



## Turkey

### Country Reports on Human Rights Practices - [2004](#)

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Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber parliament, the Turkish Grand National Assembly. In the 2002 parliamentary elections, the Justice and Development Party (AKP) won the majority of seats and formed a one party government. In March 2003, AKP Chairman Recep Tayyip Erdogan was named Prime Minister. The State and Government remain separate, and sometimes conflicting, concepts. The State, including the presidency and bureaucracy, is seen as the embodiment of the core principles of the republic, while the elected Government is more closely tied to the popular will. The military exercised indirect influence over government policy and actions in the belief that it was the constitutional protector of the State. The Constitution provides for an independent judiciary; however, the judiciary was sometimes subject to outside influences.

The Turkish National Police (TNP), under Interior Ministry control, has primary responsibility for security in urban areas, while the Jandarma, paramilitary forces under joint Interior Ministry and military control, carries out this function in the countryside. The Government maintained a heavy security presence in parts of the southeast. A civil defense force known as the village guards was less professional and disciplined than other security forces and was concentrated in the southeast. Civilian and military authorities generally maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country has a market economy and a population of approximately 67.8 million. Industry and services are dominant sectors of the economy; the agricultural sector also remains important. During the year, the real gross domestic product was expected to grow by over 10 percent and consumer prices were expected to rise by less than 12 percent. Approximately 9.3 percent of the workforce was unemployed. There were major disparities in income, particularly between the relatively developed west and the much less developed east.

The Government generally respected the human rights of its citizens; although there were significant improvements in a number of areas, serious problems remained. Security forces reportedly killed 18 persons during the year; torture, beatings, and other abuses by security forces remained widespread. Conditions in most prisons remained poor. Security forces continued to use arbitrary arrest and detention, although the number of such incidents declined. Lengthy trials remained a problem. Convictions of security officials accused of torture remained rare, and courts generally issued light sentences when they did convict. In politically sensitive cases, the judiciary continued to reflect a legal structure that favors State interests over individual rights. The State and Government continued to limit freedom of speech and press; harassment of journalists and others for controversial speech remained a serious problem. At times, the Government restricted freedom of assembly and association. Police beat, abused, detained, and harassed some demonstrators. The Government maintained 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, and sought to close the pro-Kurdish Democratic People's Party (DEHAP). The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for the views they expressed in public. Violence against women remained a serious problem, and discrimination against women persisted. Trafficking in persons, particularly women, remained a problem. Child labor was a widespread problem.

The Government carried out extensive legal reforms during the year aimed at meeting the requirements for European Union (EU) membership. In September, Parliament adopted a new Penal Code and, in May, approved a package of constitutional amendments. Elements of the new Penal Code included: Sentences for torture convictions were increased; "honor killings"—the killing by immediate family members of women suspected of being unchaste—were defined as aggravated homicides; the statutes of limitations for all crimes were lengthened; and actions aimed at preventing free religious expression were defined as a crime punishable by 1 to 3 years' in prison. Constitutional amendments included: International agreements were given precedence over national law; military and defense expenditures were placed under Audit Court review; the State was assigned responsibility for ensuring gender equality; and the military lost its authority to name members of government boards overseeing higher education and broadcasting. Legislative amendments abolished the State Security Courts (SSCs); however, they created comparable high penal courts that picked up the caseload of the former SSCs.

The Government implemented a number of reforms adopted in 2003 and 2002. While security forces applied torture and ill-treatment widely, particularly in the southeast, the overall use of torture appeared to decrease during the year. Police and local authorities demonstrated more tolerance for controversial speech and were more flexible in handling nonviolent demonstrations.

Kurdish language courses and news and cultural broadcasts began during the year, under tight restrictions.

## 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 no known political killings; however, there were credible reports that security forces committed a number of unlawful killings. Police, Jandarma, and soldiers killed a number of persons, particularly in the southeast and east, for allegedly failing to obey stop warnings. The Human Rights Foundation (HRF) estimated that there were 18 killings by security forces between January and September, including shootings by village guards and border patrols. For example, in August, security forces in Van Province shot and killed Senol Kizil after he allegedly failed to heed a stop warning. In November, Jandarma officers shot and killed Fevzi Can in Hakkari Province, also alleging that he failed to heed a stop warning. One officer was arrested in the case and was awaiting trial at year's end. HRF estimated there were 43 killings by security forces in 2003.

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 (see Section 1.d.).

In May, Adana police shot and killed Siar Perincek after he allegedly ignored a stop warning and shot at police. However, three human rights organizations—HRF, the Human Rights Association (HRA), and Mazlum-Der—and the Confederation of Public Sector Trade Unions conducted a joint investigation and concluded that the evidence indicated police shot Perincek at close range while he was lying on the ground unarmed. The organizations also stated that police apparently tortured two men who were detained in the incident. Prosecutors charged one police officer with manslaughter and two others with torture; their trials began in October and were ongoing at year's end.

In November, Mardin police shot and killed Ahmet Kaymaz and his 12-year-old son in front of their home in Kiziltepe. Security officials alleged that Kaymaz and his son were planning a terrorist attack and had fired on police; however, a number of witnesses reportedly denied those claims. HRA representatives investigated the incident and stated that the victims had been shot at close range and there was no evidence they had exchanged fire with police. A parliamentary subcommittee also concluded there was no evidence that the victims had fired at police. Prosecutors opened a case against four police officers involved in the incident. Legal proceedings continued at year's end.

According to the HRF and press reports, four trials in cases of past alleged killings by security officials ended during the year, resulting in nine acquittals and no convictions. Civilian judges transferred cases against six soldiers to military courts.

Court proceedings continued in the trial of 10 village guards arrested in connection with the 2002 killing of 3 internally displaced persons (IDPs) returning to their homes in Ugrak village. One defendant remained in detention during the trial while the others were released pending a verdict.

In November, the High Court of Appeals upheld the conviction of a police officer charged with the 1999 death in detention of trade unionist Suleyman Yeter and sentenced the officer, Mehmet Yutar, to 4 years and 2 months in prison. According to the law under which convicts serve a portion of their sentences, Yutar would spend 1 year and 8 months in prison. A second officer charged in connection with the death, Ahmet Okuducu, failed to attend the trial; the court issued a warrant for his arrest. In November, an Istanbul court closed a separate trial of four police officers charged with torturing Yeter (see Section 1.c.).

In April, a prosecutor in Mus Province opened a case against seven village guards in connection with the 1994 killing of Ramazan Oznarci. The case continued at year's end.

According to the Government, seven persons died while in police or Jandarma custody during the year: Four deaths were recorded as suicides, two as heart attacks, and one was under investigation at year's end to determine the cause of death.

According to the HRF, landmines and unattended explosives killed 31 civilians and injured 78 during the year. Both security forces and the Kurdistan Workers Party (PKK)—a terrorist organization that in 2003 changed its name to the Kurdistan Freedom and Democracy Congress (KADEK) and later to the Kurdistan People's Congress (KHK, or Kongra-Gel)—used landmines; it was not possible to verify which side was responsible for the mines involved in the incidents.

The Government, as well as the PKK/KADEK/KHK, continued to commit human rights abuses against noncombatants in the southeast. According to the military, 18 civilians, 62 members of the security forces, and 79 terrorists died between January 1 and October 7 as a result of armed clashes.

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Government continued to investigate and explain some reported disappearances. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. According to the Government, 14 persons were reported missing during the year due to suspected terrorist activities and 4 missing persons were located alive.

There were no new developments in the 2002 disappearance of Coskun Dogan.

In March, a Diyarbakir SSC determined that there was insufficient evidence to prosecute 47 soldiers for their alleged involvement in the 2001 disappearance of Serdar Tanis and Ebubekir Deniz.

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

The Constitution prohibits such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons regularly, particularly in the southeast. Security forces most commonly tortured leftists and Kurdish rights activists.

According to the HRF, there were 918 credible cases of torture and mistreatment reported at its 5 national treatment centers during the year. Human rights advocates claimed that hundreds of detainees were tortured during the year in the southeast, where the problem was particularly serious, but that only a small percentage of detainees reported torture and ill-treatment because they feared retaliation or believed that complaining was futile.

During the year, senior HRF and HRA officials stated that there had not been a significant change in the frequency of torture over previous years. However, officials at a number of HRA branch offices, including in the southeast, said they had observed a decline in the practice. A number of attorneys in the southeast and other regions also reported that torture and ill-treatment had become significantly less common. Observers reported that police demonstrated greater restraint in their treatment of detainees and protestors during the year due to legal reforms and government directives.

In June, Mehmet Nurettin Basci and Mehmet Gazi Aydin claimed Adana police tortured them while they were being held in detention. Basci said police administered electric shocks to his testicles and squeezed them, and hung him by his arms. Aydin said police hung him by his arms. Prosecutors charged three police officers in the case, which continued at year's end. In July, a 14-year-old claimed that Izmir police officers repeatedly kicked him, struck him with a truncheon, threw him down a staircase, and then released him without charges. In October, an attorney for Sezai Karakus filed a complaint with prosecutors alleging that Istanbul police tortured Karakus during 4 days of detention between late September and early October. Karakus claimed police squeezed his testicles, struck his head against the wall, beat him repeatedly, and forced him to sign a confession. Authorities did not file charges in the case. Karakus committed suicide in prison in November. In November, several persons detained by police during a raid of the Yeniden Ozlem publishing house in Istanbul filed a complaint alleging that police tortured them. They claimed police repeatedly struck them with pistol butts and kicked them.

In January, an Istanbul prosecutor opened a case against police officers Ali Senoz and Yilmaz Savas for allegedly torturing two juveniles in November 2003. The police were charged with hanging the juveniles by their arms, squeezing their testicles, and spraying them with cold water and forcing them to stand in front of an air conditioner. The trial continued at year's end.

There were no developments in the alleged rape and torture of DEHAP official Gulbahar Gunduz in 2003.

In July, a Burdur court convicted three Jandarma officers for torturing 17 farmers in 2000; it sentenced 1 officer to 6 years in prison and the other 2 officers each to 2 years in prison. The court acquitted four co-defendants. The case was under appeal at year's end.

Proceedings continued in the 5-year-old Iskenderun trial of four police officers – Murat Cikar, Halil Ozkan, Aysun Yuksel, and Gurkan Ilhan – on charges of torturing and raping two teenage girls in detention in 1999. The trial had experienced repeated delays related to the handling of forensic evidence. In March, the court rejected a request by prosecuting attorneys to bring charges against the chairman of the Forensic Medicine Institute for not submitting evidence in a timely manner. The defendants remained on duty and were promoted during the trial; one of the alleged victims was released from prison in November, while the other remained in prison at year's end on charges of membership in an illegal organization.

In November, an Istanbul court closed the trial of four police officers charged with torture because the statute of limitations on the charges had expired. The defendants were accused of torturing trade unionist Suleyman Yeter and 13 other detainees in 1999.

Human rights observers said that, because of reduced detention periods, security officials mainly used torture methods that did not leave physical traces, including repeated slapping, exposure to cold, stripping and blindfolding, food and sleep deprivation, threats to detainees or family members, dripping water on the head, squeezing of the testicles, and mock executions. They reported a continued reduction, compared with past years, in the use of methods such as electric shocks, high-pressure cold water hoses, beatings on the soles of the feet (falaka) and genitalia, hanging by the arms, and burns.

The HRA reported that women detainees were sometimes subject to rape, including vaginal and anal rape with truncheons, and sexual harassment. Female detainees sometimes faced sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male officers, female detainees were sometimes touched, insulted, and threatened with rape.

Human rights attorneys and physicians who treated victims said torture generally occurred during police or Jandarma detention before detainees appeared in court. Because arresting officers were responsible for interrogating suspects, they sometimes used torture to obtain a confession that would justify the arrest.

Treatment of those arrested for ordinary crimes reportedly differed from treatment of those arrested for political crimes. Observers said that security officials sometimes tortured political detainees to intimidate them and send a warning to others with similar political views.

Government-employed doctors administered all medical examinations of detainees. Examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were brief and informal. According to the Society of Forensic Medicine Specialists, only approximately 300 of 80,000 doctors in the country were forensic specialists, and most detainees were examined by general practitioners and specialists not qualified to detect signs of torture. There were forensic medical centers in 27 of 81 provinces. Some former detainees asserted that doctors did not conduct proper examinations and that authorities denied their requests for a second examination.

A Justice Ministry regulation requires doctor-patient privacy during the examination of suspects, except where the doctor requests police presence for security reasons. Under a legal amendment adopted in January, a suspect cannot request the presence of police; international and domestic human rights observers had argued that police could intimidate suspects into requesting their presence. However, the Society of Forensic Medicine Specialists reported that security officials often remained in the room despite objections, although this occurred less often than in past years. According to the Medical Association and 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 to report physical findings but not draw reasonable medical inferences that torture occurred.

In June, the European Committee for the Prevention of Torture (CPT) published a report on its September 2003 inspection of prisons and detention facilities in the country. The report noted that a majority of former detainees interviewed by the CPT said law enforcement officials had been present during their medical examinations. However, some medical staff told CPT representatives that police had become more cooperative when asked to leave the room during examinations.

Authorities opened an investigation against Dr. Ilker Mese for "insulting soldiers" and "failing to examine a prisoner in the presence of soldiers" after he asked soldiers to leave the room while he was examining a prisoner at the Tekirdag State Hospital in December 2003. Dr. Mese was also transferred to another medical facility.

The law mandates heavy prison 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 law provides the highest penalties for doctors who falsify reports for money. In practice, there were few prosecutions for violation of these laws. The Medical Association may fine and suspend for up to 6 months the license of any doctor who falsifies a report. However, Association officials said they were unable to enforce these sanctions in many cases because most doctors worked at least partly for the Government, which protected them.

The CPT's June report stated that, due to recent reforms, the legislative and regulatory framework necessary for combating torture and ill-treatment had been established. The Committee's report stated that the challenge facing the Government involved implementing the reforms and "transforming mentalities" among law enforcement and judicial officials.

The CPT found clear evidence that local and regional authorities were attempting to comply with the Government's stated zero tolerance policy on torture. The Committee's report concluded that there had been a sharp decline over previous years in the use of the more severe forms of torture. At the same time, the CPT reported that it continued to find credible claims of recent torture and ill-treatment.

In September, Parliament adopted a new Penal Code that provides increased punishment for torture (see Section 1.d.).

During the year, courts tried and convicted members of the security forces for torture and abusive treatment (see Section 1.d.).

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

The Government continued to organize, arm, and pay a civil defense force of approximately 58,000, mostly in the southeast region. This force, known as the village guards, was reputed to be the least disciplined of the security forces and continued to be accused repeatedly of drug trafficking, rape, corruption, theft, and other human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution. In addition to the village guards, Jandarma and police special teams were viewed as those most responsible for abuses.

Conditions in most prisons remained poor, although the Government made significant improvements in the system, and the country's best prisons maintained high standards. Underfunding, overcrowding, and insufficient staff training remained common problems. The HRF reported that the Government provided insufficient funds for prison food, resulting in poor-quality meals; food sold at prison shops was too expensive for most inmates, and there was a lack of potable water in some prisons. According to the Medical Association, there were insufficient doctors, and psychologists were only available at some of the largest prisons. Some inmates claimed they were denied appropriate medical treatment for serious illness.

According to the HRF, six people died during the year in hunger strikes protesting F-type (small cell) prisons. The Government reported that, since 2000, the President pardoned 189 inmates on hunger strike. As of September, six hunger strikers remained in prison, according to the HRF.

In March, an Istanbul court ruled that authorities had used disproportionate force during the "Return to Life" prison operation in 2000, during which 12 prisoners were killed and 77 wounded. The court ordered \$32,750 (44 billion lira) in compensation for each victim.

At any given time, at least one-quarter of those in prison were awaiting trial or the outcome of a trial. Men and women were held separately; most female prisoners were held in the women's section of a prison. Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. According to the Government, detainees and convicts were held either in separate facilities or in separate sections of the same facility. However, some observers reported that detainees and convicts were sometimes held together.

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

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice. During the year, police routinely detained demonstrators (see Section 2.b.). Police detained dozens of members of the legal pro-Kurdish party DEHAP on several occasions (see Section 3). Police continued to detain and harass members of human rights organizations and monitors (see Section 4). The Government continued to detain persons, particularly in the southeastern province of Batman, on suspicion of links to Hizballah.

The Turkish National Police (TNP), under Interior Ministry control, are responsible for security in large urban areas. The Jandarma, paramilitary forces under joint Interior Ministry and military control, are responsible for policing rural areas. The Jandarma are also responsible for specific border sectors where smuggling is common; however, the military has overall responsibility for border control. There were allegations of police corruption.

In September, Parliament adopted a new Penal Code that provides increased punishment for torture. Under the new law, the sentence for most torture convictions is 3 to 12 years in prison. Previously, the maximum penalty was 8 years per victim, and most persons sentenced to jail terms received 2 years. The new Code also establishes higher penalties, including life imprisonment, for aggravated torture, and prison terms of up to 3 years for police who fail to report torture. The new Penal Code increases the maximum statute of limitations for torture cases and other felonies from 15 years to 30 years and allows for the statute to be suspended in certain circumstances. The law requires that trials, including appeals, be completed before the statute of limitations expires; otherwise, the trial ends without a verdict. The extension of the statute of limitations was expected to make it difficult for defendants in torture cases to avoid a verdict by delaying court proceedings.

During the year, prosecutors opened trials against 2,395 security personnel on torture or ill-treatment charges. Through September, courts reached final verdicts in 625 torture and ill-treatment cases begun in previous years, convicting 345 defendants and acquitting 1,094. Seven security officers received short suspensions from duty during the year for ill-treatment.

Courts investigated many allegations of ill-treatment and torture by security forces; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal; monetary fines did not keep pace with the rate of inflation, and sentences were sometimes suspended. The rarity of convictions and generally light sentences in torture cases contradicted the Government's official policy of zero tolerance for torture. Authorities typically also allowed officers accused of abuse to remain on duty and, in some cases, promoted them during their trial, which often took years.

Administrative and bureaucratic barriers impeded prosecutions and contributed to the low number of torture convictions. Under the law, courts could not convict unless a defendant attended at least one trial session. Police defendants sometimes failed to attend hearings in order to avoid conviction; prosecuting attorneys claimed courts failed to make serious attempts to locate such defendants, even in cases where the defendants received salary or pension checks at their home address.

In separate decisions in March and September, an Ankara court convicted five police defendants in the 1991 Birtan Altinbas death-in-detention case and sentenced them each to 4 years and 5 months in prison. The court acquitted five codefendants. In November, the High Court of Appeals overturned the verdict on the grounds that the sentences were too lenient, sending the case back to the lower court.

The TNP and Jandarma were effective and received specialized training in a number of areas, including human rights and counterterrorism. The armed forces emphasized human rights in training for officers and noncommissioned officers. Noncommissioned police officers received 2 years of training.

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 police, judges, and prosecutors across the country, focusing on EU human rights standards. The Justice and Interior ministries conducted numerous training programs for law enforcement and security officials, judges, and prosecutors on recent legal reforms and European Court of Human Rights (ECHR) case law.

Except when police apprehend suspects in the commission of a crime, a prosecutor must issue a detention order for a person to be taken into custody. The maximum detention period for persons charged with individual common crimes is 24 hours. Persons charged with collective common crimes can be held for 48 hours.

The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. In practice, authorities did not always respect these provisions and most detainees did not exercise these rights, either because they were unaware of them or feared antagonizing authorities. 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 detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly with respect to attorney access. According to HRA and a number of local bar associations, only approximately 5 percent of detainees consulted with attorneys. HRA claimed police intimidated detainees who asked for attorneys, sometimes telling them a court would assume they were guilty if they consulted an attorney during detention. A number of attorneys stated that, unlike in past years, law enforcement authorities did not generally interfere with their efforts to consult with detainees charged with common crimes; however, they said they continued to face difficulties working with detainees charged with terrorism.

The CPT reported that, during its September 2003 visit to the southeastern region, it discovered that only between 3 and 7 percent of recent detainees in the area had consulted with an attorney. A number of former detainees told CPT officials they did not know they had the right to consult with an attorney at no cost if they could not afford to hire one. Several said police refused their requests for access to an attorney or discouraged them from consulting an attorney, for example by implying they would have to pay the attorney. The CPT stated it was skeptical of records indicating that a high proportion of detainees held in antiterror departments had waived their right to consult an attorney and concluded that authorities in these departments were reluctant to allow attorney access.

In June, the General Directorate of Security issued a circular directing law enforcement authorities to notify detainees of their right to consult with an attorney and to retain an attorney at no cost if they lack the means to hire one. The circular warned police that failure to inform detainees of their rights could render an arrest illegal.

Regulations on detention and arrest procedures require authorities to notify relatives as soon as possible of an arrest, and authorities generally observed this requirement.

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

Detainees could be held for up to 6 months during the preliminary investigation period. If a case was opened, the pretrial detention period could be extended for up to 2 years. If the detainee was charged with a crime carrying a maximum punishment of more than 7 years, a court could further extend the detention period.

Persons detained for individual crimes under the Antiterror Law have to be brought before a judge within 48 hours. Persons charged with crimes of a collective, political, or conspiratorial nature can be detained for an initial period of up to 4 days at a prosecutor's discretion and for up to 7 days with a judge's permission, which was almost always granted.

International humanitarian organizations were allowed access to "political" detainees, provided the organization obtained permission from the Ministry of Justice. With the exception of the CPT, which had good access, the Ministry granted organizations such permission few times.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was sometimes subject to outside influences. There were allegations of judicial corruption.

In June, the Court of Appeals President's Council, headed by Court President Eraslan Ozkaya, rejected a request by prosecutors to investigate eight Court of Appeals judges for corruption in a bribery-related case. Prosecutors sought to pursue evidence obtained from wiretaps indicating that the suspect in a bribery ring investigation had been in contact with the eight judges.

In August, the press reported allegations that organized crime figure Alaaddin Cakici maintained links to two High Court of Appeals judges—Eraslan Ozkaya and Court Deputy Secretary General Ercan Yalcinkaya—as well as to officials of the Turkish National Intelligence Organization. Cakici allegedly was informed about the status of his case at the Court of Appeals and used this information to escape the country in May. Yalcinkaya resigned from the Court of Appeals in October and was reassigned as public prosecutor for Kazan, Ankara. In October, the Court of Appeals President's Council decided not to pursue either a criminal or disciplinary investigation of Ozkaya. A Justice Ministry investigation of Yalcinkaya continued at year's end.

The Constitution prohibits the Government from issuing orders or recommendations concerning the exercise of judicial power; however, the Government and the National Security Council (NSC), an 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 general directions to the judiciary. The seven-member High Council of Judges and Prosecutors, appointed by the President and chaired by the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The High Council, which is located in the Ministry of Justice and does not have its own budget, was widely criticized for restricting judicial independence. While the Constitution provides for security of tenure, the High Council controlled the careers of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation's highest court; and three other high courts. The High Court of Appeals (Yargitay) hears appeals for criminal cases; the Council of State (Danistay) hears appeals of administrative cases or cases between government entities, and the Audit Court (Sayistay) audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. During the year, Parliament adopted legislation providing for the establishment of regional appeals courts to relieve the Yargitay caseload and allow the judiciary to operate more efficiently.

In June, Parliament adopted legislation closing the SSCs, special courts designed to try crimes against the State. The courts had been widely criticized for proprosecution bias, and the ECHR had overturned many SSC convictions over the years on the grounds that the defendants had been denied a fair trial. However, the legislation established new, specialized heavy penal courts to take most of the former SSC caseload. Since the new courts have special powers similar to those of the SSCs, a number of attorneys and human rights activists asserted that the legislation amounted to little more than a name change.

The Constitutional Court examined the constitutionality of laws, decrees, and parliamentary procedural rules and heard cases involving the prohibition of political parties. If impeached, ministers and prime ministers could be tried in the Constitutional Court. However, the Court could not consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations as authorized by Parliament. Military courts, with their own appeals system, heard cases involving military law for members of the armed forces.

The law provides prosecutors far-reaching authority to supervise police during investigations; however, prosecutors complained that they had few resources to do so. In December, Parliament adopted legislation establishing judicial police, who will be assigned to take direction from prosecutors during investigations; however, the Interior Ministry maintains authority over judicial police, including their promotions. Prosecutors also were charged with determining which law had been broken and objectively presenting facts to the court.

Defense lawyers did not have equal status with prosecutors. In heavy penal courts, prosecutors sat alongside judges, while defense attorneys sat apart. In courts with computers, prosecutors were generally provided with computers and had access to the hearing transcript; defense attorneys were not provided computer access. Judges and prosecutors lived in the same government apartment complexes, and some defense attorneys claimed that the social ties between judges and prosecutors disadvantaged the defense in court.

Defense attorneys in politically sensitive cases sometimes faced harassment, although human rights groups and bar associations said this was less common than in the past. Attorneys could face threats 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.

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.). Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. In some cases, such delays extended beyond the statute of limitations, causing the trial to end without a verdict.

The law prohibits the use of evidence obtained by torture in court; however, prosecutors sometimes failed to pursue torture allegations, and exclusion of evidence only occurred after a separate case on the legality of the evidence was resolved. In practice, a trial based on a confession allegedly coerced under torture could proceed and even conclude before the court had examined the merits of the torture allegations.

The law requires bar associations to provide free counsel to indigents who request it from the court, and bar associations across the country did so in practice.

The legal system did not discriminate in law or in practice against ethnic, religious or linguistic minorities; however, legal proceedings were conducted solely in Turkish, with interpreting available sometimes, which seriously disadvantaged some defendants whose native language was not Turkish.

In September, Parliament adopted a new Penal Code that reduced sentences for some crimes and decriminalized some acts that had previously been considered crimes. As a result, the Government released 3,240 convicts through November.

There were no developments in the appeal of the 2003 ECHR ruling that jailed PKK leader Abdullah Ocalan did not receive a fair trial during the proceedings that led to his 1999 conviction.

The HRA estimated that there were approximately 6,000 to 7,000 political prisoners, including leftists, rightists and Islamists. Of these, approximately 1,500 were alleged members of Hizballah or other radical Islamist political organizations. The Government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the Government, there were 4,508 convicts and detainees held on terrorism charges at year's end.

International humanitarian organizations were allowed access to "political" prisoners, provided they could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, such organizations were seldom granted permission in practice.

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

The Constitution prohibits such actions, and the Government generally respected these provisions in practice.

The law allows officials to enter a private residence and intercept or monitor private correspondence with a judicial warrant. If delay might cause harm to a case, prosecutors could authorize a search without a warrant.

The law permits wiretaps on national security grounds with a written court order or, in an emergency situation, written permission of a prosecutor, and the Government generally respected these requirements in practice.

### 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 articles of the Penal Code prohibiting insults to the Government, the State, or the institutions and symbols of the Republic. Other laws, such as those governing the press and elections, also restrict speech. In September, Parliament adopted legislation prohibiting imams, priests, rabbis, and other religious leaders from "reproaching or vilifying" the Government or the laws of the State while performing their duties (see Section 2.c.). The "reasoning" attached to the Penal Code states that persons could be found in violation for accepting payment from foreign sources for the purpose of conducting propaganda in favor of withdrawing troops from Cyprus or (quoting from the text of the "reasoning") "saying that Armenians were subject to a genocide at the end of the First World War." The reasoning is not law, but serves as guidance to judges and prosecutors on how to apply the law.

According to HRA, in the first 9 months of the year, courts tried 416 persons on charges relating to spoken or written expression.

Individuals could not criticize the State or Government publicly without fear of reprisal, and the Government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, and the question of Turks of Kurdish origin as "minorities"; however, persons who wrote or spoke out on such topics risked prosecution.

In January, prosecutors opened a case against Vetha Aydin, chairman of the HRA Siirt branch, for distributing posters featuring slogans in both Turkish and Kurdish. Aydin was charged with hanging posters without permission and was later acquitted.

In February, an Ankara prosecutor indicted Fusun Sayek, president of the Turkish Medical Association, and Metin Bakkalci, Association vice president, on charges of insulting the Health Minister. The two were charged for public comments made in response to the Minister's criticism of a stop-work action by physicians. According to the indictment, Sayek said the Minister "has



a problem understanding" and Bakkalci said, "Not seeing the greatness of this action is a kind of pathological case." In June, a court acquitted the defendants on criminal charges. Civil charges were also filed against the Medical Association officials; a civil court acquitted Sayek but fined Bakkalci, whose appeal of the ruling continued at year's end.

In May, a prosecutor in Marmaris indicted Mehmet Yurek, editor of the newspaper Degisim, for insulting former President Evren in an article published in April.

In June, police detained and released DEHAP official Nedim Bicer for using the expression "sayin" ("esteemed") in reference to Abdullah Ocalan during a May press conference.

In September, an Istanbul prosecutor opened a case against journalist Mehmet Ali Birand and three attorneys for jailed PKK leader Abdullah Ocalan in connection with an April CNN Turk broadcast during which Birand interviewed the attorneys. Birand and the attorneys--Irfan Dunder, Mahmut Sakar, and Dogan Erbas--were charged with aiding the PKK.

During the year, there were indications that some judges in speech-related cases were conforming their rulings to recent, EU-related legal reforms. In May, SSCs in Van and Erzurum acquitted DEHAP President Tuncer Bakirhan on charges of separatism and spreading terrorist propaganda in public speeches. The courts determined that Bakirhan's comments did not encourage violence and were within the realm of legally protected speech. In August, a Van court acquitted Selahattin Demirtas, president of the HRA Diyarbakir branch, on charges of making terrorist propaganda, reportedly basing its ruling on the European Convention on Human Rights.

There were no new developments in the appeal of DEHAP parliamentary candidate Ruknettin Hakan's 2003 conviction and 6-month suspended prison sentence for "making propaganda in a language other than Turkish."

In January, an Istanbul SSC sentenced Sefika Gurbuz, chairwoman of the Social Support and Culture Association of Migrants, to 10 months imprisonment in connection with the organization's 1999-2001 report on forced displacement. The court converted the sentence to a fine of \$1,430 (1.9 billion lira).

Freedom of the press was restricted; however, the Government took a number of steps during the year to ease some of the restrictions. In June, Parliament adopted a law to expand press freedom. The new law replaces prison sentences with fines for a number of crimes, reduces fines, permits noncitizens to own periodicals and serve as responsible editors, protects editors and reporters from being forced to disclose sources, provides punishment for preventing the distribution of a publication, allows law enforcement authorities to confiscate a maximum of three copies of a publication under investigation, generally prohibits courts from converting fines to prison sentences in press-related cases, and prohibits authorities from closing publications or preventing their distribution due to violations of the Press Law.

In May, Parliament amended the Constitution so that it no longer authorizes law enforcement authorities to seize printing presses or other publishing equipment.

Independent domestic and foreign periodicals that provided a broad spectrum of views and opinions, including intense criticism of the Government, were widely available, and the newspaper business was extremely competitive. However, news items reflected a proauthority bias.

The Government owned and operated the Turkish Radio and Television Corporation (TRT). 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 Kurdish-language private channels. Most media were privately owned by large holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate.

The RTUK monitored broadcasters and sanctioned them if they were not in compliance with relevant laws. Parliament elected the RTUK Council members, who were divided between ruling and opposition parties. In July, Parliament revised the RTUK law to eliminate the NSC-nominated member from the Council, reducing Council membership from nine to eight. Although nominally independent, the RTUK was subject to political pressures. The RTUK penalized private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. RTUK decisions could be appealed to the Provincial Administrative Court and then to the Council of State (Danistay). The RTUK reported that, in the first 9 months of the year, it closed 4 television stations and 6 radio stations for periods of 30 days each.

In March, the RTUK ordered Ozgur Radio and Serhat Television to cease broadcasting for 30 days for inciting people to hatred and violence. Ozgur was sanctioned in connection with an August 2003 broadcast during which articles from the newspaper Evrensel were read on the air; Serhat was sanctioned due to a July 2003 program titled "Isildak." In April, the RTUK ordered ART Television of Diyarbakir to cease broadcasting for 30 days on the grounds that an August 2003 broadcast featuring Kurdish music constituted separatist propaganda. In June, the RTUK banned one broadcast of the Show TV program "Valley of Wolves" for encouraging violence and inciting racial hatred. In September, RTUK ordered Gun TV of Diyarbakir to cease broadcasting for 30 days as punishment for a December 2003 broadcast that authorities deemed to be "against the values of Ataturk, against the unity of the State." The sanction stemmed from Gun TV's live broadcast of a symposium on local administration, human

rights, and the media. In October, the RTUK ordered Imaj Radyo to cease broadcasting for 30 days for playing a song that it considered incited hatred and violence.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Authorities often closed periodicals temporarily, issued fines, or confiscated periodicals for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and adopted an adversarial role with respect to the Government.

In May, an Ankara court ordered three journalists of the Islamist-oriented Vakit newspaper--owner Nuri Aykon, editor Harum Aksoy, and writer Mehmet Dogan--to pay \$408,000 (551 billion lira) to 312 generals for insulting them. The charges stemmed from an article published in August 2003 titled, "The Country Where a Soldier Who Does Not Deserve to be Sergeant Becomes a General." An appeals court upheld the ruling.

In October, a Bursa court convicted Genc Party leader Cem Uzan, sentenced him to 8 months in prison, and fined him \$462 (623 million lira) for insulting the Government in a 2003 speech in which he called Prime Minister Erdogan "godless." The case was under appeal at year's end.

There were no new developments in the case of Sabri Ejder Ozic, who appealed his December 2003 conviction for insulting and mocking Parliament in a radio broadcast.

At year's end, writer and scholar Fikret Baskaya continued to face charges involving the 2003 republishing of an article he wrote in 1993.

According to the Government, there were no journalists held on speech violations during the year; however, at year's end, there were 43 prisoners claiming to be journalists who were charged with a variety of crimes.

Authorities sometimes used forms of censorship against periodicals with pro-Kurdish or leftist content, particularly in the southeast. In January, Sinan Kutluk claimed police kidnapped him and threatened to kill him as he was distributing the leftist daily Ozgur Gundem in Adana. In June, a juvenile said plainclothes police beat him as he was distributing Ozgur Gundem in Van. Journalists practiced self-censorship.

While there were improvements during the year, the Government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. In June, state television and radio began limited broadcasts in Kurdish and three other minority languages. RTUK regulations limited the minority-language broadcasts, including news and cultural programming, to 60 minutes per day, 5 hours per week on radio, and 45 minutes per day, 4 hours per week on television. The regulations also require that non-Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. At year's end, local stations were prohibited from broadcasting similar non-Turkish programs pending the completion of a RTUK viewer-listener profile.

In October, the Government's Human Rights Consultation Board issued a report, which found that legal restrictions on the use of minority languages violated the country's commitments under the 1923 Lausanne Treaty to provide Turkish nationals the right to use any language in the press, commerce, religion, public meetings, and private life without restriction. A number of Government officials harshly criticized the report and Ankara prosecutors opened an investigation against the report's principal authors. There were no developments in the investigation at year's end.

In November, the High Court of Appeals reinstated a case against the teachers' union Egitim-Sen on charges stemming from an article in the union's statute supporting the rights of individuals to receive education in their mother tongue; the case continued at year's end.

While Kurdish-language audio cassettes and publications were available commercially, local authorities periodically prohibited specific cassettes or singers, particularly in the southeast. Prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and prohibited several books on a range of topics. Police frequently raided the offices of such publications.

The Government did not restrict access to the Internet; however, the law authorizes RTUK to monitor Internet speech and to require Internet service providers to submit advance copies of pages to be posted online. The law also allows police to search and confiscate materials from Internet cafes to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

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

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

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Significant prior

notification to authorities was required for a gathering, and authorities could restrict meetings to designated sites.

Police beat, abused, detained, or harassed some demonstrators. In April, Istanbul police reportedly prevented students from marching in Taksim Square to protest the Higher Education Council. Police allegedly beat students with truncheons, used tear gas, and detained 48 demonstrators. In July, Diyarbakir police reportedly prevented a group of women from staging a demonstration in support of jailed PKK leader Abdullah Ocalan. Police allegedly beat demonstrators, injuring 6 persons and detaining 38.

In August, the Interior Ministry issued a circular directing governors and law enforcement authorities to take measures to avoid the use of excessive force in responding to demonstrations. The circular instructed authorities to identify the root causes of excessive force, working with NGOs and other civil institutions as necessary, and to punish law enforcement officials who engage in the practice.

There were no new developments in the court appeal by police officers of their postponed prison sentences for beating Veli Kaya during a 2002 protest against the Higher Education Council.

On March 21, most celebrations of Nevruz, the Kurdish New Year, took place without incident, according to the HRF; however, the HRF reported that police beat celebrants at a number of locations. In Agri Province, authorities refused to allow celebrations because the application featured the Kurdish spelling "Newruz," including the letter "w," which is not found in Turkish.

In February, an Aliaga court sentenced Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center, to 1½ years in prison for holding an unauthorized demonstration. The court also sentenced 31 codefendants in the case and acquitted 34; the ruling was under appeal at year's end.

The HRF reported that authorities in most cases did not interfere in celebrations of May Day (May 1); however, police detained a number of celebrants. Organizers canceled May Day celebrations in Diyarbakir because the Governor designated a site 12 kilometers from the city center.

The Constitution provides for freedom of association; however, there were some restrictions on this right in practice.

In March, prosecutors opened a case seeking the closure of the Human Rights Agenda Association for allegedly failing to make required changes to its statute. In September, an Izmir court decided to drop the case, determining that the changes were not necessary.

In April, Istanbul police sealed the headquarters of the Association of Prisoners' Relatives under a closure order from the Governor for alleged violations of the Associations Law.

In May, the Directorate General for Foundations issued a circular stating that all foundations were required to seek government permission prior to applying to participate in projects funded by international organizations.

In June, an Ankara court ordered the closure of the National Youth Foundation for promoting "Arab nationalism." In December, the High Court of Appeals upheld the ruling.

In June, the Interior Ministry issued a circular that directed local authorities to regard public statements by civil society organizations as constitutionally protected speech. It also instructed law enforcement officials not to film or photograph meetings and activities of organizations unless so instructed by the governor's office.

In August, a Diyarbakir prosecutor opened a case against the local branch of the Kurdish Writers Association for "receiving a committee from the EU" without permission from the governor's office. A court acquitted the defendants in October.

In November, Parliament adopted a law that reduces limits on the right to form and join associations by removing restrictions on the establishment of associations based on race, religion, sect, region, or minority status, and on student associations. The law also allows associations to cooperate with foreign organizations and establish branches abroad without prior permission. The law removes the requirement that associations inform local authorities of general assembly meetings and prohibits law enforcement authorities from searching association premises without a court order. However, the new law maintains the requirement that foreign associations receive permission from the Interior Ministry, in consultation with the Ministry of Foreign Affairs, before engaging in activity in the country.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Government imposed some restrictions on Muslim and other religious groups and on Muslim religious expression in government offices and state-run institutions, including universities, usually for the stated reason of preserving the "secular State."

The Constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights. The Constitution prohibits discrimination on religious grounds. The state bureaucracy has played the role of defending traditional Turkish secularism throughout the history of the Republic. In some cases, elements of the bureaucracy have opposed policies of the elected government on the grounds that they threatened the secular state.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which reports directly to the Prime Ministry. The Diyanet has responsibility for regulating the operation of the country's 75,000 registered mosques and employing local and provincial imams, who are civil servants. Some groups, particularly Alevi, claim that the Diyanet reflects mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the Government asserts that the Diyanet treats equally all who request services.

There are an estimated 7 to 9 million Alevi, including ethnic Turks, Kurds, and Arabs. In general, Alevi follow a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. Alevi in Central Anatolia base their beliefs on 12er Shi'ism. Alevi Kurds in the Tunceli area follow the Kurdish "Cult of Angels," or Yarsanism. The Government considers Alevism a heterodox Muslim sect; however, some Turkish Alevi and radical Sunnis maintain that Alevi are not Muslims.

A separate government agency, the General Directorate for Foundations (Vakiflar Genel Mudurlugu), regulates some activities of non Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the Vakiflar, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The Vakiflar also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Secularists in the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they label as proponents of Islamic fundamentalism. These groups view religious fundamentalism--which they do not clearly define, but which they assert is an attempt to impose the rule of Shari'a law in all civil and criminal matters--as a threat to the secular State. The NSC categorizes religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, some government ministries have dismissed or barred from promotion civil servants suspected of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military regularly dismisses religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular State. According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers were sometimes dismissed for maintaining ties to what the military considered to be Islamic fundamentalist organizations, despite repeated warnings from superior officers.

The law prohibits mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats). The military ranked tarikats among the most harmful threats to secularism; however, tarikats remained active and widespread and some prominent political and social leaders associated with tarikats, cemaats, and other Islamic communities.

The Government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's dwindling Greek Orthodox community. As a result, the Government has long maintained that only citizens of the country could be members of the Church's Holy Synod and participate in Patriarchal elections. Members of the Greek Orthodox community said these restrictions threatened the survival of the Patriarchate in Istanbul, because, with fewer than 2,500 Greek Orthodox left in the country, the community was becoming too small to maintain the institution. In March, Ecumenical Patriarch Bartholomew I appointed six non Turkish-citizen metropolitans to the Holy Synod, representing the first time in the 80-year history of the country that noncitizens had been appointed to the body. At year's end, the Government was still conducting a legal analysis of the unprecedented move.

The law restricts religious services to designated places of worship. Municipal codes mandate that only the Government can designate a place of worship; if a religious group has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, particularly for groups that do not own property recognized by the Vakiflar, often took place on diplomatic property or in private apartments. Police occasionally prohibited Christians from holding services in private apartments, and prosecutors sometimes opened cases against Christians for holding unauthorized gatherings.

In May, a Diyarbakir court acquitted Ahmet Guvener, pastor of the Diyarbakir Evangelical Church, of multiple charges of operating an illegal church after the prosecutor told the court that Guvener's actions no longer constituted a crime due to international law and recent domestic legal reforms. In November, a local board charged with protecting cultural and historic sites approved the church's application to have its property zoned as a place of worship, reversing its May ruling against the church. In December 2003, the Interior Ministry issued a circular directing provincial governors to facilitate efforts by non-Muslim communities to open places of worship; however, some local officials continued to impose standards, such as minimum space requirements, on churches while failing to apply them to mosques.

In March, authorities approved an application by a group of expatriate, German-speaking Christians to establish a

religious/charity association in Alanya, Antalya Province. In the past, authorities rejected such applications on the grounds that the law prohibited associations based on religion. The arrangement authorizes group members to build and maintain a church, but does not explicitly allow them to worship.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara, which was closed in 1971 when the State nationalized private institutions of higher learning. The Ecumenical Patriarchate faced a series of other problems related to its properties. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in rare cases, but in general all religious community leaders, including Patriarchs and Chief Rabbis, were required to be citizens.

In September, Parliament adopted a law prohibiting imams, priests, rabbis, or other religious leaders from "reproaching or vilifying" the Government or the laws of the State while performing their duties. Violations are punishable by prison terms of 1 month to 1 year, or 3 months to 2 years if the crime involves inciting others to disobey the law, which was scheduled to go into effect in April 2005.

While no law explicitly prohibits proselytizing or religious conversions, many prosecutors and police regard proselytizing by non-Muslims and religious activism with suspicion. Police occasionally prohibited Christians from handing out religious literature and sometimes arrested proselytizers for disturbing the peace, insulting Islam, conducting unauthorized educational courses, or distributing literature that has criminal or separatist elements. Courts usually dismissed such charges. Proselytizing is often considered socially unacceptable; Christians performing missionary work are sometimes beaten and insulted. If proselytizers are foreigners, they may be deported, but generally they are able to reenter the country. Police may report students who meet with Christian missionaries to their families or to university authorities.

Authorities enforced the long-standing prohibition on the wearing of headscarves at universities and by civil servants in public buildings. Women who wore headscarves and persons who actively showed support for those who defied the prohibition were disciplined or lost their jobs in the public sector. Students who wear head coverings are officially not permitted to register for classes. Many secular Turkish women accused Islamists of using advocacy for wearing the headscarf as a political tool and expressed fear that efforts to remove the headscarf ban would lead to pressure against women who chose not to wear a head covering. Secular women also maintained that many women wore headscarves under pressure from men. In June, the ECHR ruled that Turkish universities have the right to ban Muslim headscarves; the ruling was under appeal at year's end.

The law establishes 8 years of compulsory secular education for students. After completing the 8 years, students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance exam grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enroll their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams. In May, President Sezer vetoed a bill that would have eliminated the disadvantage faced by graduates of imam hatip and other vocational schools seeking to enroll in the full range of university social sciences programs.

Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Students who complete 5 years of primary school may enroll in Diyanet Koran classes on weekends and during summer vacation. Many Koran courses functioned unofficially. Only children 12 and older could legally register for official Koran courses, and Mazlum-Der reported that police often raided illegal courses for younger children.

Members of the Christian community reported that the Government revised school textbooks in response to complaints about inaccurate, negative references to Christianity. They said the revised versions represented a significant improvement.

The 1923 Lausanne Treaty exempts non-Muslim minorities--which the Government interprets as referring exclusively to Greek Orthodox Christians, Armenian Orthodox Christians, and Jews--from Islamic religious and moral instruction in public schools upon written notification of their non-Muslim background. These students may attend Muslim religious courses with parental consent. Others, such as Catholics, Protestants, and Syriac Christians, are not exempted legally; however, in practice they were allowed to obtain exemptions. Officially recognized minorities may operate schools under the supervision of the Ministry of Education. Such schools are required to appoint a Muslim as deputy principal; reportedly these deputies had more authority than their nominal supervisors. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction. In May, the Education Ministry stated that children with non-Muslim mothers could attend minority schools; previously, only those with non-Muslim fathers were permitted.

Some religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the Government in the past and continued to fight ongoing efforts by the Government to expropriate properties. Many such properties were lost because the law allows the Vakiflar to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The Government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The Vakiflar also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members. In September, the Government adopted a regulation allowing governors to expand the boundaries of electoral districts in cases where there are not enough voters in a district to hold foundation board elections.

The law allows the 161 minority foundations recognized by the Vakiflar to acquire property and the Vakiflar has approved 292 applications by non-Muslim foundations to acquire legal ownership of properties. However, the legislation does not allow the foundations to reclaim hundreds of properties expropriated by the State over the years. Foundations have also been unable to acquire legal ownership of properties registered under names of third parties, including properties registered under the names of saints or archangels, during periods when foundations could not own property in their own name.

In February, the Vakiflar expropriated an orphanage on the Prince's Islands that had belonged to the Ecumenical Patriarchate, asserting that the deed, in the name of the Patriarch, was invalid and that the property belonged to a Greek Orthodox foundation that had previously been expropriated by the Government. In November, the High Court of Appeals upheld the expropriation. By year's end, the Patriarchate was unable to receive permission to repair churches, including one damaged in the November 2003 terrorist bombings in Istanbul.

In January, the Government replaced the Minorities Subcommittee, a body that monitored minorities as potential threats to the country, with the Board to Assess Problems of Minorities. Unlike the subcommittee, the board does not include representatives of the military and intelligence agencies and is charged with supporting the rights of non-Muslims. However, there were no indications that the new board made any serious efforts to address the concerns of non-Muslims during the year.

In September, Parliament adopted a law that prohibits forcing persons to declare or change their religious, political, or philosophical beliefs or preventing them from expressing or spreading such beliefs. The law specifically prohibits the use of force or threats to prevent persons from gathering for worship or religious ceremonies. Violations of the law are punishable with 1 to 3 years in prison.

At year's end, members of the Baha'i community continued to seek authorization from a local board to renovate a sacred property in Edirne.

National identity cards list a person's religious affiliation. Some religious groups, such as Baha'is, alleged that they were not permitted to state their religion on their cards; however, there were reports that authorities have become more flexible regarding the religious affiliation that may be listed. In September, an Ankara court approved the application of a family requesting permission to leave the religion portion of their children's identity cards blank until they reach 18 years of age. Conversion to another religion entails amending a person's identity card; there were reports that local officials harassed persons who converted from Islam to another religion when they sought to amend their cards. Some persons who were not Muslim maintained that listing religious affiliation on the cards exposed them to discrimination and harassment.

In March, two bombers attacked an Istanbul Masonic Lodge, killing two and wounding seven. It was widely believed in the country that Masons have Zionist and anti-Islamic tendencies; evidence gathered in the subsequent investigation suggested that anti-Semitism was at least a partial motivating factor in the attack. According to press reports, one of the suspects arrested also confessed to the August 2003 murder of a Jewish dentist in Istanbul. Reports suggested that the crime's perpetrator used his victim's address book and subsequently telephoned a number of Jewish board members of a retirement home and threatened them with violence.

At year's end, court proceedings continued in the Istanbul trial of 69 suspects charged in connection with the November 2003 terrorist bombings of two synagogues, the British Consulate, and a bank. In an incident that arose out of the bombings, a court case was opened in September against the 17-year-old son of one of the alleged perpetrators and three journalists on anti-Semitism charges. The charges stemmed from an interview with the daily Milliyet in which the youth said, "the attacks did not touch the hearts of the members of my family because the target was Jews," and, "if Muslims hadn't been killed, we would have been happy. We don't like Jews." Three Milliyet journalists were charged with providing a platform for incitement against members of another religion.

Some Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, there were regular reports that citizens who converted from Islam to another religion were sometimes attacked and often experienced social harassment. Proselytizing on behalf of non-Muslim religions was socially unacceptable and sometimes dangerous. A variety of newspapers and television shows have featured anti-Christian and anti-Jewish messages, and anti-Semitic literature was common in bookstores.

In October, the Government's Human Rights Consultation Board issued a report on minorities, which stated that non-Muslims are effectively barred from holding positions in State institutions, such as the armed forces, the Ministry of Foreign Affairs, the National Police, and the National Intelligence Agency. A number of representatives of non-Muslim communities confirmed the report's conclusions (see Section 5).

During the observance of Ramazan in October-November, there were reportedly several incidents of university students attacking students who were not fasting. In October, the rector of Gaziosmanpasa University in Tokat opened an investigation against 10 students and a faculty member in connection with such attacks. In November, police intervened after fasting students at Ankara University attacked nonfasting students, according to press reports.

In March, the Bursa court trying three members of the Nationalist Movement Party accused of severely beating Yakup Cindilli, a

convert to Christianity, postponed hearings for 15 months on the grounds that such a period of time was needed before a medical evaluation could be conducted to determine the full extent of Cindilli's injuries.

In April, an Ankara SSC sentenced Kerim Akbas of Baskent TV to 23 months in prison for inciting attacks against local Protestants and their places of worship. The court convicted Akbas for a series of broadcasts claiming Protestants were bribing Muslims to convert and attempting to disturb the peace. The ruling was under appeal at year's end. Following the broadcasts, vandals damaged several local Protestant facilities.

In September, Bodrum police closed a Protestant church and confiscated its signs under orders from the Governor. Authorities reopened the church several days later.

Members of a Protestant church in Kecioren, Ankara, said local residents opposed to their presence repeatedly threatened them, attempted to attack church members, and vandalized the church. They said police were dismissive of their reports; church members filed a complaint against the local police chief. Church members opened a case against the alleged organizer of the harassment; however, at year's end the suspect remained at large and the threats and vandalism continued.

In September, an estimated 1,000 protestors gathered outside the Greek Orthodox Patriarchate in Istanbul and burned an effigy of Ecumenical Patriarch Bartholomew I. The protest was organized by the youth wing of the Nationalist Movement Party, whose leaders accused the Patriarch of interfering in internal politics by commenting on religious reform and the country's EU candidacy. In October, unknown persons threw a homemade bomb over the wall of the Patriarchate; the bomb blew out several windows and damaged the roof of a cathedral.

Jehovah's Witnesses reported increasing official harassment of their worship services because they were not members of an officially recognized religion. On several occasions during the year, members of Jehovah's Witnesses in Mersin and Istanbul were fined for conducting religious meetings without permission. Members also reported some difficulties in claiming conscientious objector status and exemption from military service. Jehovah's Witnesses who were conscripted into the military refused to take the military oath or carry weapons and, as a result, faced arrest and detention; such detention generally lasted for about a month, after which the individual was released pending trial.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

The law provides for these rights; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. The Government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. Provincial authorities in the southeast, citing security concerns, denied some villagers access to their fields and high pastures for grazing.

The Constitution prohibits forced exile, and the Government did not employ it. There were no new cases of internal exile during the year.

Various NGOs estimated that there were from 1 to 3 million IDPs remaining from PKK conflict, which reached its height between 1984 and 1990. The Government reported that 378,000 residents "migrated" from the southeast during the conflict, with many others departing before the fighting. In July, Parliament adopted a law allowing persons who suffered material losses during the conflict with the PKK to apply for compensation. Under the law, IDPs who fled the region are eligible for cash or in-kind payment for losses caused by terrorism or by the State's antiterror operations. However, the Foundation for Society and Legal Studies and a number of international organizations criticized the law because some villagers who fled the region, particularly those who fled the country, would have difficulty meeting the 1-year deadline for applying for payment and because villagers who received token amounts of compensation in the past would be ineligible for benefits. Residents of the southeast and representatives of regional bar associations also said the law established unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow some displaced villagers to return to the southeast unless they signed a document stating that they had left their homes due to PKK terrorism, rather than government actions, and that they would not seek government assistance in returning. Village guards occupied homes abandoned by IDPs and have attacked or intimidated IDPs attempting to return to their homes with official permission. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. The Government claimed that a total of 127,927 displaced persons had returned to the region as of November and that it had assisted in the reopening of more than 400 villages and hamlets.

In August, the HRA reported that soldiers forcibly evacuated residents from the village of Ilıcak in Sirnak Province, marking the first such evacuation in 3 years. Local officials arranged for the return of the villagers 3 days later.

In September, the Governor and Jandarma officials in Sirnak Province evicted village guards who were preventing a group of

Syriac Christians from returning to their homes. The Syriacs, who fled due to the PKK conflict, returned during the year and found 20 village guards occupying their homes in the village of Sarikoy. The Sirnak Governor cut off electricity to the village, and Jandarma officers evacuated the village and disarmed the village guards. The Syriacs reportedly paid local authorities \$93,700 (126 billion lira) for the relocation effort.

Foreign governments and national and international human rights organizations continued to criticize the Government's program for assisting the return of IDPs as secretive and inadequate.

There were no new developments in the Mersin trial of seven members of the Migration and Humanitarian Aid Foundation (GIYAV) on charges of aiding and abetting an illegal organization. There were also no new developments in the separate Mersin trial in which prosecutors are seeking to disband GIYAV on charges of establishing relations with foreign associations without seeking the required approval from the Interior and Foreign ministries.

An administrative regulation provides for the granting of asylum or refugee status in accordance with the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, the Government exercised its option under the Convention of accepting obligations only with respect to refugees from Europe. The Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. According to the Government, Europeans recognized as refugees could remain in the country and eventually acquire citizenship; however, it was not clear how often this happened in practice. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting the small number of European refugees and asylum seekers. Chechens, many of whom arrived in 2001, reported problems making asylum applications with the Government and renewing temporary residence permits.

The Government offered non-European refugees temporary asylum while they were waiting to be resettled in another country. The UNHCR conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees.

The UNHCR reported that no recognized refugees were returned to a country where they feared persecution during the year; however, three asylum seekers whose applications remained under review by the UNHCR were deported to their country of origin.

Detained illegal immigrants found near the country's eastern border areas were more likely to be questioned about their asylum status and referred for processing than those caught while transiting or attempting to leave the country. Even along the eastern border, however, access to the national procedure for temporary asylum was hindered by the lack of reception facilities for groups of interdicted migrants, potentially including asylum seekers, and interpreters to assist security officials.

The UNHCR experienced difficulty gaining access to some persons who expressed a wish to seek asylum while in detention and facing deportation. According to the UNHCR, the Government deported 23 persons in this situation during the year, in most cases to their country of origin, without giving the UNHCR an opportunity to assess their possible need for international protection.

Regulations require asylum seekers to apply within 10 days of arrival and submit proof of identity in order to register for temporary asylum. An appeal can be lodged within 15 days of a decision by authorities not to receive an asylum claim; after the appeal procedure, rejected applicants are issued a deportation order that can be implemented after 15 days. According to the UNHCR, the Government demonstrated greater flexibility than in past years in applying these regulations; however, asylum seekers arriving in the country after transiting through one or more other countries continued to face difficulties in lodging an application. As a result, some of the refugees and asylum seekers registered with the UNHCR were unable to register with the Government or otherwise legalize their status in the country.

The Government provided free medical care to non-Europeans recognized as refugees by the UNHCR, pending efforts to resettle them abroad. Local authorities also extended support to non-European refugees in some cases. The UNHCR remained the main source of support to refugees, working with the Government and civil society organizations.

### 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 2002 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards; however, the OSCE mission noted that several parties--notably the AKP, the winner of the elections--faced action aimed at closing them down, and many candidates were also prohibited from running. The mission reported that, while there were a substantial number of cases of harassment reported by some political parties and by human rights groups, the situation had improved markedly compared with previous elections.



Political parties and candidates could freely propose themselves and be freely nominated by various elements in the country; however, the High Court of Appeals Chief Prosecutor could seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court.

There were no new developments during the year in the legal case seeking the closure of the pro-Kurdish DEHAP on charges of separatism.

In February, the Constitutional Court ordered the Felicity Party to stop using the abbreviation "SP," which was the abbreviation used by the banned Socialist Party.

In July, the High Court of Appeals overturned the April conviction of Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak, former members of Parliament from the Democracy Party. An Ankara SSC had convicted the four defendants in their retrial on charges of being members of, or supporting, the PKK. The Court of Appeals ruled that the SSC had failed to conform to recent legal reforms in its conduct of the retrial. The Court of Appeals' reasons for overturning the verdict included the SSC's rejection without explanation of a defense request for the replacement of the chief judge, the use of statements and testimony by the prosecution that were not read in court, the SSC's refusal to permit some defense witnesses to testify, and the failure to have audio and video recordings used as evidence transcribed by impartial parties. In June, the Court of Appeals ordered the release of the defendants. As a result of the Court of Appeals ruling, a heavy penal court in October began a new trial for the defendants.

In October, a Bursa court sentenced Genc Party leader Cem Uzan to 8 months in prison for insulting the Government (see Section 2.a.).

During the year, police raided dozens of DEHAP offices, particularly in the southeast, and detained hundreds of DEHAP officials and members. Jandarma and police regularly harassed DEHAP members, through verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DEHAP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization, inciting separatism, or for violations of the law. In January, an Erzurum prosecutor opened a case against DEHAP Chairman Tuncer Bakirhan on charges relating to a 2002 speech. A court convicted Bakirhan and sentenced him to 1 year in prison, but postponed the sentence. In February, the High Court of Appeals upheld the conviction of DEHAP Party Assembly member Abdulkemir Bingol on charges relating to a 2003 speech. Bingol began serving his 18-month prison sentence in April. In April, DEHAP official Giyasettin Torun claimed that Istanbul police kidnapped him, blindfolded him, and subjected him to threats and beatings for several hours before releasing him without charge. In June, a prosecutor in Van indicted local DEHAP Chairman Hasan Ozgunes, HRA official Zuleyha Cinarli, and 11 others on terrorism charges stemming from their participation in a press conference on the Kurdish problem and the prison conditions of jailed PKK leader Abdullah Ocalan. A court acquitted them in August. In December, a Bursa prosecutor opened a case against eight DEHAP members, including Murat Avci, head of the party branch in Bursa, in connection with slogans allegedly shouted at a DEHAP event in June.

Corruption was a problem. Former Prime Minister Mesut Yilmaz and former State Minister Gunes Taner were charged with corruption during the year and were scheduled to be tried in 2005. Other former high-level officials faced trial for allegedly abusing their authorities. Several retired military officers were also charged with corruption, including former Naval Forces Commander Ilhami Erdil, former NSC Secretary General Tuncer Kilinc, and former Jandarma Commander Sener Eruygur. Prosecutors dropped the charges against Kilinc because the statute of limitations had expired; legal proceedings against the other former officers continued at year's end.

Opposition party members criticized the ruling AKP for refusing to lift the immunity of AKP parliamentarians suspected of corruption and other abuses.

In October 2003, the Government adopted the Freedom of Information Law, under which citizens could apply to government institutions for information. The HRF maintained that the law gives the Government broad leeway to reject applications on national security and other grounds; HRF requests for information during the year were denied, and there was no opportunity to appeal. The Press Council reported that it received no complaints during the year from journalists making applications under the law.

There were 24 women in the 550-seat Parliament. There was 1 female minister in the 24-member Cabinet. There were no female governors but approximately 20 female subgovernors. Following the March local elections, there were 25 women among the 3,209 mayors in the country.

Some minority groups were active in political affairs. Many members of Parliament and senior government officials were Kurds.

#### Section 4

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

A number of domestic and international human rights groups operated in many regions, but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. The Government met with domestic NGOs (which it defined broadly to include business organizations and labor unions), responded to their inquiries, and sometimes took action in

response to their recommendations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. 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 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. For example, the HRA reported that prosecutors opened 98 court cases and investigations against the organization between October 2003 and August, and 58 cases remained ongoing at year's end.

In March, prosecutors dropped a case against the members of the HRF Executive Board on charges of translating HRF reports into English and distributing them without permission, soliciting donations on the Internet, and encouraging protestors to engage in hunger strikes by providing treatment to ill strikers. If convicted, the board members would have been forced to resign.

There were no developments in the Government's investigation of the HRA headquarters and Ankara branch office. The investigation was opened following the May 2003 police raid of the facilities.

Amnesty International maintained a headquarters in Istanbul and reported good cooperation with the Government during the year. The Government also cooperated with international governmental organizations such as the CPT, UNHCR, and the International Organization for Migration. In October, the Government permitted the visit of and met with the U.N. Special Representative for Human Rights Defenders.

In October, the Interior Ministry issued a circular directing local authorities to comply with U.N. and EU guidelines for protecting the rights of human rights defenders.

Representatives of diplomatic missions who wished to observe human rights developments were free to speak with private citizens, groups, and government officials. However, security officials routinely placed such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights observers. There were no public reports that the Government denied permission for foreign officials to make such visits; however, police reportedly harassed and intimidated some human rights activists in the southeast after they met with foreign diplomats.

There were government-sponsored human rights councils in all 81 provinces and 850 subprovinces to serve as a forum for human rights consultations among NGOs, professional organizations, and the Government. The councils investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. However, some councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that they lacked authority and were not independent, in part because unelected governors and subgovernors served as chairmen.

A Human Rights Presidency monitored the implementation of legislation relating to human rights, coordinated with NGOs, and educated public officials. The Presidency was attached to the Prime Ministry; it did not have a separate budget, and its resources were limited. Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; a Human Rights Consultation Board, which serves as a forum for the exchange of ideas between the Government and NGOs; and a Human Rights Investigative Board, a special body to be convened only in cases where lower-level investigations are deemed insufficient by the Human Rights Presidency. The Human Rights Investigative Board has never been convened.

The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution regards all citizens as equal and prohibits discrimination on ethnic or racial grounds; however, societal and official violence and discrimination against women and minorities remained problems.

In May, Parliament amended the Constitution to specify that men and women have equal rights and that it is the duty of the State to ensure that this protection is put into practice. Before the amendment, the Constitution only stated broadly that all individuals were equal before the law.

#### Women

Violence against women remained a chronic problem, and spousal abuse was serious and widespread. The law prohibits spousal abuse; however, complaints of beatings, threats, economic pressure, and sexual violence continued. Beating in the home was one of the most frequent forms of violence against women. A March 2003 study by Istanbul Bilgi University of married or divorced women in 25 provinces found that 31.5 percent of the women were beaten by their husbands; 21.5 percent were beaten by their fathers before marriage; and 41 percent had entered into arranged marriages. While approximately 35 percent of the group said they would file a complaint if their husbands beat them, a 2003 study by Hacettepe University found that 39 percent of women believed husbands were justified in beating their wives under certain circumstances. Citizens of either sex could file civil or criminal charges for abuse but rarely did so. Spousal abuse was considered an extremely private matter involving societal notions of family honor, and few women went to the police in practice. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law provides that victims of spousal violence may apply directly to a judge for assistance and authorizes judges to warn abusive spouses and order them to stay away from the household for 6 months. Judges may order further punishments for those who violate such orders. According to women's rights advocates, authorities enforced the law effectively, although outside of major urban areas few spouses sought assistance under the law.

The law prohibits rape, including spousal rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported. In September, Parliament adopted a new Penal Code that considers rape a crime against the individual, rather than a crime against society. The Code eliminates several rape-related laws that women's rights advocates criticized as discriminatory, including a measure that allowed rapists to escape punishment by marrying their victims and another that linked punishment for rape to the victim's marital status or virginity.

Women's rights advocates reported there were eight government operated guest houses and three municipal shelters that provided services to battered women. The Social Services and Child Protection Institution operated 53 family centers, and a number of NGOs operated community centers. Bar associations in more than 30 provinces provided legal services for women. In July, Parliament adopted a law requiring municipalities with populations of over 50,000 to provide shelters for women and children.

Honor killings--the killing by immediate family members of women suspected of being unchaste--continued in rural areas and among new immigrants to cities. Women's advocacy groups reported that there were dozens of such killings every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. In September, Parliament adopted a law under which murders committed with a motive related to "moral killing" are considered aggravated homicides, requiring a life sentence. The law is designed to discourage the practice of issuing reduced sentences in honor killing cases; however, some human rights advocates argued that the wording of the law is not explicit enough to prevent judges from viewing the honor killing tradition as a mitigating factor for sentencing.

Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

In April, 14-year-old Nuran Halitogullari was killed by her father and brother in Istanbul. According to press reports, a 32-member family council had ordered her killing to "clean the family honor" after she was kidnapped and raped earlier in the year. Prosecutors opened a case against the father, whose trial continued at year's end.

In February, 22-year-old Guldunya Toren was killed by two of her brothers in an Istanbul hospital. According to press reports, a family member raped and impregnated Toren in 2003. Toren fled Bitlis, in the southeast, for Istanbul, where she gave birth. Two of her brothers later tracked her down and shot her. She survived and was taken to a hospital, where her brothers shot and killed her in front of witnesses. Prosecutors opened a case against several family members; trial proceedings continued at year's end.

Trial proceedings continued in the case of Semse Allak, who was killed by relatives in Mardin Province in 2003 for becoming pregnant out of wedlock. Trial proceedings also continued in the case of Kadriye Demirel, who was killed by her 16-year-old brother in Diyarbakir in 2003 for becoming pregnant out of wedlock.

In March, a Sanliurfa court sentenced the brother of 14-year-old Emine Kizilkurt to life imprisonment for murdering her in 2002 because a neighbor had raped her; the court sentenced 8 other family members to 17 years in prison for approving the killing. The case was under appeal at year's end.

Human rights organizations continued to report a high rate of suicide among girls, particularly in the southeast and east. Observers said forced marriages and economic problems contributed to the suicides.

Prostitution was legal; however, police made numerous arrests involving foreigners working illegally as prostitutes.

Women continued to face discrimination in employment to varying degrees and were generally underrepresented in managerial level positions as well as in government. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors worked as unpaid family labor.

In March, Senol Demiroz, the newly appointed director of the state-owned TRT broadcasting company, fired 13 female employees from high-level administrative positions and replaced them with men. Demiroz told a reporter that a rivalry among female employees at the company had made them unproductive. Women's advocacy groups and the women's auxiliary of the Republican People's Party said the move reflected Government opposition to women in leadership positions in the workplace.

The Directorate General on the Status and Problems of Women, under the State Minister for Women's and Children's Affairs, is responsible for promoting equal rights and raising awareness of discrimination against women. In October, Parliament adopted legislation that allows the Directorate General to expand its limited staff.

Independent women's groups and women's rights associations existed but have not significantly increased their numbers or activities, mostly due to funding problems. There were many women's committees affiliated with local bar associations. Other organizations included the Association for Supporting and Training Women Candidates (Ka-Der), Flying Broom, the Turkish Women's Union, the Association for Researching and Examining Women's Social Life, and the Foundation for the Evaluation of Women's Labor. Women continued to be very active in ongoing debates between secularists and more religiously oriented persons, 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.).

According to Flying Broom, there was a sharp increase during the year in the level of media attention to women's issues. The status of women at times became an issue in the context of the country's EU candidacy. Flying Broom prepared 26 1-hour radio programs during the year; the print media also covered women's issues more closely than in the past.

#### 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 Minister for Women's and Children's Affairs oversaw implementation of official programs for children. The Children's Rights Monitoring and Assessment High Council focused on children's rights issues.

Government-provided education through age 14 or the eighth grade is compulsory. Traditional family values in rural areas placed a greater emphasis on education for sons than for daughters. According to the Ministry of Education, 95.7 percent of girls and 100 percent of boys in the country attended primary school; however, a UNICEF report released during the year indicated that, in the rural areas of some provinces, over 50 percent of girls between 7 and 13 and over 60 percent of girls between 11 and 15 did not attend school.

Gaps in social security and health insurance programs left approximately 20 percent of families and their children without coverage. Persons not covered by insurance may use a special program to access public health care. Immunization rates in some eastern and southeastern provinces lagged behind the rest of the country. According to UNICEF, the infant mortality rate dropped to 29 per 1,000 in 2003.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives (see Section 5, Women).

In September, Parliament eliminated an article of the Penal Code under which a mother who killed an illegitimate child to protect family honor could receive a reduced sentence.

Child labor was a problem (see Section 6.d.).

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were numerous confirmed cases of trafficking of women and children to and within the country for the purposes of sexual exploitation and forced labor.

The law provides penalties for trafficking ranging from 8 to 12 years in prison and, at judicial discretion, an additional penalty of up to 10,000 days (approximately 27.4 years) in prison.

As of November, the Government reported that prosecutors opened 12 cases against alleged traffickers. Two cases resulted in seven convictions; several other cases were ongoing at year's end. In February, a Yalova court convicted four of five defendants on trafficking charges and sentenced them to 50 month prison terms and fines of \$976 (1.3 billion lira). In May, a Fethiye court convicted three defendants on trafficking charges and sentenced them to 58-month prison terms and fines of \$716 (966 million lira).

In August, September, and October, police raided villages near the southern city of Adana, freeing more than 20 victims from forced labor camps. Many of the victims were orphaned minors or infirmed elderly with mental and physical disabilities that prevented them from escaping. Police detained 11 patrons in the raids but later released them when the victims settled out of court for compensation. Child protective services returned juvenile victims to family members. Jandarma forces remanded

elderly victims to state shelter facilities if family could not be located.

In typical scenarios, victims were falsely led to believe that payment for agricultural work (for male victims) and sex work (for female victims) was forthcoming. Most victims reportedly lacked the capacity to understand the terms of the agreements presented to them by their traffickers or to seek redress when payment was continuously delayed.

Ambassador Murat Ersavci of the Ministry of Foreign Affairs is the National Coordinator for the Government's Task Force on Human Trafficking, which is composed of representatives from the Ministries of 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 Government participates in antitrafficking initiatives through the OSCE, the Southeast European Cooperative Initiative (SECI), the Council of Europe, the North Atlantic Treaty Organization, the International Center for Migration Policy Development, Interpol, Europol, and the Stability Pact Task Force on Trafficking in Human Beings. During the year, the Government expanded bilateral and multilateral protocols with neighboring countries and regional groups to include antitrafficking law enforcement agreements. The Government's effectiveness in assisting other countries in combating trafficking varied. Counterparts in source countries reported that, in many instances, Turkish law enforcement agencies refused to share intelligence, evidence, and other critical trafficking case information. For example, a February survey conducted through the National Bureau of Interpol in Ukraine of 32 local law enforcement officers from 8 Ukrainian cities found that nearly half of the Ukrainian officers polled asserted Turkish authorities did not respond to repeated requests for information critical to their investigations. In the remaining cases, local and national Turkish law enforcement agencies reportedly failed to reply by legal deadlines. Typical requests involved details about the location of brothels where victims were exploited, the names of traffickers and their accomplices, the names of Ukrainian trafficking victims awaiting repatriation from the country, and statements from witnesses who were either citizens or residents of the country.

In May, TNP officers raided the Flash Hotel in Istanbul, arresting a group of traffickers and recovering evidence that led to the arrests of the syndicate's operators in Romania. TNP officers shared photos, financial records, and customer logbooks with Romanian police officials, who acted on the leads.

In June, the country joined 12 other member countries from the SECI Regional Center for Combating Transborder Crime to conduct a sweep of regional sex trafficking networks. Internationally, more than 1,000 police officers reportedly cooperated to identify 594 victims and 545 traffickers. Teams from the country were involved in at least five of the arrests.

In July, the Government assisted visiting federal police officers from a destination country in their efforts to investigate possible trafficking crimes and to obtain testimony against organizers of a migrant smuggling network. The visiting officers complained of rigid bureaucratic hurdles that hampered the speed of the investigation, but agreed that Turkish authorities assisted in the investigation.

The country was a destination and transit point for human trafficking. Most trafficking activity within the country, including for forced labor, occurred in Antalya, Istanbul, Izmir, and Trabzon. Trafficking syndicates also used the country as a transit country to supply the sex trade in Central Asia, the Middle East, Africa, the former Yugoslavia, and Western Europe. The Government placed the number of trafficking victims during the year at more than 200; however, the Government did not have a reliable system for victim identification. Various NGOs operating in the country and in neighboring source countries estimated the number of trafficking victims to be closer to 1,500. NGOs in Moldova reported assisting more than 105 Moldovan trafficking victims. While reliable data was not available, NGOs in Azerbaijan, Armenia, Bulgaria, Georgia, Iran, Kazakhstan, the Kyrgyz Republic, Macedonia, Romania, Russia, Ukraine, and Uzbekistan reported cases totaling well over the Government's estimate.

Some victims reportedly arrived in the country knowing that they would work illegally in the sex industry; however, most arrived believing they would work as models, waitresses, dancers, domestic servants, or in other regular employment. Victims additionally reported the use of fraudulent documents, sham marriages, and falsified work contracts. Traffickers typically confiscated victims' documents and confined them, then raped and beat them, intimidated them by threatening their families, and forced them into prostitution. In May, police took testimony from a 17-year-old Romanian victim who described a common trafficking scenario. The victim reported that when she was in ninth grade she came in contact with traffickers who promised her a job with good wages in Istanbul as a baby sitter or housekeeper. In October 2003, traffickers brought her to Istanbul by bus with other Romanian girls and put her up in a hotel. Her captors destroyed her passport and other identification documents, gave her false documents, and threatened to kill her if she spoke to police. She was forced to have intercourse with approximately 200 persons over an 8-month period.

Foreign victims trafficked to the country were typically recruited by small networks of foreign nationals and Turkish citizens who relied on referrals and recruitment from friends and family members in the source country. Such groups could be as small as four or five persons. Trafficking networks operating as tourist agencies or service firms in source countries brought women to the country with official work permits. Most reports indicated that profits were channeled into expanding the network's capacity and affluence, by adding computers, automobiles, and amenities for traffickers.

Networks tended to deposit proceeds in source country bank accounts, usually through Turkish banking system transfers. Turkish Jandarma and officials at the Interior Ministry maintained that trafficking in humans, arms, and narcotics was closely connected.

Young women seeking employment, particularly from Moldova, Ukraine, Romania and Russia, were at the greatest risk of being trafficked to the country.

There were allegations that police corruption at all levels contributed to the trafficking problem and may have been responsible for the delays in implementation of certain cooperative agreements, antitrafficking operations, and other law enforcement measures.

During the year, the Ministry of Justice continued to investigate allegations of further police misconduct in Erzurum following the 2003 conviction of police officers for trafficking.

In Istanbul, police confiscated a notebook in which traffickers required victims to record customers' names and personal information. News media reported that the notebook included the names of police officers and government officials.

In October, a shelter operated by the Municipality of Istanbul and the Human Resource Development Foundation, an NGO, began accepting victims. The facility was the first shelter for trafficking victims in the country; more than 20 victims received health care as well as psychological and legal assistance at the shelter during the year. While the 12-bed shelter remained filled to capacity, the Government continued to shelter trafficking victims in other locations on a case-by-case basis, using police safe houses, shelters for elderly citizens and abused women, and hotels. Some local law enforcement officers reportedly found accommodation for victims at their personal expense.

Through the Health and Justice Ministries, the Government also implemented programs to provide free medical and legal services to foreign victims who chose to remain in the country. During the year, the Government amended its humanitarian visa regulations to allow victims to remain in the country for a maximum of 6 months. During their stay, victims are entitled to medical and social services and are allowed to engage in regular work in the economy. During the year, the Government issued 26 such humanitarian visas. The Government did not have a repatriation program for victims, although authorities repatriated some on a case by case basis.

There were credible reports that the Government continued its practice of processing trafficking cases as cases of voluntary prostitution and illegal migration, failing to pursue traffickers under available laws and summarily deporting victims, who were often subjected to re-trafficking.

Traffickers reportedly used a network of contacts to identify and intercept deported victims at the port of departure, arrival, and in transit.

The Security Directorate published and distributed widely a comprehensive guidebook on trafficking-related issues for law enforcement officers. The guidebook was reportedly incorporated into police and Jandarma academy training seminars for new officers.

To deter trafficking, the Government amended the law to require a provisional period of 3 years before a foreign applicant may obtain citizenship based on a marriage petition. The Ministry of Tourism further established and implemented a questionnaire, in various languages, designed to identify potential victims through the visa application process. The Government also reported that warnings on visa applications now printed in Russian direct potential victims to an emergency law enforcement hotline.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although they did suffer from a lack of economic opportunity. The law does not mandate access to buildings and public transportation for persons with disabilities. Persons with disabilities have some privileges, such as the right to purchase products of State economic enterprises at a discount or acquire them at no cost.

The Administration of Disabilities Office under the Prime Ministry has a mandate to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services to persons with disabilities. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although the requirement was not consistently enforced.

#### National/Racial/Ethnic Minorities

The Constitution provides a single nationality designation for all Turks and 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 censure, harassment, or prosecution.

While there were some improvements during the year, the Government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications (see Section 2.a.).

During the year, the HRF recorded fewer complaints that authorities prevented parents from registering their children under traditional Kurdish names.

During the year, private Kurdish language instruction courses were opened in Istanbul and six southeastern cities (Van, Batman, Sanliurfa, Diyarbakir, Kiziltepe, and Adana) pursuant to legislation adopted in 2002. According to observers, officials had delayed the courses by raising bureaucratic obstacles. For example, authorities in Batman required the school to expand classroom doorframes by 5 centimeters, while authorities in Sanliurfa required the school to install a fire escape for its two-story building, even though many taller buildings in the area did not have fire escapes. Kurdish rights advocates said students enrolling in the courses were required to provide extensive application documents, including police records, that were not required for other courses. They maintained that the requirements intimidated prospective applicants, who feared police were keeping records on students taking the courses.

No official estimate of the Romani population existed, but the population may be significant in regions near Bulgaria and Greece, and Roma were found in many cities throughout Anatolia. Human rights observers said many Roma did not disclose their ethnic identity for fear of discrimination. The law states that "nomadic Gypsies" are among the four categories of people not admissible as immigrants.

In February, the Hurriyet newspaper's publication of a report that Sabiha Gokcen--an adopted daughter of Mustafa Kemal Ataturk, who was the country's first female pilot--was of Armenian descent drew a number of racist public statements. The Turkish General Staff issued a statement criticizing the reports on Gokcen's Armenian ancestry as "a claim that abuses national values and feelings" while the Turkish Air Association called the report "an insult" to Gokcen and to Ataturk.

#### Other Societal Abuses and Discrimination

While the law does not explicitly discriminate against homosexuals, representatives of the gay and lesbian rights organizations Lambda Istanbul and Kaos GL claimed that vague references in the law relating to "the morals of society" and "unnatural sexual behavior" were sometimes used to punish homosexuality. Gay and lesbian rights activists maintained that homosexuals risked losing their jobs if they disclosed their sexual orientation and said the law did not protect their rights in such circumstances. In July, Kaos GL reported that unknown persons smashed two windows at the organization's Ankara center.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides workers, except police and military personnel, the right to associate freely and to form representative unions, and they generally did so in practice. However, the Government maintained some limited restrictions on the right of association. Unions were required to obtain official permission to hold meetings or rallies and to allow government representatives to attend their conventions and record the proceedings; however, these requirements were not always enforced. Prosecutors could 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. Approximately 1.6 million of the 11 to 12 million wage and salary earners were unionized. The labor force numbered approximately 24 million, with approximately 35 percent employed in agriculture.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. Union representatives claimed that employers sometimes laid off workers because they had joined a union, using alleged incompetence or economic crises as a pretext.

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

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Industrial workers and civil servants have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective contracts. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions, particularly those affiliated with Turk-Is, the confederation that represented approximately 80 percent of organized labor. In June, the International Confederation of Free Trade Unions reported that the law resulted in workers in many sectors not being covered by collective agreement.

The law prohibits strikes by civil servants, public workers engaged in the protection of life and property, the mining and petroleum industries, sanitation services, national defense, and education; however, many workers conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal; while some illegal strikers were dismissed, in most cases employers did not retaliate.

The law requires a union to take a series of steps, including collective bargaining and nonbinding mediation, before calling a strike; a union that fails to comply with these steps forfeits its right to strike. The law prohibits unions from engaging in secondary

(solidarity), political, or general strikes or in work slowdowns. In sectors in which strikes are prohibited, labor disputes are resolved through binding arbitration.

The law allows the Government to suspend strikes for 60 days on national security or public health and safety grounds. Unions may petition the Council of State to lift such a suspension. If an appeal fails, and the parties and mediators fail to resolve the dispute, a strike is subject to compulsory arbitration at the end of the 60-day period. During the year, the Government suspended a strike by the glass industry union Kristal-Is on national security grounds.

There are no special laws or exemptions from regular labor laws in the country's 21 free trade and export processing zones.

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

The Constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. Some parents forced their children to work on the streets and to beg (see Section 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than 8 hours a day. At 15, children may engage in light work provided they remain in school. The Constitution provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the Government prohibited children from working at night or in areas such as underground mining. The law prohibits children attending school from working more than 2 hours per day or 10 hours per week.

Child labor was widespread. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 948,000 in 2003 to 764,000 during the year; however, some observers claimed that the actual number of working children was rising. 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. According to the Labor Ministry, 65 percent of child labor occurred in the agricultural sector. However, some observers maintained that the bulk of child labor had shifted to urban areas as rural families migrated to cities. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy. According to the Labor Ministry, the Government allocated \$15 million (20.3 trillion lira) for programs to eliminate child labor during the year.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education Training Center, they were required to go to the center once a week for training, and the centers were obliged by law to inspect their workplaces. There were 346 centers located in 81 cities; these centers provided apprenticeship training in 113 occupations. 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 December 2003, the Government completed its report on the worst forms of child labor and identified 18 provinces where the problem was most serious.

The Ministry of Labor effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium and large-scale industrial and service sector enterprises. A number of sectors were not covered by the law, including small-scale agricultural enterprises, maritime and air transportation, family handicraft businesses, and small shops.

In June and April, the Labor Ministry issued regulations on child employment that identified specific jobs that could threaten the physical or mental well-being of children.

There were no reliable statistics for the number of children working on the streets nationwide. The Government operated 28 centers to assist such children.

#### e. Acceptable Conditions of Work

The Minimum Wage Commission, a tripartite government-industry-union body that reviews the minimum wage every 6 months, set the minimum monthly wage for the second half of the year at \$328 (444 million lira). The minimum wage did not provide a decent standard of living for a worker and family; however, most workers earned considerably more than the minimum wage. Approximately one-third of the labor force was covered by the labor law and received fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 63 percent of total compensation.

The law establishes a 45-hour workweek and a weekly rest day, and limits overtime to 3 hours per day for up to 90 days 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.

The law mandates occupational health and safety regulations; however, 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 included safety inspectors, employee, and employer representatives, determined that the operation endangered 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 allows workers to remove themselves from hazardous conditions without risking loss of employment, and they did so in practice.