children in Turkey." Persons not covered by insurance may use a special program to access public health care. According to the UNICEF report, the rates of immunization, infant mortality, and malnutrition in the country remained at levels that were not compatible with the level of development and resources in the country. Only approximately 40 percent of children aged 12 to 23 months are immunized fully. Infant mortality has declined rapidly over the past decade, and, as of 1998, stood at 43 per 1,000. UNICEF estimates that, during the year, the rate decreased and is at approximately 33 per 1,000.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvented or ignored these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often denied minors access to lawyers and failed to inform parents. Children and juveniles detained under the Anti-Terror Law also often were held for up to 4 days in incommunicado detention, and may have been subjected to other forms of mistreatment. Children as young as 11 years of age who are accused of SSC crimes are treated as adults.

Children have suffered greatly from the cycle of violence in the southeast. In the past, the migration--forced or voluntary--of many families, past terrorism against teachers, and school closings in the southeast uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast continued to operate schools on double shifts, with as many as 100 students per classroom. However, in many provinces, schools have reopened. In October the Interior Minister stated that there were no longer any schools in the east and southeast that remained closed for security reasons, but that 78 schools remained closed due to poor building conditions. The Government has built regional boarding schools to help deal with this problem, but they remained insufficient in number.

Instances of child beating and abuse were reported more frequently than in previous years, according to women's groups. In March a member of an Istanbul Chamber of Doctors Children's Rights Commission reported that sexual abuse and violence towards children was increasing. She noted that the social attitudes that violence towards children is the parents' right persisted.

Trafficking in girls for the purpose of sexual exploitation was a serious problem (see Section 6.f.).

Persons with Disabilities

According to a 2000 UNICEF report on women and children in the country, welfare institutions "provide limited financial, employment and educational support to the handicapped." According to the report, the number of persons with disabilities is unknown. The Ministry of Education reports that there are 1.1 million children with disabilities in the country. Although there are many Government institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. Companies who employ more than 50 employees are required to hire persons with disabilities as 2 percent of their employee pool, although there is no penalty for failure to comply. The law does not mandate accessibility to buildings and public transportation for the disabled.

#### Religious Minorities

Jews and numerous Christian denominations are generally free to practice their religions and report little discrimination in daily life. However, some incidents against religious minorities still occur, and extremist groups or individuals target minority communities from time to time. In April the Jewish community in Istanbul received a phone threat against a 500-year-old synagogue. Police provided additional security upon request.

No laws prohibit religious conversion; however, individuals contemplating conversion from Islam, particularly to Christianity, often faced family and community pressures.

Proselytizing remains socially unacceptable. In January a local imam in Sivas criticized proselytizing by members of the Baha'i faith. In his public remarks, he read a Koranic verse alluding to those "whose killing is necessary." The Baha'i have pressed charges against the imam.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

#### National/Racial/Ethnic minorities

The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain risk public censure, harassment, or prosecution. However, Kurds who are long-term residents in industrialized cities in the West are in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

Private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by many laws and articles of the Constitution (see Section 2.a.); these restrictions are invoked arbitrarily. A reform of the Constitution in October removed references to "languages prohibited by law" in two articles referring to broadcasting and public dissemination; however, the relevant laws (Press Law and Radio/Television law) must be amended for the use of Kurdish to become legal, which had not occurred by year's end. In January the Diyarbakir Security Director informed the HADEP central district organization of that province that they were not allowed to use any language other than Turkish for their rules and regulations; programs; indoor and outdoor meetings and gatherings; brochures, posters, and tapes.

Some groups such as the MKM, a corporation with branches in several cities outside the southeast, established to promote Kurdish language and culture were able to function but faced occasional government interference. Three of the four centers run by the MKM, the NGO that seeks to promote Kurdish language and culture, remain closed in Sanliurfa, Diyarbakir, and Van by government order. The Mersin center continued to operate. Some officials alleged that the MKM was linked to the PKK. Police exert pressure against the groups and hinder their activities, and local officials monitor and often interrupt their cultural events. The Kurdish culture and research foundation (Kurt-Kav) remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition; however, Kurt-Kav faced charges of promoting separatism based on its cooperation with a Swedish university to promote study of the Kurdish language. The trial against the foundation's chairman, Hasan Kaya, continued at year's end.

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in the country, and consequently many go to Greece, often never to return.

Although there is little discrimination against Armenian Turks, a foreign couple with an Armenian surname was prevented from opening a hotel in Van in part because the hotel has an Armenian name. According to press reports and local business sources, local security forces harassed the couple because of their perceived Armenian identity. In October an employee of the couple was detained briefly.

No accurate accounting of the Romani population exists, but it may be significant in regions near Bulgaria and Greece. No incidents of public or government harassment directed against Roma were reported; however, experts claimed that Roma experienced discrimination, for example, regarding employment. In September the Ministry of Education announced its intention to change the definition of "gypsy" in Turkish dictionaries that are published by the Ministry. The old definition had included terms such as "shameless" and "thief"; the new definition will be "a community whose first homeland was northern India and who are either settled or nomadic in different countries, primarily in Europe, who speak Romani and the mother tongue of the countries where they live."

## Section 6 Worker Rights

### a. The Right of Association

Workers, including civil servants with the exception of police and military personnel, have the right under the Constitution to associate freely and form representative unions. The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from a labor union. In June Parliament passed a Law on the Union Rights for Public Servants, which permits the formation of unions for the first time since 1971. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the Government and political parties. However, there are some limits to the right of association. Unions must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. A constitutional amendment passed in October removed the requirement that candidates for union office must have worked previously in the industry for 10 years; the amendment took effect immediately. Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms; however, the Government may not dissolve a union summarily.

Just over 13 percent of the total civilian labor force (15 years of age and above) are unionized. The labor force numbers approximately 24 million, with approximately 35 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There also are 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests. The Constitution prohibits unions and confederations from being involved in activity against the basic democratic principles of the country. Unions cannot give financial assistance or receive financial assistance from public authorities and political parties; unions also cannot be founders of political parties, use the name or emblem of a political party, or be involved in commercial activity.

Another constitutional amendment passed in October, which narrowed the scope of possible restrictions on the formation of unions, and another amendment made the State responsible for protecting the unemployed; however, no concrete steps towards implementing the legislation had been taken by year's end. The existing law provides for the establishment of trade unions and establishes rights and procedures for organizing unions.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years of a company's operations in the nine free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout; nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. The law governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under the law to suspend strikes for 60 days for reasons of national

security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The International Labor Organization's (ILO) Committee of Experts and the Committee on the Application of Standards regard the Government's application of the law as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

According to the Labor Ministry, during the year, there were 4 strikes in the public sector involving 737 workers and 30 strikes in the private sector involving 9,174 workers. There were no lockouts in the private or public sectors. Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to the country or to freedom of religion or belief. Turk-Is, Hak-Is, and DISK are affiliated with the International Confederation of Free Trade Unions (ICFTU).

#### b. The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. Civil servants also have the right to organize and engage in collective bargaining. However, there were limits on this right. The law requires that, in order to become a bargaining agent, a union must represent 51 percent of the employees at a given work site, and 10 percent of all the workers in that particular industry. This barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor. The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the Rights to Organize and Collective Bargaining. However, both Turk-Is and the Turkish employers' organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the 10 percent rule.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice. However, private sector employers continued to try to eliminate unions. During the year, as a result of the privatization of 61 entities in 7 sectors, 1,384 workers were laid off.

The law prohibits antiunion discrimination and the Constitution prohibits pressuring a worker into becoming or refusing to become a union member; however, such discrimination occurred occasionally in practice. Some violence against union members continued during the year.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in the four provinces under the state of emergency (see Section 1.d.). Dozens of unionists were kept out of the southeast during the year. In February a representative of the teacher's union told the media that 36 union members had been re-assigned out of the state of emergency region.

A law enacted in 1984 provides for the establishment of free trade/export processing zones, which are intended to attract domestic and particularly foreign investment, and to promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (two), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones; however, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration. Workers inside the zones are paid in foreign exchange rather than in Turkish currency, giving them some protection against inflation.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution and statutes prohibit forced or compulsory labor; however, trafficking in women was a problem (see Section 6.f.).

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls was a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception of those 13 or 14 years of age who may engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that "no one shall be required to perform work unsuited to his/her age, sex, and capacity." With this article and related laws, the Government undertakes to protect children from work unsuited to their age and capacity, such as underground mining, and from working at night. According to the Labor Law, children who attend school can work no more than 7 1/2 hours a day, inclusive of school time. The Ministry of Labor effectively enforces these laws only in large-scale industrial and service sector enterprises. Children working in agriculture, in household-based establishments, in establishments with three or fewer workers, in apprenticeship training centers, and those working as domestic servants are subject to the Code of Obligations, which fails to provide a minimum age of employment. However, according to the Code of Obligations, children between the ages of 12 and 16 may not work at night and may work for no more than 8 hours a day.

Child labor is widespread. According to a 2000 U.N. Children's Fund report, 1.07 million children between the ages of 6 and 14, and 2.4 million children between the ages of 15 and 17 are in the labor force. This represents approximately six percent of all children aged 6 to 14, and 60 percent of those aged 15 to 17. According to figures released by the State Statistical Institute in December, there are 12,670,000 children between the ages of 6 and 12 who should be enrolled in school; however, only 10,633,000 children attended school on a regular basis. Of the 1,434,000 children who did not attend school, 768,000 children between the ages of 6 and 12 were employed. The State Statistical Institute reported that between 1994-99 the number of children who attended school increased and the number of children who were employed decreased. According to the latest statistics provided in an October 1999 State Statistics Institute report, 961,000 children worked in family businesses and did not receive wages, 257,000 were seasonal workers, and 387,000 were wage earners. Approximately 1.1 million of the working children are boys. Child labor is used most often in small-sized enterprises. According to a study on child labor conducted by Hacettepe University in August, 79.4 percent of children who were employed live in rural areas and 92.6 percent of those children were engaged in the agricultural sector. Among children employed in urban centers, 40.2 percent were employed in industry, 22.4 percent in commerce, and 25.8 percent in the services sector.

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, particularly in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan created during the year committed the Government to enact legislation to restrict further child labor and to adopt legislation to conform to relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions. The Ministry of Labor, the ILO'S International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor inspectors specifically in child labor issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Approximately 70 of the 700 field inspectors have been trained to handle child labor issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy and are therefore beyond the reach of the inspectorate.

Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. There are 318 centers located in 80 cities; these centers provide apprenticeship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

On August 2, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor. The

Constitution prohibits compulsory labor, including that performed by children; however, trafficking in girls was a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of work

The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body called the Minimum Wage Commission--which historically it had done annually. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. As of December, the monthly gross minimum wage rates were approximately \$124 (168 million TL) for workers over age 16, and \$106 (143 million TL) for workers under 16. The national minimum wage does not provide a decent standard of living for a worker and family. It is difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. However, most workers earn considerably more than the minimum wage. According to the results of a 2000 survey conducted by the Public Workers' Labor Union, a four-member family requires \$396 (534 million TL) per month to live above the poverty line. Workers covered by the labor law, who constitute approximately one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only approximately 37.3 percent of total compensation.

The labor law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover approximately 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment; for example, workers may issue a warning, resign, or demand compensation.

f. Trafficking in Persons

There is no specific law prohibiting trafficking, although other laws may be used to prosecute traffickers; however, trafficking in women and girls for prostitution was a serious problem. The country is a transit country and a destination country for victims of trafficking; reportedly there is almost no trafficking of Turkish women and girls out of the country. There are no statistics on the number of trafficking victims. There are allegations that police allow operation of informal brothels in Istanbul and may also be bribed by traffickers at ports of entry.

Women and girls are trafficked to Turkey, mostly from Romania, Georgia, Russia, Ukraine, Moldova, Armenia, Azerbaijan and Uzbekistan. Turkey is also at transit country for the trafficking of women primarily from Central Asia, the Middle East, Africa, and the former Yugoslavia to other countries in Europe. According to a 1995 study by the International Organization for Migration (IOM), victims arrive by foot, trains, boats, and planes. Most trafficking activity occurs in Istanbul, Izmir, and Trabzon. Many women and girls come to the country believing that they will be working as models, waitresses, or dancers and find themselves forced into prostitution. In some cases, girls from Romanian orphanages have been kidnaped and trafficked. Women who attempt to escape their trafficking often were beaten, raped, or killed. There are reports that criminal syndicates force women to sign work contracts which amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly are the primary trafficking organizations.

There is no law that specifically prohibits trafficking in women. A 1999 law dealing with "profit-motivated gangs" (Mafia) was intended to combat trafficking in persons, although it is not exclusively focused on the crime; this law provides for penalties of up to 6 years' imprisonment. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits persons from inciting or forcing a woman to become a prostitute; those who force a woman into prostitution through violence face 1 to 3 years in prison, or more if the perpetrator is a relative of the victim. A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. There was no new information available on the 850 persons captured in 2000 for offenses relating to trafficking or facilitating illegal immigration.

The Government deals with the problem of trafficking in persons through laws relevant to organized crime, prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, particularly the immigration and organized crime authorities, enforce antitrafficking laws. The Ministry of the Interior's organized crime department is primarily responsible for combating trafficking. According to press reports, there was an increase in police raids on brothels during the second half of the year. In August the Ministry of Interior issued a circular to all provincial police chiefs, calling on them to combat those who aid and abet prostitution.

There is little formal interagency cooperation in dealing with the problem of trafficking. Representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, have met on this issue. The police are the most active governmental entity addressing this problem.

There have not been any official antitrafficking information campaigns; however, in 1999 teams from Ukraine and Moldova received extensive cooperation from Turkish police to film educational documentaries designed to discourage women and girls from those countries from going to Turkey. The IOM, ILO and UNHCR work closely with the Government.

Those who have been trafficked into Turkey generally are detained and deported. According to the Passport Law, if a prostitute or a trafficker is a foreigner, the person is immediately deported. The Law on Residence and Travelling authorizes the Ministry of Interior, governors, and subgovernors to deport foreigners after 15 days notice. If the same person is reported again for the same offense, no further notices are made and the person may be deported immediately if captured again. After women are deported, they often are re trafficked back to Turkey.

The Government does not provide any formal protection, aid, or education to victims of trafficking, and does not allocated any funding to victims. Victims are not encouraged to file civil suits or seek legal action against their traffickers. There are nine domestic violence shelters in Turkey; non-Turkish citizens in theory may use these shelters, but they are unlikely to know how to access them.

In September the NGO Turkish Female Law Association held a seminar on the issue of trafficking in women; representatives from 20 countries attended the seminar.