



## Turkey

### Country Reports on Human Rights Practices - [2002](#)

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Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In the November parliamentary elections, Recep Tayyip Erdogan's Justice and Development (AK) Party won the majority of seats and formed a one-party government. Abdullah Gul was named Prime Minister; Erdogan was ineligible to serve in Parliament due to a past conviction for illegal speech but remained influential as party chairman. In May 2000, the Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercised indirect influence over government policy and actions in the belief that it is the constitutional protector of the state. The Constitution provides for an independent judiciary; however, various officials acknowledged the need for constitutional and legislative changes to ensure the judiciary's independence in practice.

The Government declared a state of emergency in the southeast in 1987 due to an ongoing conflict with the terrorist Kurdistan Workers Party (PKK), which changed its name to the Kurdistan Freedom and Democracy Congress (KADEK). At the beginning of the year, four provinces remained under a state of emergency; but the Government completed the phased lifting of the regime on November 30 and closed the State of Emergency Regional Governor's Office, which exercised authority over the governors of the emergency provinces, as well as the adjacent provinces. The Regional Governor held certain quasi-martial law powers, including the authority to impose restrictions on the press, remove from the area persons whose activities were deemed detrimental to public order, and order village evacuations. The Government continued to maintain a heavy security presence in the region, including numerous roadway checkpoints. The level of violence has decreased substantially since 1999.

The Turkish National Police (TNP) had primary responsibility for security in urban areas, while the Jandarma (paramilitary forces under joint Interior Ministry and military control) carried out this function in the countryside. The military no longer directly carried out operations against the PKK inside the country and has ended its internal security function. However, Jandarma 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 committed serious human rights abuses.

The country had a market economy, though the state retained a dominant stake in some industries. Its population was approximately 67.8 million. During the year, the country began to recover from a steep economic decline, while implementing wide-ranging structural reforms. The economy grew by an estimated 6.5 percent, and inflation fell to 31 percent. Per capita income reached \$2,300. Job losses for the year amounted to nearly 500,000, with unemployment rising to 10 percent, according to official statistics. Wages and benefits did not keep pace with inflation. Income inequality has increased since the onset of the economic crisis in 2000-2001.

The Government generally respected the human rights of its citizens; although there were improvements in a number of areas, several serious problems remained. Security forces continued to commit unlawful killings, including deaths due to excessive use of force and torture. 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. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes, and a culture of impunity were major factors in the commission of torture by police and 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. According to the Human Rights Association (HRA), 26 persons died during the year as a result of the continuing hunger strikes to

protest new small-cell prisons. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined slightly. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSCs) 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. Journalists continued to practice self-censorship. 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 restricted the activities of some political parties and leaders. The Government continued to harass the pro-Kurdish People's Democracy Party (HADEP), as well as the closely related Democratic People's Party (DEHAP), through various methods including police raids and detentions, although there were fewer instances than in previous years. 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 (NGOs) were closed, temporarily or indefinitely, particularly in the southeast. The Government exerted disproportionate pressure on Kurdish NGOs in the southeast. Violence against women and children remained serious problems, and discrimination against women persisted. There were restrictions on workers' rights. Child labor remained a problem. Trafficking in persons, particularly women and girls, remained a problem. Turkey was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

In February, March, and August, Parliament passed extensive human rights-related reforms intended to meet requirements for European Union (EU) membership. The reforms applied to areas such as free speech, pretrial detention, use of non-Turkish languages, trafficking in persons, and the rights of religious groups, among others. Under the reforms: The death penalty was abolished in peacetime; speech intended to criticize, but not insult, the state was no longer illegal; human trafficking was specifically listed as a crime; some non-Muslim religious foundations were granted the right in principle to own property; private classes and broadcasts in Kurdish and other traditional languages were permitted in principle, under tight restrictions; and rulings of the European Court of Human Rights were grounds for a retrial in a Turkish court. At year's end, Parliament was reviewing two new packages of additional reforms.

## 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 that security forces committed unlawful killings, although there was no evidence of higher-level government complicity. The Human Rights Foundation (HRF) estimated that there were 33 killings by security forces during the year, including shootings by village guards and border patrols. HRF reported five deaths in detention under suspicious circumstances, including four recorded as suicides and one as a heart attack. In October the TNP opened a training program in Ankara designed to prevent suicide under detention.

In July village guards killed three persons in Nureddin village, Mus Province. Ten village guards were arrested in connection with the September killing of three internally displaced persons (IDPs) returning with official permission to their homes in Ugrak village, Diyarbakir Province. The guards had reportedly been living in the victims' home. Also in September, a police officer in Istanbul shot and killed Semra Kayacan in her car. The officer was arrested 2 days later and said he fired the gun accidentally when he fell down.

Although 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, it had not officially been replaced at year's end. In October soldiers shot and killed Mehmetcan Alkan near Sacan village, Van Province, after he allegedly failed to heed a stop warning. Local residents claimed Alkan bled to death from a leg wound after soldiers fired in the air to prevent them from providing assistance.

The courts investigated most alleged unlawful killings by security forces; 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.

HRF reported that cases were opened during the year against four police officers charged with illegal use of lethal force. According to the HRF and press reports, two ongoing trials in cases of past alleged killings by security officials ended during the year, resulting in the acquittal of seven police. There were no new developments in the Bozkurt case, which remained in the court of appeals.

In November an Ankara court sentenced police officer Halil Akdag to 40 months imprisonment for killing Burhan Kockar during an October 2001 raid. Also in November, the Governor of Van Province denied approval for the investigation of the killing of Mumtaz Ozdemir, shot by Jandarma while driving in May, allegedly after failing to heed a stop warning.

In July the court of appeals approved the conviction of two police officers whose 2000 conviction for the 1995 shooting deaths of nine persons in the Gazi district of Istanbul had been annulled by the Court of Cassation.

The southeast region, populated mainly by citizens of Kurdish origin, continued to be plagued by unsolved killings. In March five bullet-riddled bodies were found in Sirnak Province. Some of the victims were reportedly wearing clothing that identified them as members of the PKK. Police were investigating the case at year's end.

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

In October a Kadirga penal court opened hearings in a case against prison administrators and guards in connection with the alleged suicide in detention of Volkan Agirman on July 15. In September a court in Fatih, a district of Istanbul, opened hearings in the case of seven police officers charged in connection with the October 2001 death in detention of Yunus Guzel.

In August an Ankara court ordered the Ministry of Interior to pay \$3,000 (4.8 billion TL) in compensation to the family of Ismet Kavaklioglu, 1 of 10 prisoners who died in a security force operation at Ankara Central Closed Prison in 1999. In March an Aydin criminal court convicted 6 police officers and sentenced each to 5½ years imprisonment for the 1993 death in detention of Baki Erdogan, an alleged leader of the Revolutionary People's Liberation Front (DHKP-C).

Trials continued in a number of cases from previous years, including: The case of seven soldiers charged with killing and burying a deaf shepherd in September 2001 in Van Province; three 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; and 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 in five cases involving the unlawful deprivation of life.

The Government, as well as the PKK, continued to commit a few human rights abuses against noncombatants in the southeast. According to the military, 7 civilians, 9 members of the security forces, and 25 terrorists died as a result of armed clashes.

In November an appeals court announced a verdict in the trial of 24 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. The court acquitted five defendants and sentenced the others to prison terms ranging from life sentences to 45 months.

The HRA reported a nationwide total of 171 unsolved killings by the end of September 2001, some of which may have had a political component.

Landmine explosions in the southeast killed 13 persons. Another 16, mostly children, were killed by unattended hand grenades or other weapons.

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

#### b. Disappearance

There were no reports of politically motivated disappearances.

Coskun Dogan remained missing since February despite repeated attempts by family members, lawyers, and human rights workers to locate him. Amnesty International (AI) reported that family members saw Dogan on television among a group of detainees in February. Fatma Karakas, attorney for the family, said she learned that Dogan, who was charged with membership in an illegal organization, was detained in Tunceli and then moved to Sivas. Officials provided conflicting information about whether he was being detained. Karakas applied to the ECHR in May.

There were no developments in the 2001 disappearance of Serdar Tanis and Ebubekir Deniz, officials HADEP. In October 2001 the ECHR accepted their relatives' petition to investigate the case.

In February the Government amended the Penal Procedure Code to require immediate notification of arrests, consistent with constitutional amendments adopted in October 2001. However, according to AI, the new regulations were not followed in many cases.

Accurate statistics on the disappearance in previous years of persons under detention, or those seen being taken into custody by security forces or law enforcement officials, were difficult to confirm.

The Government continued to make efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. Most families of persons who disappeared held the Government and security forces responsible and consequently avoided contact with the Bureau. During the year, 3,048 persons were recorded as missing by the Security Directorate General, while 3,986 names were deleted from the missing persons file. The families of 28 missing persons applied to the Directorate seeking assistance; 7 of the missing persons in these cases were found, 2 of whom were dead. Since 1996 431 persons were reported missing due to terrorist activities, including 12 during the year. Of these, 126 were found alive, 54 were found dead, 23 were found in prison, and 228 remained missing.

HRF estimated that approximately 200 persons disappeared between 1980 and 2000, with the numbers dropping steadily after 1996.

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

The Constitution prohibits such practices; however, some members of the security forces continued regularly to torture, beat, and otherwise abuse persons. Leftists and radical Islamists were more likely than others to suffer torture. 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, domestic human rights advocates and a variety of foreign observers continued to report a gradual decrease in the practice.

HRF estimated the number of credible applications by torture victims at its 5 national treatment centers to be approximately 965, compared with 1,200 in 2001. These figures included complaints stemming from previous years' incidents. Human rights advocates believed that thousands of detainees were tortured during the year in the southeast, where the problem was particularly serious, but that only 5 to 20 percent reported torture because they feared retaliation or believed that complaints were futile.

Some of the factors affecting the lower rate of torture were reductions in the periods of incommunicado detention; the near-absence of PKK violence; the phased lifting of the state of emergency in the southeast; and the increased scrutiny of the country due to its EU candidacy.

AI visited 13 provinces during the year and concluded that torture remained "widespread" and "systematic," despite legal reforms reducing periods of pretrial and incommunicado detention (see Section 1.d.). Torture was generally alleged to occur in the first 24 hours of police or Jandarma detention. AI concluded that torture remained pervasive regardless of the approval or disapproval of higher-ranking government officials or political leaders. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported that, during its March visit, delegates gathered compelling evidence of torture and severe ill treatment of several persons held in Diyarbakir in late 2001.

Human rights observers and medical experts said that security officials often used methods that did 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 AI and the HRF's treatment centers included: Repeated 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) were employed at the same time. Other methods used were 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 faced sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees were sometimes touched, insulted, and threatened with rape. The Legal Counsel Project Against Sexual Harassment and Rape, an NGO affiliated with the HRA, estimated 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.

Human rights attorneys and physicians who treated victims of torture said that most persons detained for or suspected of illegal political activities 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 2001, 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 awarded in ECHR rulings; the methods of compliance had not been created by year's end.

Because the arresting officer is responsible for interrogating the suspect, officers sometimes resorted to torture to obtain a confession that would justify the arrest. Although there was a law prohibiting evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture. Reportedly police practice toward those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes differed. Observers said that security officials often tortured political detainees. For example, many alleged Hizbullah members claimed that they were tortured in custody, a claim that has been supported in some cases by medical evidence. However, the human rights NGO Mazlum-Der did not record any claims of torture by Hizbullah prisoners during the year.

Yuksel Azak, a distributor of the pro-Kurdish newspaper "Yedinci Gundem" and member of HRA and HADEP, claimed police gave him electric shocks, hooded him with a plastic bag, and hung him by the arms after he was arrested in January in Bingol; he was released after 3 days.

In March eight juveniles were arrested in Hacilar in Sanliurfa Province after a statue of Ataturk on the local school premises was broken. Police allegedly blindfolded, beat, threatened, and forced them to stand outside in the rain through the night. Also in March, Hamdiye Aslan was allegedly tortured and anally raped with a truncheon while she was being held in Mardin Police Headquarters. The local medical chamber has opened a case against two doctors who reported that she had not been tortured. Another doctor who stated she had injuries consistent with ill treatment was transferred to Diyarbakir. The Mardin prosecutor opened an investigation of five police officers for involvement in the case. A 23-year-old woman detained in Istanbul in March was allegedly tortured and raped with pressurized water, stripped naked, spat at, and forced to sit in excrement.

In April two Istanbul Anti-Terror Branch officers were found guilty of hanging Abdurrahim Demir by the arms and squeezing his testicles, beating him on the soles of the feet, and giving him electric shock. The court found them guilty of mistreatment, rather than torture, and the officers' sentences were suspended due to a conditional amnesty. In July Halit Tosun and Ferdi Denizhan claimed that police tortured them after they were detained in Orabaglar on June 25. They said police believed they had been kidnaped by members of HADEP for recruitment in KADEK, and that police beat them and deprived them of sleep in order to force them to provide information against HADEP.

In September attorney Metin Iriz announced that he would file charges against Istanbul police and physicians for the alleged torture of two juveniles arrested on May 5 for suspected involvement in a murder; police at Istanbul headquarters allegedly tortured the juveniles for 4 days. Afterward physicians initially reported that the suspects were in good health, but after a complaint was filed, a separate examination concluded that they had been beaten and given electric shock.

In September 2001, police raided the HRF's Diyarbakir torture treatment center and confiscated the files of 365

persons who sought treatment for alleged torture. The files were returned the following month. A case was later opened against Sezgin Tanrikulu, HRF Diyarbakir representative, for illegally operating a health clinic and possessing banned publications. Tanrikulu was acquitted of the former charge in April and at year's end continued to face charges on the latter.

State-employed doctors administered all medical exams for detainees. Medical examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were exceedingly brief and informal, often lasting less than 1 minute. In some cases, doctors were brought reports to sign, but no examinees. Former detainees asserted that some medical examinations occurred too long after an incident of torture to reveal any definitive evidence of torture. Lawyers contended that medical reports--their only basis for filing a claim of torture--were not placed regularly in prisoners' files. The Turkish Medical Association played a leading role in the development, under U.N. auspices, of the December 2000 "Istanbul Protocol," which was an alternative medical report process that instructed doctors how to identify late signs of torture and signs of psychological torture. Prosecuting attorneys in torture cases could request exams under this process for their clients. According to the Medical Association, only about 200 of 80,000 doctors in the country were forensic specialists, and detainees were examined by general practitioners and specialists not qualified to detect signs of torture.

Turkish Medical Association Secretary General Metin Bakkalci claimed that during the year the Government took actions against doctors for reporting torture. He said Dr. Emin Yuksel was charged with a crime for reporting torture.

Citing security reasons, members of security and police forces often stayed in the examination room when physicians were examining detainees, resulting in the intimidation of both the detainee and the physician. CPT reported that law enforcement officials in Diyarbakir were systematically present while doctors examined suspects, even when suspects objected. On September 18, the Justice Ministry issued a regulation requiring doctor-patient privacy during the examination of suspects, reinforcing existing Health Ministry regulations. Exceptions were allowed in cases where the doctor or suspect requested police presence for security reasons. However, the Medical Association claimed that doctors were subject to disciplinary procedures or court cases if they requested that security officials leave the examination room. According to the Medical Association and other human rights observers, the presence of a security officer could 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. The Medical Association has the authority to levy fines and suspend for up to 6 months the licenses of doctors who falsify reports. However, Association officials say they were unable to enforce these sanctions because most doctors worked at least partly for the state, which protected the sanctioned doctors.

Government officials admitted that torture occurred but denied that it was systematic. The armed forces emphasized human rights in training for officers and noncommissioned officers throughout the year. Noncommissioned police officers received 2 years of training, an increase from only 10 months in the past. Police and Jandarma also received human rights training.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment was rare, and accused officers usually remained on duty pending a decision, which could take years. Legal, administrative, and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions for torture. Prosecutors could initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects but could not prosecute without the officer's supervisor's permission. At year's end, Parliament was reviewing a bill that would remove the requirement to obtain such permission. Prior to the lifting of the state emergency in November, any prosecution or legal action directed at government authorities had to be approved by the State of Emergency Regional Governor; approval was rare. 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 fostered a climate of official impunity that encouraged the abuse of detainees. Detainees stated that prosecutors ignored their claims of abuse during interrogation. Some prosecutors believed that all allegations of torture were manipulated by political organizations such as the PKK and claimed that detainees fabricated torture claims and injured themselves to accuse and defame the security forces.

According to a 1999 Prime Ministry directive, 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 stated that thousands of such inspections took place and were reported to the Ministry, human rights advocates and some prosecutors termed such inspections cursory and unlikely to lead to criminal charges against the police. The reports were not made public by year's end.

By the end of November, prosecutors received 980 cases alleging torture by police and Jandarma. Of these, 456 cases were processed, resulting in 147 indictments and 309 case dismissals. According to the Ministry of Justice, the remaining 524 cases were still under investigation at year's end.

A total of 147 torture cases involving police and Jandarma were brought to court during the year. Of these, 91 cases were completed, resulting in 16 convictions, 49 acquittals, 15 suspended sentences, and 11 case dismissals. During the year, court proceedings were opened against 21 military personnel accused of torture. The case against two officers was dismissed; the other cases were ongoing at year's end.

During the year, 87 police officers received administrative punishments, such as short suspensions, for torture or mistreatment.

In November the Supreme Court of Appeals overturned a lower court ruling that had converted charges of torture against two policemen to "maltreatment." The police allegedly administered electric shock to detainees. The appeals court declared torture a "crime against humanity" and stated that the defendants should be punished on torture charges.

In January a Diyarbakir Prosecutor indicted two anti-terror police officers for violations of Article 243 of the Criminal Code in connection with the torture of HADEP member Hasan Irmak in May 2000. The officers allegedly tortured Irmak to make him confess to a crime by hosing him with pressured water, squeezing his testicles, and boxing his ears while also employing methods of psychological torture including verbal threats.

In 2001 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 2001, 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 2001, a book of their speeches was banned and the editor was standing trial for "divisiveness" at year's end.

In May and June 2000, Parliament's Human Rights Committee, under Chairwoman 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 2001, the acting chief prosecutor asked Parliament to lift Piskinsut's parliamentary immunity so that she could be prosecuted for refusing to provide the names. In October 2001, the president of the Parliament decided to comply with the prosecutor's demand; however, the Constitutional Committee did not act on the request. By year's end, no action had been taken against Piskinsut, who lost her seat in Parliament in the November elections.

In October the Manisa Penal Court convicted 10 police officers of torture and sentenced them to prison terms ranging from 60 to 130 months. The high-profile case involved 16 youths tortured in police detention in 1996. The verdict was under appeal at year's end.

On September 25, an Istanbul court convicted 5 police officers and sentenced each to 14 months' imprisonment for torturing 9 detainees in 1996, including journalists from the leftist newspaper "Atilim." Two other officers were acquitted in the case. The case was under appeal at year's end. Three of the convicted officers--Bayram Kartal, Sedat Selim Ay, and Yusuf Oz--were also convicted in December in a separate trial involving the torture of 15 detainees in 1997, most of whom were also associated with "Atilim." However, their sentences were suspended.

Many cases from previous years remained ongoing or were unresolved, including the cases of: Police officers Kerem Dondu and Benal Demir for the alleged rape of a detainee in Istanbul in 2001 (the officers were dismissed from duty but criminal proceedings continued); Sergeant Hasan Oz and Lance Corporals Bayram Dilmac and Nadir Murat Demir, accused of torturing 11 persons from the villages of Elveren and Hanoglu and the town of Sivasli in January 2001 at the Sivasli district Jandarma station in Usak Province; and 5 police officers and 6 physicians charged in Sirnak Criminal Court in connection with the alleged torture of 7 persons in March 2001.

Some cases from previous years remained ongoing or were unresolved, including the cases of: 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 defendants in Istanbul who were accused of being members of the Turkish Workers and Peasants' Liberation Army (TIKKO) have been jailed since 1995 without having been convicted 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).

During the year, the ECHR ruled against the country in three cases involving torture.

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 may have been subjected to other forms of mistreatment. Children as young as 11 years of age who were accused of SSC crimes were treated as adults.

Police harassed, beat, and abused demonstrators (see section 2.b.).

As a result of the 1984-99 conflict with the PKK, the Government continued to organize, arm, and pay a civil defense force of more than 65,000, mostly in the southeast region. This force, known as the village guards, had 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 contributed 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" were 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, was low.

Prison conditions remained poor, despite several improvements. Underfunding and 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.

Until late 2000, prisons were run on the ward system and most prisoners lived in 30- to 100-person wards. Under the ward system, 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. Prison authorities were prevented from conducting rehabilitation activities. Between December 2000 and January 2001, the Ministry of Justice moved hundreds of prisoners charged with terrorism or organized crime to small-cell "F-type" prisons. The F-type design more closely resembled prisons found in most developed countries; according to the Government, the F-type prisons were consistent with CPT recommendations. However, human rights groups and prisoners' groups claimed that prison authorities isolated F-type inmates from each other and controlled prisoners' access to water, food, electricity, and toilets. Most F-type prisoners were held in 30 square yards each; some have individual 2-square-yard cells. Inmates had access to 62-square-yard open-air areas. Prisoners charged with ordinary crimes were being transferred to prisons with 4 to 8 inmates per cell. The ward system is scheduled to be phased out by early 2003.

HRF maintained that the Government provided insufficient funding for prison food, resulting in poor-quality meals. On June 28, about 100 wardens and inmates in Sincan F-type Prison in Ankara suffered food poisoning. According to HRF, food sold at prison shops was too expensive for most inmates, and there was a lack of potable water.

The Government maintained that prisons were staffed with doctors, dentists, psychologists, and teachers, although there were shortages in some areas. According to the Turkish Medical Association, there were insufficient doctors, and psychologists were only available at the largest prisons.

Some inmates claimed they were denied appropriate medical treatment for serious illness. A group of prisoners in Midyat Prison in Mardin Province said they were not able to receive effective treatment at Midyat and were denied transfers to other prisons with better-equipped medical facilities. They included: Fatma Savci, allegedly suffering from a cyst in her chest and dysentery; Guzel Cicek, allegedly suffering from a cyst in her chest and a hernia; and Fatma Ozbay, allegedly suffering from migraines and anemia. In October inmates in Bayrampasa Special Type Prison in Istanbul said that prisoners who had been transferred there for medical treatment had been denied treatment. They claimed the poor conditions at the prison had caused increasing levels of pneumonia and Hepatitis



B.

Inmates in F-type prisons were permitted to socialize in groups of 10 for up to 5 hours per week. In October, at the recommendation of the CPT, the Ministry of Justice removed the requirement that inmates must engage in a prior communal activity (such as sports, workshops or education) before participating in group meetings. Inmates charged with terrorism had generally refused to participate in communal activities and were therefore denied the opportunity to meet in groups.

In September the Istanbul Branch of the Association of Contemporary Jurists issued a report claiming that F-type prison authorities subjected attorneys to unnecessary searches and arbitrarily interfered with inmates' letters and telephone calls.

In September the Women's Commission of the Diyarbakir Bar Association announced the results of a study of female detainees and inmates in five southeastern provinces. According to the study, 99 percent of female detainees and inmates were subjected to "virginity testing" and many suffered other forms of physical or sexual violence (see Section 5).

In December prosecutors in Istanbul indicted 38 employees of Bakirkoy Prison for Women and Children on charges of mistreating prisoners and official misconduct.

Prisoners continued hunger strikes to protest F-type prisons. According to the Government, 17 prisoners were on hunger strike as of mid-October. Due to health concerns, judicial authorities suspended the sentences of 324 hunger strikers, while the President pardoned 36 and the courts released 80 from pretrial detention. According to HRA, approximately 26 hunger strikers died during the year, bringing the death toll to 75 since the strikes began. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who wanted to quit.

The trial against 1,615 persons on duty at Bayrampasi prison during the December 2001 hunger strike was ongoing at year's end. The trial against 167 prisoners also remained ongoing.

Human rights observers estimated that at any given time, at least one-quarter of those in prison were awaiting trial or the outcome of their trial. Men and women were held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held together. Pretrial detainees were not usually held separately from convicted prisoners.

The Ministry of Justice, the General Directorate of Prisons, and the Parliamentary Human Rights Committee regularly inspected prisons and issued reports. Prison Monitoring Boards--five-person visiting committees composed of nongovernmental experts such as doctors and lawyers--also conducted inspections. During the year, the Government reached its target of creating 130 Monitoring Boards. The boards conducted 516 visits, prepared 1,336 reports, and made 5,853 recommendations for improvements to the Ministry of Justice. The number of special prison judges reached 140. Through July these judges received 4,527 petitions relating to prison conditions and sentences; they admitted 1,308 petitions, partially admitted 140, and rejected 3,079.

Human rights groups criticized the Government's selection of Monitoring Board representatives. Turkish Medical Association officials said the Government did not consult them on Board membership and selected only state-employed doctors for the bodies. Bar associations also said that their preferred candidates were not selected. Doctors and lawyers in Konya and Izmir were preparing to form "alternative" boards with members not selected by the Government.

The Government permitted prison visits by representatives of some international organizations, such as the CPT and the U.N. Special Rapporteur on Torture; the CPT visited in March and September, and conducted ongoing consultations with the Government. Requests by the CPT to visit prisons were routinely granted; however, domestic NGOs did not have access to prisons.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems. According to HRA, there were 35,389 detentions by the end of September 2001, compared with 35,007 in 2000. During the year, police routinely detained demonstrators, including those protesting prison conditions (see Section 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. More than 500

Hizbullah suspects remained in detention pending trial or investigations. Police also detained human rights monitors (see Section 4).

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 former state of emergency area, the use of a prosecutor's detention order was in practice extremely rare. The maximum detention period for those charged with individual common crimes was 24 hours, which could be extended by a judge to a maximum of 7 days; those charged with collective common crimes could be held for 48 hours.

Under the criminal code, detainees are entitled to immediate access to an attorney and may meet and confer with an attorney at any time, although this does not apply to state security cases. In practice legal experts asserted that the authorities did not always respect these provisions and that most citizens did not exercise this right, either because they were 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 was 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 determined that he was likely to flee the jurisdiction or destroy evidence.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. During its March visit, the CPT discovered that nearly every person detained over the previous 9 months at the Anti-Terror and Narcotics departments of the Diyarbakir Police Headquarters were recorded as having waived their right to see an attorney. Lawyers rarely were permitted adequate access to their clients during the detention period, although they could 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 left 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.

Lengthy pretrial detention was a problem. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involved persons accused of violent crimes, but there were cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases.

By the end of November, there were 59,080 persons held in prisons, including 29,422 detainees and 29,658 convicts. Detainees may be held for up to 6 months during the preliminary investigation period. If a case is opened, the pretrial detention period may be extended for up to 2 years. If the detainee is charged with a crime carrying a minimum punishment of 7 years or more, a court may further extend the detention period.

In state security cases, the law did not require attorney access until after 48 hours of detention, a major factor in the continued use of torture by security forces (see Section 1.c.). At year's end, Parliament was reviewing a bill that would require immediate attorney access for detainees in state security cases. 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. Previously, prosecutors could extend this period to 10 days in the former state of emergency region, but an amendment passed in February established the 7-day limit nationwide.

Regulations on detention and arrest procedures adopted in September strengthened the requirement promptly to notify relatives of an arrest; however, according to human rights monitors this regulation has been inconsistently followed. The police maintained 24-hour monitoring bureaus that were 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.

During the year, the ECHR ruled against the country in six cases involving unlawful arrest and detention.

On May 12, the terrorist TIKKO abducted and then released five persons in Giresun Province.

The Constitution prohibits forced exile, and the Government did not employ it. There were no new cases of internal exile during the year. The State of Emergency Regional Governor had the authority to remove individuals from the region if they were deemed "prone to disturb general security and public order." Internal exile under this authority was not supposed to exceed the duration of the state of emergency. However, human rights activists claimed that those who had previously been exiled from the southeast were not generally able to return by year's end.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the general law courts generally acted independently of the executive and legislative branches; however, various government and judicial officials discussed the need to adopt legislative changes to ensure 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), a powerful advisory body to the Government composed of civilian government leaders and senior military officers, periodically issued 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 was appointed by the President and included the Minister of Justice and a deputy, selected judges and prosecutors for the higher courts and was responsible for oversight of those in the lower courts. Its decisions were not subject to review. The composition of the High Council was widely criticized as restricting the independence of the judiciary, since the Minister of Justice was part of the legislative branch of the Government. Although the Constitution provides for security of tenure, the high council controlled the career paths of judges through appointments, transfers, promotions, reprimands, and other mechanisms.

The judicial system was composed of general law courts, military courts, the SSCs, and the Constitutional Court, the nation's highest court. The Court of Cassation heard appeals for criminal cases, including appeals from the SSCs. The Council of State heard appeals of administrative cases or cases between government entities. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, could be tried only after administrative approval from the governor or subgovernor, who 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. 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, heard cases involving military law, for members of the armed forces, and could try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft.

SSCs were composed of panels of five members: Three civilian judges and two prosecutors. SSCs sat in eight cities and tried defendants accused of crimes such as terrorism, 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 dealing with crimes against state security. During the year, the SSCs dealt mainly with cases under the Anti-Terror Law and sections of the criminal code relating to free expression. Human rights observers cited prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticized the military or the Government's practices as evidence that the SSCs often served the primarily political purpose of silencing persons who criticized the Government.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complained that they had 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 noted that problems could 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 did not have equal status with prosecutors. Defense attorneys continued to face intrusive searches when visiting incarcerated clients. Prisoners also were searched before and after meeting their attorneys. Although prisoners may by law be forced to surrender defense-related documents for review, this rarely occurred in practice. Attorneys were suspected by prison authorities and prosecutors of acting as couriers for their clients, particularly those incarcerated for mafia or terror crimes. Defense attorneys generally had access to the public prosecutor's files only after arraignment and routinely were denied access to files that the Government asserted dealt 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. Many attorneys were willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys could 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). During the year, attorney Kasim Alpkaya faced charges of "insulting government officials" for refusing to allow prison officials in Diyarbakir to search him.

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 lasted for years (see Section 1.d.). Trials for political crimes or torture frequently lasted for months or years, with one hearing usually scheduled each month. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurred and then only after a separate case determining the legality of the evidence was 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 SSCs. In practice only a tiny percentage of defendants had lawyers. The court consistently provided attorneys only to minors or deaf-mutes who could not represent themselves. Bar associations in large cities, such as Istanbul, had attorneys on call 24 hours a day; costs were borne by the Association.

In law and in practice, the legal system did not discriminate against any ethnic, religious or linguistic minorities; however, while legal proceedings were conducted solely in Turkish with some interpreting available, some defendants whose native language was not Turkish could be disadvantaged seriously.

The Government recognized the jurisdiction of the ECHR. Between October 2001 and July, 1,874 applications regarding Turkey were made to the ECHR. The majority of these--1,125 cases--involved the right to a fair trial; 304 concerned the right to liberty and security; 246 concerned the prohibition of torture; 104 concerned freedom of assembly and association; and 95 concerned freedom of expression. According to the European Commission, the Government's failure to execute ECHR judgments remained a serious problem. The Commission reported in October that there were 90 outstanding cases in which the Government failed to fully make payments ordered by the ECHR and 18 cases relating to freedom of expression in which the Government failed to erase the consequences of criminal convictions overruled by the ECHR. In July the Council of Europe adopted an interim resolution regarding Turkey's lack of compliance with approximately 40 ECHR judgements on violations by Turkish security forces issued since 1996.

During the year, the ECHR ruled against the Government in 54 cases--including 22 cases involving the right to a fair trial and 21 involving dispossession of property (from villages in the southeast)--and in favor of the Government in 2 cases. The Government accepted a friendly settlement in 43 cases, and the ECHR dismissed one case.

In August Parliament passed an amendment under which rulings of the ECHR could be grounds for a re-trial in a Turkish court. Previously, those who won their cases at the ECHR were only entitled to financial compensation. Re-trial applications must be approved by the General Legal Council of the Court of Appeals. The measure was not retroactive; it applied only to cases to be brought to the ECHR starting in 2003. At year's end, Parliament was reviewing a bill that would allow the measure to be applied to most past cases.

The ECHR continued its inquiry into former PKK leader Abdullah 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.

HRA estimated that there were approximately 8,000 political prisoners, including leftists, rightists and Islamists. Of these, approximately 1,500 were members of Hizbullah or other radical Islamic organizations. Justice Minister Aysel Celikel criticized these figures in an October speech and stated that there were 73 prisoners charged with "conscience crimes" for violating various anti-terror and speech codes. The Government claimed that alleged political prisoners were in fact security detainees convicted of being members of, or assisting, terrorist organizations. According to the Government, there were 7,832 convicts and detainees held on terrorism charges at year's end.

International humanitarian organizations were allowed access to "political" prisoners, provided the organization could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, in practice few such permissions were 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 and intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally were respected outside the former 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.

Prior to November when the state of emergency was lifted, in the provinces under the state of emergency, the Regional Governor empowered 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 was not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. By the end of July, seven provinces remained under "adjacent province" status, which authorized the Jandarma to retain security responsibility for municipalities as well as rural areas, and granted the provincial governor several extraordinary powers. From July to November, four provinces were under "adjacent province" status.

The law permits wider wiretapping, but 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 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 were generally respected in practice.

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

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 in some cases. The Government, particularly the police and judiciary, limited 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 Ataturk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors brought dozens of such cases to court each year--which constitute a form of harassment against writers, journalists, and political figures--judges dismissed many charges brought under these laws.

Parliament passed broad reform packages in February, March, and August that included amendments to most of these laws. The reforms generally limited the scope of these laws and, in some cases, reduced the penalties for violators. For example, under the revised Article 159 of the Penal Code, speech intended to criticize, but not insult, state institutions is no longer illegal. Under the revised Article 8 of the Anti-Terror Law, political activity is not illegal if it is not intended to disrupt the unity of the state. According to the Government, as of September, the reforms led to the Constitutional Court overruling approximately 50 judgments made under Article 159 and 24 judgments under Article 312. However, the updated laws still restrict non-violent expression. Court cases were still being brought against writers and publishers, with an estimated 100 such cases pending at year's end.

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 Turks of Kurdish origin 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.

During the year, the ECHR ruled against the country in six cases involving freedom of expression.

According to the Publishers Association of Turkey, the Government opened cases against 67 books and leveled charges against 35 publishers and 48 writers during the year; in 2001 the Government opened cases against 42 books and charged 23 publishers and 38 writers.

Independent domestic and foreign periodicals that provided 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 reflected a progovernment bias. For example, persons killed by security forces during operations in the southeast often were described as "terrorists" without proof of terrorist activities.

Broadcast media reached almost every adult and their influence, particularly that of television, was great. According to the High Board of Radio and Television (RTUK), there were 226 local, 15 regional, and 16 national officially registered television stations, and 959 local, 104 regional and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Turkish-language private channels. The state owned and operated 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 were not world languages, such as Kurdish. RTUK monitored broadcasters and sanctioned them if they are not in compliance with relevant laws. Parliament elected the RTUK members (divided between ruling and opposition parties) and provided its budget. Although nominally independent, RTUK was subject to some political pressures. RTUK penalized 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 1 day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." 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 May Parliament approved amendments increasing the number of government representatives on the RTUK Supreme Council. Under the new rules, one member of the nine-person council was chosen from among candidates nominated by the NSC, and two were chosen from among candidates nominated by the Higher Education General Board. Reporters Without Borders criticized the amendments for "tightening official control" over RTUK. The organization also criticized other amendments that enhanced RTUK's power to levy penalties against media outlets, outlawed broadcasts that "aggravate the tendency of pessimism," and authorized RTUK to regulate Internet speech.

According to HRA, RTUK closed TV and radio stations on 68 occasions in the first 6 months of the year. According to RTUK, from May through October, RTUK closed television stations on 22 occasions for periods of 1 or 2 days, and 1 radio station for 30 days. RTUK issued warnings to television stations on 9 occasions and to radio stations on 2 occasions, and required apologies from television stations on 26 occasions and from radio stations on two occasions.

RTUK closed the radio station Moral FM for 1 month in September for quoting a newspaper headline related to the attempted suicide of a Government minister. In August RTUK reportedly closed the local television station Bayrak TV, broadcasting from Yozgat Province, for 3 days after its owner gave a political speech. In February RTUK banned the television station "Gun TV" for 1 year after the owner, Nevzat Bingol, was indicted for "disseminating separatist propaganda" by broadcasting a Kurdish song. The ban was lifted in March and Bingol was fined \$1,800 (2.9 billion TL) in October. In May RTUK reportedly banned the "Voice of Anatolia" for 180 days following the broadcast of a program on the closure of the Union of Alevi-Bektasi Organizations.

In the run-up to the November 3 elections, the Government closed a number of television and radio stations for violating the principles of impartial pre-election broadcasting. In October the Supreme Election Council directed RTUK to close several television stations on these grounds, including: Kanal 6 (6 days), Star Max (6 days), and Haberturk (5 days). The local Election Council in Nevsehir Province closed down Kapadokya TV, owned by a candidate for the True Path Party, for 2 days in October for a broadcast violating the principle of "equality among political parties." In Elazig Province the Election Council ordered closed the television stations Kanal 23 and Kanal E on similar grounds. Also in October, the Election Council closed Ulusal TV for 5 days for broadcasting a meeting of the Workers' Party twice for 57 minutes each.

Government censorship of foreign periodicals was rare, although forms of censorship were sometimes used against periodicals in the southeast. In the former state of emergency region, 17 cassettes of Kurdish songs were banned, and several radio and TV stations were closed or suspended for broadcasting Kurdish songs. In April

Sulhattin Onen, a bus driver in Diyarbakir Province, was indicted and given a 45-month suspended sentence for listening to a cassette of Kurdish music. In October Abdulmelik Firat, running as an independent candidate in national elections, was detained for speaking Kurdish while campaigning in Diyarbakir Province. He was brought before a judge and released later the same day.

In November a 14-year-old student in Kazanci village, Diyarbakir Province, was allegedly detained and beaten for saying he was "proud to be a Kurd." Also in November, the Education Ministry dismissed six teachers because they sang Kurdish songs at a teachers' union congress. In December the Istanbul SSC convicted 4 parents of "supporting an illegal organization" and sentenced them each to 45 months' imprisonment for submitting a petition to the governor of Gungoren district seeking education in Kurdish for their children.

The State of Emergency Regional Governor, 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 were illegal throughout the country for most of the year. From January through November, a Government decree gave 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 was not obeyed, the decree provided 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, led to self-censorship by journalists on some issues.

However, in November the Government implemented laws passed in August allowing, under tight restrictions, broadcasts in traditional languages other than Turkish, including Kurdish. The new regulations were supposed to allow broadcasts in Kurdish and other non-Turkish languages traditionally used by Turkish citizens. Non-Turkish programs were allowed only on state-owned radio and television outlets. They were limited to 45 minutes per day, 4 hours per week on radio, and 30 minutes per day, 2 hours per week on television. Regulations require that non-Turkish radio programs be followed by the same program in Turkish, and that non-Turkish television programs have Turkish subtitles. By year's end, there were no programs broadcast in Kurdish or other traditional non-Turkish languages. In September the Government implemented a law lifting a ban on private courses in Kurdish and other traditional non-Turkish languages (see Section 5).

Journalists practiced self-censorship. 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. According to Reporters Without Borders, four journalists remained in jail at year's end for speech violations. The Press Council reported there were seven imprisoned journalists. According to the Government, there were no journalists held on speech violations, although at year's end, there were 23 prisoners claiming to be journalists. The different figures reflected disagreement over which prisoners were legitimate journalists, and which were jailed for carrying out their journalistic duties.

In December 2000, Parliament passed the Conditional Suspension of Sentences Law (see Section 1.c.).

In February Kurdish publisher Fatih Tas was acquitted on charges of threatening the Turkish state by publishing a collection in Turkish of writings by foreign academic Noam Chomsky, whose writings accused the Government of oppressing Turks of Kurdish origin. In August Abdullah Keskin was convicted on charges of separatist propaganda for editing the Turkish edition of a book on Kurdistan written by a foreign journalist. Keskin's 6-month sentence was converted to a \$500 (800 million TL) fine.

In October the Istanbul SSC launched a court case against Sefika Gurbuz, head of the Social Support and Culture Association for Migrants (Goc-Der), and an associate on speech charges related to the organization's 1999-2001 report on forced displacement.

In April the chairman of the Teacher's Trade Union was acquitted on charges of "insulting the army and judiciary" for statements made during a December 2000 labor rally. In November the Istanbul SSC convicted Muzaffer Erdogdu, publisher of the book "Letters to Savas," on charges of separatist propaganda and sentenced him to 13 months and 10 days in prison. In December the Istanbul SSC ordered the confiscation of a book on Kurds by foreign author Margaret Kahn, based on allegations of separatist propaganda.

Several actions were taken against the pro-Kurdish HADEP party (see Section 3).

In September the Supreme Election Board barred two prominent Islam-oriented candidates and two prominent pro-Kurdish candidates from participating in the November national elections due to past convictions for illegal speech

(see Sections 2.c. and 3).

The trial continued in the Istanbul SSC in the case of 65 activists charged with supporting illegal organizations and separatism for publishing a new "Freedom of Thought" booklet in October 2001. In November the SSC announced that 14 former parliamentarians would be charged in the case because they had lost their immunity after being voted out in the November 3 elections.

In April Mehmet Kutlular, owner of "Yeni Asya" newspaper, was acquitted on charges of provoking hatred and enmity for his remarks claiming that a 1999 earthquake in Turkey was God's punishment against the secular state. Kutlular had been convicted of the charges and jailed in May 2001 but was released in February and given a retrial due to amendments to Article 312. However, the acquittal was reversed on appeal in June, and in November the Istanbul SSC affirmed Kutlular's original conviction and 23-month sentence. Three "Yeni Asya" journalists—Saban Dogen, Sami Cebeci, and Abdil Yildirim—were also granted a retrial on charges relating to coverage of the earthquake. In September the Istanbul SSC affirmed their original conviction and 20-month sentence.

In June the Istanbul SSC acquitted Nese Duzel, columnist with the mainstream daily "Radikal," on charges of "inciting religious enmity" for her writings on the problems of the Alevi community. She continued to face charges in a separate case for "insulting the armed forces."

In November an Istanbul criminal court acquitted the journalist Ahmet Altan on charges of "insulting the armed forces" for his writings criticizing the intervention of the military in politics.

In March the National Film Censors banned a film after police protested its depiction of police brutality. In May the Diyarbakir governor banned three plays by the group "Teatra Jiyana Nu" that were to be performed in Kurdish at an arts festival.

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. Police frequently raided the offices of publications. On August 20, Istanbul police raided the offices of the journals "Ekmek ve Adalet" and "Genclik Gelecektir," confiscating publications and detaining 16 persons. On August 26, Istanbul police raided the offices of the journals "Devrimci Demokrasi," "Mucadele Birliđi," "Kizilbayrak," "Alinterimiz," "Direnis," and "Isci Koylu." Police reportedly confiscated publications but did not detain anyone.

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.

Internet use was growing. In May Parliament passed legislation authorizing RTUK to monitor Internet speech. Under the legislation, RTUK can require Internet service providers to submit advance copies of pages to be posted online. According to Reporters Without Borders, in February RTUK fined Coskun Ak, the moderator of an Internet forum, \$5,000 (8 billion TL) for "insulting the armed forces." Under an amendment passed in August, Internet cafes were added to the list of places that police are authorized to search and confiscate materials from in order to protect "national security, public order, health, and decency" and to prevent a crime. Police were required to attain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

The Government did not restrict academic freedom; however, there reportedly was some self-censorship on sensitive topics.

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

The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right in practice. Significant prior notification to the authorities was required for a gathering, and authorities may restrict meetings to designated sites. Authorities may deny permission to assemble if they believe that a gathering is likely to disrupt public order. Associations could not use languages other than Turkish in their official contacts.

During the year, Parliament passed reform legislation implementing an October 2001 constitutional amendment expanding the rights of free assembly and association and placing the emphasis on citizens' rights and reducing the number of restrictions on their activities. Following legal reforms passed in August, the notification period for meetings was reduced from 72 hours to 48 hours, and restrictions on participation by foreigners in demonstrations were relaxed.



Authorities prevented some demonstrations. For example, the Istanbul governor did not permit a September 1 World Peace Day event organized by HRA and HADEP to be held. In March the Governor of Ankara postponed for 2 months a demonstration and meeting of the Turkish Communist Party. The Security Directorate of Manisa in May banned a panel on the Law on Higher Education organized by the Association of Celal Bayar University Students.

Police beat, abused, detained and harassed some demonstrators. In August Istanbul police reportedly used pepper spray, beat protestors, and detained about 40 participants in a demonstration against F-type prisons in front of the French Consulate. In May police allegedly beat Sevinc Celenk, the mother of a student at Istanbul Kadikoy Theological Lyceum, during a gathering in front of the school to protest the ban on headscarves. In October police reportedly beat and detained 20 students at Istanbul University protesting against the Higher Education Council. During November protests against the Education Council, which were covered live on television, Ankara police forced student Veli Kaya into a cellar and beat him. Also in November, Istanbul police reportedly beat students participating in an anti-war demonstration in the Beyoglu district.

The March 21 Kurdish Nevruz ("New Year") was celebrated peacefully in some cities, but the governors of Balikesir, Bitlis, Canakkale, Icel, Istanbul, Kars, Kahramanmaras, Sirnak, Yalova, Igdir, Erzurum, Kirsehir, Sakarya, Kayseri, Mugla, and Gebze did not allow celebrations, according to the HRF. Police detained hundreds of demonstrators and in some cases dispersed crowds with tear gas and beatings, HRF reported.

May Day celebrations were held peacefully in most cities and towns, but permission for celebrations was denied in Mersin, Diyarbakir, Kars, Mus, Tunceli, Bitlis, Bingol, Siirt, Osmaniye, Batman, and Milas, according to HRF. Police reportedly detained 20 persons who attempted to make a press statement during celebrations in Tunceli and 8 persons attempting to celebrate in Diyarbakir.

There were no new developments in the case of environmental activist Oktay Konyar.

Alp Ayan--a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center, Günseli Kaya--who also worked at the center, and 66 other persons faced 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. Ayan and 50 others were acquitted in November in a similar case in which they faced charges for shouting slogans at the funeral of Huseyin Kayaci, who died in a hunger strike protesting F-type prisons in May 2001.

The Constitution provides for freedom of association; however, there were some restrictions on this right. Associations and foundations were required to submit their charters for government approval, which was a lengthy and cumbersome process. The Government closed some opposition political parties alleging that they were centers for illegal activity (see Section 3). Reform legislation adopted during the year relaxed restrictions on the rights of civil servants to form associations and lifted the ban on forming associations for civil defense purposes

In October the Ankara SSC indicted the leaders of the country's branches of five German foundations—the Friedrich Ebert, Konrad Adenauer, Heinrich Boell, and Friedrich Naumann foundations, as well as the Orient Institute—on charges of separatism and espionage. The indictment sought jail terms of 8 to 15 years for 15 foundation officials. Charges against the officials included accusations that the foundations plotted to prevent an Australian mining company from mining gold in a village near Bergama. Their trial began on December 26. On December 18, unknown assailants shot and killed Necip Hablemitoglu, the author of a book on which the indictment was based.

### 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 some religious groups and on religious expression in government offices and state-run institutions, including universities. The Constitution establishes the country as a secular state.

The Government oversaw Muslim religious facilities and education through its directorate of religious affairs (Diyanet). The Diyanet, which some groups claimed reflected the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulated the operation of the country's more than 70,000 mosques. Local and provincial imams, who were civil servants, were employed by the Diyanet. The Government stated that the Diyanet treated equally all who requested services.

A separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu), regulated some activities and oversaw 160 non-Muslim religious groups. The Vakiflar, which dates back to the Ottoman Empire, must

approve the operation of churches, monasteries, synagogues, religious schools, and religious charitable foundations, such as hospitals and orphanages.

In May the Diyanet adopted a series of decisions after holding a 4-day conference on religious issues with attendees from the Diyanet's Supreme Council on Religious Issues and experts from theology schools. The Diyanet formally decided to: Allow women to participate in the congregation for daily prayers on Fridays, during religious holidays, and funeral prayers; allow original Arabic prayers to be recited in native tongues; rule that men may not use the Koran as a premise for domestic violence; underline the fact that civil marriages (rather than religious marriages) are required by law; and state that social and legal advances for women are not against the spirit of the Koran. Some women immediately began to participate in congregations with men.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against what they defined as Islamic fundamentalism, which they viewed as a threat to the secular republic. The armed forces regularly dismissed individuals whose official files alleged participation in Islamist fundamentalist activities. Participation in certain mystical Sufi religious-social orders (Tarikats) was officially banned by Ataturk in the mid-1920s but was 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 remained associated with, or openly tolerant of, Tarikats or other Islamic communities. The trial of Fetullah Gulen--the leader of an Islamic religious community whose wide domestic and international network of secondary schools was earlier encouraged by the State but who was subsequently charged with plotting to overthrow the State by force--continued in absentia at year's end.

On March 5, a senior columnist for the Islamist newspaper Yeni Safak, Fehmi Koru, was acquitted of charges of "inciting religious enmity" during a 1999 television broadcast.

In September the Supreme Election Board barred two prominent Islam-oriented candidates from participating in the November national elections due to past convictions for illegal speech: Recep Tayyip Erdogan, chairman of the Islam-influenced Justice and Development (AK) Party, and Necmettin Erbakan, still de facto leader of the Islamist Saadet Party (see Sections 2.a. and 3).

In October the Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party for being a center of activities "contrary to the principle of a secular republic." The party is charged with failing to abide by a Court ruling requiring Erdogan to resign as party chairman.

In the case of Turkish Christian Kemal Timur, who was charged in 2000 with insulting Islam, charges were dropped in June when the witnesses failed to appear in court.

Alevis constituted a Muslim minority. Many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes. Alevis also charged that there was a Sunni bias in the Diyanet since the directorate viewed the Alevis as a cultural rather than a religious group and did not fund their activities.

In November an Appeals Court overturned the February ruling by an administrative court, which had closed the Union of Alevi-Bektasi Organizations (ABKB). The retrial of the case was pending at year's end.

There are legal restrictions against insulting any religion recognized by the state, interfering with that religion's services, or debasing its property. However, some Christian churches were defaced, with communities unable to repair them, including in the Tur Abdin area of the southeast where many Syriac churches are found.

Religious affiliation was listed on national identity cards. Some members of non-Muslim religious groups claimed that they had limited career prospects in government or military service as a result of their religious affiliation.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often took place in non-designated places of worship. However, police occasionally barred Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally led to police detention and trials. 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 October the Government implemented a reform measure allowing, in principle, some non-Muslim foundations to own property for the first time since 1936. Application involves a lengthy and burdensome process, and it was

unclear at year's end whether any foundations would be able to comply.

The Ecumenical Patriarchate in Istanbul repeatedly has asked to reopen 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, the religious community remained unable to train new clergy.

In April 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 Council of State. The Ministry of Culture had granted cultural heritage status to the site in 1993, but in January 2000 the Ministry of Education notified the Baha'i community that it had expropriated the adjacent primary school property for future use.

Three Ahmadi Muslims, who had been detained in April and charged under the Anti-Terror Law, were released on bail following an August 14 hearing. An additional five Ahmadis were released on bail in April.

There is no law that explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally were subject to government restrictions or harassment. Many prosecutors regarded proselytizing and religious activism on the part of evangelical Christians, as well as Islamists, with suspicion, particularly when such activities were deemed to have political overtones. Police sometimes arrested proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that had criminal or separatist elements; courts usually dismissed such charges. If the proselytizers were foreigners, they could be deported, but they usually were able to reenter the country. In September the Erzurum SSC charged 12 Baha'i with proselytizing.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools was compulsory. Upon written verification of their non-Muslim background, "minorities" recognized by the Government under the 1923 Lausanne Treaty were exempted by law from Muslim religious instruction. Other small groups, such as Catholics, Protestants, and Syriac Christians, were not exempted. Students who completed the 8-year primary school could study the Koran in government-sponsored imam-hatip (religious) schools. The Government did not permit private Koran courses. In August police raided two houses in Antalya Province and detained persons on charges of conducting illegal Koran courses.

The Government continued to enforce a long-term ban on the wearing of religious head coverings at universities or by civil servants in public buildings. Dozens of women who wore religious head coverings, and both men and women who actively showed support for those who defied the ban, lost their jobs in the public sector as nurses and teachers; some others were not allowed to register as university students.

In March deputies from Islamist parties in Parliament pressed for a motion of censure against the Minister of Education for allegedly "creating unrest at the ministry" and "escalating tensions" by enforcing strictly the headscarf ban, including at imam-hatip (religious) high schools. In June a special parliamentary committee concluded that the Minister should not face charges.

Citizens who converted from Islam experienced some form of social harassment or pressure from family and neighbors. Proselytizing socially was unacceptable. A variety of newspapers and television shows have published anti-Christian messages, including one fringe newspaper ("Aydinlik") that published in May a purported list of 40 churches in the city of Izmir that were "bribing" converts.

Many non-Muslim religious group members, along with many in the secular political majority of Muslims, feared the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Several Islamist newspapers regularly published anti-Semitic material.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

Citizens generally enjoyed 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.

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

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 could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government estimated that 58,000 persons returned to the region from June 2000 to October 2002. More than 400 villages and hamlets have reportedly been reopened with state assistance. According to Human Rights Watch (HRW), inadequate government assistance and continued violence by security forces discouraged returns. HRW claimed the Government's return plans failed to meet international standards and had therefore not attracted international funding.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow displaced villagers to return unless they signed a document claiming that they had left their homes due to PKK terrorism, rather than due to Government actions, and stating that they would not seek Government assistance for returning. There also have been charges that resettlement priority was given to village guards and their families.

Ten village guards were arrested in connection with the September killing of three internally displaced persons (IDPs) returning with official permission to their homes in Ugrak village, Diyarbakir Province (see Section 1.a.).

In December prosecutors indicted 21 founding members of the Migration and Humanitarian Aid Foundation (GIYAV)—a Mersin-based group whose declared purpose was to provide assistance to displaced persons—on charges of aiding and abetting an illegal organization. Also in December, the General Directorate of Foundations applied to a penal court to have GIYAV disbanded on the grounds that it established relationships with foreign associations without seeking the required approval of the Interior and Foreign Ministries.

The U.N. Special Representative for Displaced Persons visited the region in June and acknowledged a more open approach to returns on the part of the Government. The European Parliament and the Parliamentary Assembly of the Council of Europe also made visits.

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. The UN High Commissioner for Refugees (UNHCR) handled cases of refugee applicants from non-European countries. The Government offers non-European refugees temporary protection while they are waiting to be resettled in another country. The Government directly handles European applicants, and provides them with the full rights required under the Convention. Once they are recognized as refugees, Europeans can remain in the country and acquire citizenship. 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, by August there had been 2,124 cases of (non-European) asylum seekers; of these, UNHCR recognized 1,046 cases representing 2,247 persons. The vast majority of these applicants were Iranian and Iraqi nationals.

The number of Bosnian and Kosovar refugees declined to fewer than 1,000, mostly due to voluntary repatriation. Approximately 260 Chechens who arrived in 2001 remained, mostly in Istanbul.

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 was 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 15 refugees and asylum seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process, or after being granted refugee status. The obstacles in the Government's asylum procedures led to many refugees being considered as "illegals." The UNHCR estimated 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, the Government registers and process asylum seekers 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.

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

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. 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 credited 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 and the Anatolian Development Foundation to integrate refugees into society. In the past 3 years, the UNHCR has initiated several new projects to support NGOs in providing counseling and specialized assistance directed in particular at women, children, and other vulnerable groups.

### 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 exercised 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. The November 3 elections featured 18 parties, 2 of which garnered enough votes to enter 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 civilian government leaders and senior military officers and chaired by the president--played a significant role in shaping government policy. Under an October 2001 constitutional amendment, the military-civilian balance of the NSC was revised and its functions were redefined to emphasize its advisory nature. Under the amendments, there were nine civilian members and five military members.

The Government neither coerced nor forbade membership in any political organization; however, the Court of Appeals Chief Prosecutor could bring cases seeking the closure of political parties before the Constitutional Court, which could close them down for unconstitutional activities. In March Parliament adopted an amendment giving the Constitutional Court the option of depriving a party of state funds rather than ordering closure.

In September the Supreme Election Board barred two prominent Islam-oriented candidates and two prominent pro-Kurdish candidates from participating in the November national elections due to past convictions for illegal speech: Recep Tayyip Erdogan, chairman of the Islam-influenced AK Party; Necmettin Erbakan, still de facto leader of the Islamist Saadet Party; Murat Bozlak, chairman of the pro-Kurdish HADEP Party; and Akin Birdal, human rights activist and HADEP candidate (see Sections 2.a. and 2.c.). Dozens of other candidates were also barred for past convictions. Constitutional Court Chairman Mustafa Bumin stated publicly that the bans would harm the country's relations with the EU, and he called for the lifting of obstacles to free speech.

In October the Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party. The party is charged with failing to abide by a Court ruling that the Chief Prosecutor asserted had required Erdogan to resign as party chairman.

The Rights and Freedoms Party (HAK-PAR), founded in February, faced closure on charges that its program contained elements contrary to the "indivisible unity of the State and nation." The case was pending at year's end.

Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak--former members of parliament--remained in prison at year's end after being convicted of belonging to an armed organization (the PKK) in 1994. If they serve the required three-fourths of their sentence, as is traditional, they would be released in 2005.

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. In the November elections, some former HADEP leaders ran under the banner of the Democratic People's Party (DEHAP), which HADEP created as insurance against its possible preelection closure. HADEP/DEHAP officials said the party suffered from a loss of name recognition. At year's end, DEHAP was under investigation for providing forged documents while registering for elections.

HADEP/DEHAP leaders said state harassment of the party has continued to decline gradually for each of the past 3 years, following a steep reduction in PKK-related conflict. They said the party was able to operate more freely in the November parliamentary elections than in the previous election in 1999. However, throughout the year, police raided dozens of HADEP offices, particularly in the southeast, and detained hundreds of HADEP officials and members. DEHAP and HADEP members were regularly harassed by Jandarma and security officials, including verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to HADEP/DEHAP. Although most detainees were released within a short period, many faced trials, usually for "supporting an illegal organization," "inciting separatism," or for violations of the Law on Meetings and Demonstrations.

In April the Ankara SSC sentenced former HADEP leader Ahmet Turan Demir, Turkish Communist Party leader Aydemir Guler, and Turkish Socialist Labor Party leader Turgut Kocak to 10 months' imprisonment each for "challenging Turkey's unitary structure" during speeches at a 2000 HADEP convention. In September police raided HADEP offices in Ercis District, Van Province, confiscating books and detaining HADEP district chairman Kemal Dogruel and four other party members. The detainees were released later that day. In August Jandarma searched homes in the town of Gecitli, Hakkari Province, and detained seven persons after HADEP members distributed election forms in the area. Jandarma reportedly warned the detainees not to support HADEP and released them the next day. In November Istanbul attorney Erdal Tuncel claimed police raided his home, beat him, threatened to kill him, and told him to cut his ties to HADEP.

Mazlum-Der, HRA, and DEHAP officials throughout the region reported cases of Jandarma and village guards threatening villagers not to vote for DEHAP. The villagers were warned that, should DEHAP win the vote from that area, the town might be burned, reevacuated, or denied services (such as electricity or water). The Diyarbakir HRA office also reported one case in which the Jandarma told the residents of a village that they should show their support for DEHAP by having the village sheikh vote symbolically on behalf of the whole village.

Parties are required to have 10 percent of the nationwide vote to enter Parliament. During the year, politicians from several parties debated whether to lower the threshold. In September the ECHR decided to hear a complaint filed by HADEP that the 10 percent threshold prevented 34 of its candidates from entering Parliament in 1999, despite having won elections in their districts.

There were 24 women in the 550 seat Parliament. There was one female minister in the 24-member Cabinet, and there were no female governors. Approximately 20 women were subgovernors. The Constitution calls for equal political rights for men and women, and many women were active politically.

There were no legal restrictions on political activities by minorities. Some ethnic groups were active in political affairs; for example, many Members of Parliament and senior government officials were Kurds.

In November the Government officially completed the phased lifting of the state of emergency in the southeast. By so doing, the Government shut down the State of Emergency Regional Governor's Office, which had exercised special powers of search, detention, and interrogation. The Government continued to maintain a heavy security presence in the region, including numerous roadway checkpoints. Promised reforms and expanded freedoms were still pending at year's end. The village guards, formed as part of the Government's campaign against the PKK, have repeatedly been accused of murder, beating, rape, corruption, drug trafficking, and other abuses. The Government planned to stop hiring new village guards and gradually to close the force down as members resign or retire.

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

NGOs operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. The Government met with NGOs (which it defined broadly to include labor unions), responded to their inquiries, and sometimes took action in response to NGO recommendations. The Associations Law governing the activities of most NGOs (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 had branches nationwide and claimed a membership of approximately 20,000. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der. Human rights organizations were represented on some provincial and subprovincial 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. HRA reported that more than 400 court cases were opened against the organization since 2001, including 150 cases against its Diyarbakir branch, 70 against its Izmir branch, and approximately 90 against its Istanbul provincial president. In April HRA was able to reopen its Gaziantep branch, closed since 2000. HRA was also given permission to re-open the branch in Malatya; however, they had not done so by year's end.

In August prosecutors indicted HRA Chairman Husnu Ondul and 46 others in connection with a January 2001 raid of HRA headquarters. The defendants were charged with possessing 33 publications banned by confiscation orders and face sentences of 3 to 6 months if convicted. In November the Istanbul Bar Association banned HRA Deputy Chairperson Eren Keskin from practicing law for 1 year due to her 1997 conviction for "making separatist propaganda" during a newspaper interview. Also in November, prosecutors in Ankara opened a case against the HRA for alleged "separatist propaganda" in a speech delivered in March 2001 at the HRA branch in Siirt. Prosecutors demanded the closure of all HRA offices but in December dropped the charges. In a separate case, prosecutors at year's end continued to seek the closure of the HRA Ankara branch on charges of "supporting illegal organizations."

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 denied making.

In October six HRA members were acquitted on charges of violating laws requiring associations to publish all distributed brochures and leaflets in Turkish. They were charged for publishing a document spelling the Kurdish New Year "Newruz" instead of "Nevruz." Also in October, the Istanbul SSC convicted 5 journalists and trade unionists of being members of and supporting an illegal organization--the Marxist Leninist Communist Party--and sentenced each to 12½ years.

In March the Government gave permission to AI to form a legal association in Turkey; AI's previous application was rejected in November 2001. By year's end, AI had opened a headquarters in Istanbul and branch offices in Izmir and Diyarbakir. An Ankara office was being prepared. The organization reported good relations with the Government during the year.

The CPT continued to freely conduct prison inspections (see Sections 1.c., 1.d., and 1.e.).

Representatives of diplomatic missions who wished to monitor human rights were free to speak with private citizens, groups, and government officials; however, security police routinely placed such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights monitors. There were no public reports of officials representing foreign governments being denied permission for such visits.

In August authorities in the southeast prevented a group of five members of Sweden's Green Party from entering northern Iraq. Two of the Green Party officials were reportedly detained briefly.

The Parliamentary Human Rights Investigation 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, carried out inspections of detention centers.

Human Rights councils have been established in all 81 provinces and 831 sub-provinces. These councils are intended to institutionalize consultations among NGOs, professional organizations, and the Government. Between October 2001 and June, 1,192 complaints were filed with the councils. Of these, 924 were directly related to human rights violations; 420 were investigated, and 146 were referred to the judiciary. The councils organized hundreds of human rights conferences during the year. According to the Government, of 11,500 council members, 6,500 were public officials, 3,000 belonged to professional associations, and 2,000 were NGO members. NGO members were generally skeptical of the councils because they were dominated by government-affiliated

members. Some human rights NGOs have boycotted the councils, while others were not invited to participate.

A Human Rights Presidency monitors the implementation of legislation relating to human rights, coordinates with NGOs, and educates public officials. The Presidency is attached to the Prime Ministry; it did not have a separate budget. During the year, the Presidency organized awareness campaigns and established hot lines and complaint boxes.

Parliament has established numerous government bodies to monitor the human rights situation in the country, including: High Human Rights Board--which is an interministerial committee responsible for making proposals intended to promote and to strengthen human rights protections; a Human Rights Consultation Board--designed to serve as a permanent forum for the exchange of ideas between the government and NGOs; and a Human Rights Investigative Board.

The Government's Ten Year Human Rights Education Committee held regional seminars to educate civil servants and others on human rights problems. 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. In February the Committee, with the Council of Europe, opened a course on police professionalism.

#### Section 5 Discrimination Based on Race, Sex, 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 or racial grounds; however, discrimination remained a problem in some 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 was one of the most frequent forms of violence against women. The law prohibits spousal abuse; however, 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.

Spousal abuse was considered an extremely private matter, involving societal notions of family honor, and few women went to the police. Police were 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 did so.

There were nine government-operated shelters and eight NGO-operated consultation centers that provided services to battered women; in addition, the Child Protection and Social Services Agency provided services to victims of domestic violence through its 53 community centers.

The law prohibits rape and spousal rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Cases of rape were believed to be underreported.

"Honor killings"--the killing by immediate family members of women who were suspected of being unchaste--continued in rural areas and among new immigrants to cities; according to media reports, there could be dozens of such killings every year. They were most common in the predominantly conservative, Kurdish southeast. 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 sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

According to HRW, in March, 20-year-old Pinar Kacmaz was shot and killed by her father and brother in the southeast. The police had reportedly arrested Kacmaz's father after she had reported that he threatened her life, but he was released pending trial.

The problem of suicide among young girls forced into marriage persisted and was prevalent particularly in the



southeast and east, where suicides have risen by more than 50 percent since 1993 and where 80 percent of suicide victims were women. A 2001 study in Batman Province showed that for young girls with physical and psychological problems, an early marriage could be a catalyst to suicide. According to the women's advocacy group Flying Broom, there was an increase in "forced suicides" by family members trying to avoid being charged for committing honor killings.

According to HRF, there were far fewer reports of "virginity testing" than in past years, and no reports of the practice among family members; regulations banning the practice unless requested by the woman were generally enforced. In February the Government abolished a regulation allowing the practice to be used on nursing school students. However, the Women's Commission of the Diyarbakir Bar Association released a study indicating that 99 percent of female detainees in five southeastern provinces were subjected to the practice (see Section 1.c.).

Trafficking in women was a serious problem (see Section 6.f.).

A new Civil Code implemented in January replaced a 1926 Code that discriminated against women in some areas. In August the Government ratified the Optional Protocol to the U.N. Convention on the Elimination of Discrimination against Women. The husband is no longer the legal head of the household—the Code now stipulates that the spouses shall choose and manage the household together. Both spouses were given equal rights over guardianship and the choosing of a trade. Discrepancies between the legal marriage age for men and women were removed. A clause awarding both spouses an equal share of goods acquired during marriage applies only to marriages entered after the adoption of the new Code. Couples married before adoption of the new Code could benefit from the clause only if both spouses signed a notarized agreement before December 31. According to Flying Broom, very few couples signed such documents, as most women either did not know about the clause or could not convince their husbands to sign. Under inheritance laws, a widow generally received one-fourth of the estate, and her children received the rest. In January Parliament overturned a regulation banning female civil servants from wearing pants in the workplace, although Parliament's internal code was not revised to conform with the regulation.

Particularly in urban areas, women were well represented at all levels in the professions, business, and the civil service, and women constituted more than one-third of university students. However, women continued to face discrimination in employment to varying degrees. Women were generally underrepresented in managerial-level positions. Women generally received 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 a 2003 UNICEF report, the literacy rate for women in 2000 was 77 percent, compared with 94 percent for men. However, in rural areas the rate could be as low as 50 percent for women. One reason for the higher rate for men 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 existed 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 were many women's committees affiliated with local bar associations. Other organizations included 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 was committed to furthering children's welfare and worked to expand opportunities in education and health, including a further reduction in the infant mortality rate. The government Minister for Women's and Family Issues oversaw implementation of the Government's programs for children. The Children's Rights Monitoring and Assessment High Council focused on children's rights issues.

Government-provided education through the age of 14 or the eighth grade was compulsory. Traditional family values in rural areas placed 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, since 1997 the percentage of girls enrolled in primary school rose from 79 to 97, while the percentage for boys rose from 91 to 98.5. However, in rural areas, the literacy rate for girls remained low, and many did not complete primary school. The literacy rate for boys, most of

whom completed primary school, was higher. Some children in rural areas continued on to high school, for which they generally had to travel or live away from home.

The social security system aimed to provide social security and health insurance for all its citizens, but there were 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 UNICEF, in 2001 89 percent of 1-year-olds were immunized against tuberculosis, 88 percent were immunized against diphtheria and polio, 90 percent were immunized against measles, and 77 percent were immunized against hepatitis B. Immunization rates in some eastern and southeastern provinces lagged behind the rest of the country. Infant mortality has declined rapidly. According to UNICEF, the infant mortality rate dropped from 163 per 1,000 in 1960 to 36 per 1,000 in 2001.

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 uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling.

#### Persons with Disabilities

According to both HRA and the Federation of Associations for Disabled People, there was no direct, specific discrimination against persons with disabilities, although they did suffer from a lack of economic opportunity. Persons with disabilities have some special privileges, such as the right to purchase products of the State Economic Enterprises at a discounted rate, or acquire them at no cost. During the year, the Government briefly revoked this privilege, but the Federation lobbied successfully to have it restored. The law does not mandate accessibility to buildings and public transportation for persons with disabilities. According to a 2000 UNICEF report, welfare institutions provided "limited financial, employment and educational support to the handicapped." According to the report, the number of persons with disabilities was unknown. The Ministry of Education reports that there were 1.1 million children with disabilities in the country. Although there were 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 to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although there was no penalty for failure to comply.

#### National/Racial/Ethnic Minorities

The Constitution provides a single nationality designation for all Turks and thus does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked public censure, harassment, or prosecution. However, Kurds who were long-term residents in industrialized cities in the west were 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) brought with them their culture and village identity, but often little education and few skills.

There were no reports that Kurt-Kav experienced any problems during the year. There were numerous reports of citizens of Kurdish origin being prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. Birth Registry Law 1587 outlaws "names which do not fit the country's national culture, moral rules, customs or traditions, or which harm the general public." There were numerous restrictions against free expression in Kurdish and pro-Kurdish political parties (see Section 2.a. and 3).

In September the Government implemented reforms designed to allow private courses teaching Kurdish and other non-Turkish languages "used by Turkish citizens in their daily lives." However, by year's end, there were no such courses operating. Demand for private Kurdish courses was limited, and Kurdish rights advocates argued that the regulations placed prohibitive costs by requiring that Kurdish courses be established in separate institutions, rather than added to existing language schools. In November the Government adopted regulations designed to allow, under tight restrictions, broadcasts in Kurdish and other non-Turkish languages (see section 2.a.). No Kurdish-language television broadcasts, radio programs, or courses were in place at year's end.

Police exerted pressure against Kurdish cultural groups and hindered their activities, and local officials monitored and often interrupted their cultural events. In January the Jandarma arrested 500 students at Van's Centennial

University after they petitioned the rector to include Kurdish among the university's elective courses. In February a court ordered the closure of the Mesopotamia Cultural Center, established to promote Kurdish language and culture. In January authorities closed the Kurdish Institute, charging the organization with violating the Law on Private Education. Hasan Kaya, the head of the Institute, was acquitted in three separate cases between December 2001 and August, including charges of opening an illegal language course and separatist propaganda.

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

No accurate estimate of the Romani population existed, but it may be significant in regions near Bulgaria and Greece. According to HRF, although no incidents of public or government harassment directed against Roma were reported, experts claimed that Roma experienced discrimination, for example, regarding employment. The Government began revising the definition of "gypsy" in official dictionaries; the old definition had included terms such as "shameless" and "thief."

There were indications of relaxed restrictions on cultural expression. On Victory Day (August 30) a famous Turkish singer performed in several languages—including Kurdish, Armenian, Greek, and Turkish—during a concert in Ephesus supported by the Minister of Culture. In November a photography exhibition on the Syriacs was held in Diyarbakir with no restrictions. In August the Tunceli Culture and Nature Festival took place with no bans on Kurdish songs.

## 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 stipulated that no one shall be compelled to become, remain a member of, or withdraw from a labor union. Unions were independent of the Government and political parties. However, there were some limits to the right of association. Unions were required to obtain official permission to hold meetings or rallies and must allow government representatives to attend their conventions and record the proceedings. 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 could not dissolve a union summarily.

Slightly more than 13 percent of the total civilian labor force (15 years of age and above) were unionized. The labor force numbered approximately 24 million, with approximately 35 percent employed in agriculture. There were three confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is), the Confederation of Turkish Real Trade Unions (Hak-Is), and the Confederation of Progressive Trade Unions (DISK). There also were 4 public employees unions and 27 independent unions. Unions and their officers had 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.

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.

The International Labor Organization (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 were applied in practice. However, private sector employers continued to try to eliminate unions.

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

In August Parliament passed a job security law designed to bring labor law into conformity with ILO Convention

158, which the Government ratified in 1995; the law is scheduled to take effect in 2003. The law requires employers to give a valid reason for terminating a contract and set standards for notices of termination. The law stipulates that membership in a union is not a valid reason for termination.

#### 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 were organized. In August civil servants were, for the first time, able to exercise the right to bargain collectively, following the implementation of the 2001 Public Servants Law. Out of 9 million labor contract workers, approximately 1.3 million were in collective contracts.

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 had the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents approximately 80 percent of organized labor. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity were 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 rule.

The constitutional right to strike was 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 was suspended for the first 10 years of a company's operations in the 9 free trade zones. However, workers continued to violate these restrictions with impunity. According to Hak-Is, there were a total of 27 strikes during the year involving 4,618 workers. The majority of strikes during the year were illegal, and there was no reported retaliation against workers.

Collective bargaining was 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; non-binding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions were 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 prohibited the employer from terminating workers who encouraged or participated in a legal strike. In sectors in which strikes were prohibited, disputes were 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 ILO's Committee of Experts and the Committee on the Application of Standards regarded 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 asserted that the law does not contradict the Committees' principles.

According to Hak-Is, there were a total of 27 strikes during the year involving 4,618 workers. There were no lockouts in the private or public sectors. Some civil service organizations continued to demonstrate for the right to strike and for higher salaries. In December an Ankara court convicted 35 trade unionists, including Alaaddin Dincer, chairman of the teachers' union Egitim-Sen, of staging an illegal demonstration during a 2001 protest calling for the right to strike for civil servants.

A law enacted in 1984 provided for the establishment of free trade and export processing zones, which are intended to attract domestic and particularly foreign investment, and to promote international trade. There were 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 were subject to compulsory arbitration. Workers inside the zones were paid in foreign rather than Turkish currency, giving them some protection against inflation.

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

The Constitution and statutes prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Some parents forced their children to work on the streets and to beg (see Section 6.d.). There were no reliable statistics for the number of children working on the streets nationwide. According to the Ministry of Labor, there were an estimated 10,000 children working on the streets in Istanbul and 3,000 in Gaziantep. At year's end, the Government was preparing a survey designed to determine the scope of the problem (see Section 6.d.). The Government operated 28 centers providing assistance to children working on the streets.

#### 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 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 undertook 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 7½ hours a day, inclusive of school time. The Ministry of Labor effectively enforced these laws only in large-scale industrial and service sector enterprises. Children working in agriculture, household-based establishments, establishments with three or fewer workers, and apprenticeship training centers and those working as domestic servants were subject to the Code of Obligations, which failed 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 was widespread, though it appeared to be decreasing. The State Statistical Institute (SSI) estimated that there were approximately 1 million child laborers as of September. SSI recorded an 8.6 percent decrease in child labor for the first 6 months of the year compared with the same period in 2001. SSI reported a 50 percent drop from 1994 to 1999. According to statistics provided in an October 1999 SSI report, 961,000 children worked in family businesses and did not receive wages, 257,000 were seasonal workers, and 387,000 were wage earners.

Child labor was used most often in small-sized enterprises. According to a study on child labor conducted by Hacettepe University in August 2001, 79.4 percent of children who were employed lived in rural area, and 92.6 percent of those children were engaged in the agricultural sector.

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

The gradual elimination of child labor was a national priority. The Government recognized the serious problem of child labor and worked 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, has been actively combating child labor since 1992, when it established a Child Labor Unit and trained Ministry of Labor inspectors specifically in child labor issues. The Government and the ILO signed an agreement to extend IPEC until 2006. Labor inspectors only covered areas that are defined in the labor laws. Approximately 108 of the 700 field inspectors have been trained to handle child labor issues. Many children were working in areas that were not covered by labor laws, such as agriculture or the informal economy, and were therefore beyond the reach of the inspectorate.

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

In accordance with ILO Convention 182 on the worst forms of child labor, the Government identified the worst forms of child labor as children working: In the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers. In cooperation with the ILO, the Government was preparing three surveys as part of a plan for eliminating child labor.

The Government prohibits forced or bonded labor by children; however, there were reports that such practices

occurred (see Section 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

A tripartite government-industry-union body called the Minimum Wage Commission reviewed the minimum wage every 6 months. As of October, the monthly net minimum wage rate was approximately \$114 (182 million TL). The national minimum wage did not provide a decent standard of living for a worker and family. It was difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. However, most workers earned considerably more than the minimum wage. Turk-Is has unsuccessfully called on the Ministry of Labor to exercise its authority to waive income tax and social security deductions for minimum wage earners. According to the results of a 2000 survey conducted by the Public Workers' Labor Union, a 4-member family required \$396 (633 million TL) per month to live above the poverty line. Workers covered by the labor law, who constituted approximately one-third of the total labor force, also received a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, made basic wages alone account for only approximately 37.3 percent of total compensation.

The labor law set a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribed a weekly rest day and limited 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 enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers.

In April the Government for the first time paid unemployment benefits.

The law mandates occupational health and safety regulations, but in practice the Government did 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 resulted 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

The law prohibits trafficking in persons; however, there were reports that persons were trafficked within the country. There were allegations that police allowed operation of informal brothels in Istanbul and could also be bribed by traffickers at ports of entry.

In August Parliament passed legislation designating migrant smuggling and human trafficking as crimes. The article on smuggling related both to illegally bringing persons into the country and assisting illegal migrants in transiting the country. Those convicted of smuggling faced prison sentences of 2 to 5 years. Those convicted of human trafficking or forcing persons to work faced 5 to 10 years imprisonment, but the Government tended to treat trafficking in persons as a voluntary prostitution and illegal migrant issue. There were no statistics on traffickers or trafficking prosecutions and convictions available by year's end.

According to the Government, of 850 persons captured in 2000 for offenses relating to trafficking or facilitating illegal immigration, 350 were arrested and charged. However, no further information could be obtained about their cases.

In October the Government formed an Anti-Trafficking Task Force comprising officials from the ministries of Foreign Affairs, Health, Interior, Justice, and Labor, plus the Directorate General for Social Services and Child Protection, the Directorate General on the Status and Problems of Women, and scholars from Marmara University. The Task Force began developing a National Action Plan and creating a trafficking database. The International Organization for Migration (IOM), ILO, and UNHCR work closely with the Government.

The country was a transit point and a destination country for victims of trafficking; reportedly there was almost no trafficking of Turkish women and girls out of the country. There were no government statistics on the number of trafficking victims. Women and girls were trafficked to the country mostly from Romania, Georgia, Russia, Ukraine, Moldova, Armenia, Azerbaijan, and Uzbekistan. It was also a 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 IOM, victims arrived by foot, trains, boats, and planes. Most trafficking activity occurred in Istanbul, Izmir, and Trabzon. Many women and girls came to the country believing that they would be working as

models, waitresses, or dancers and found themselves forced into prostitution. In some cases, girls from Romanian orphanages were kidnapped and trafficked. Women who attempted to escape their traffickers have been beaten, raped, or killed. There were reports that criminal syndicates forced women to sign work contracts that amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly were the primary trafficking organizations, although some reports by NGOs suggested that traffickers recruited in Eastern Europe, particularly Moldova.

Those who were trafficked into Turkey generally were detained and deported, without proper screening necessary to determine whether they were victims of trafficking. 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 were deported, they often were re trafficked back to Turkey.

In December the Women's Status and Problems Directorate General, attached to the Ministry of Labor, organized a panel on human trafficking in Ankara. In October the Government sent representatives to a regional antitrafficking seminar in Bucharest. Bar associations and some provincial governments operated hot lines for women and children that could be used by trafficking victims for a fee.

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

In December the Ministry of Labor organized a conference on human trafficking. There have not been any official antitrafficking information campaigns. The IOM, ILO, and UNHCR worked closely with the Government.