



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Turkey](#)

2010 Human Rights Report: Turkey

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Turkey, with a population of approximately 74 million, is a constitutional republic with a multiparty parliamentary system and a president with limited powers. The Justice and Development Party (AKP) formed a parliamentary majority in 2007 under Prime Minister Recep Tayyip Erdogan. Civilian authorities generally maintained effective control of the security forces.

There were reports of a number of human rights problems and abuses in the country. Security forces committed unlawful killings; the number of arrests and prosecutions in these cases was low compared to the number of incidents, and convictions remained rare. During the year human rights organizations reported cases of torture, beatings, and abuse by security forces. Prison conditions improved but remained poor, with overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law. There were reports that some officials in the elected government and state bureaucracy at times made statements that some observers believed influenced the independence of the judiciary. The overly close relationship between judges and prosecutors continued to hinder the right to a fair trial. Excessively long trials were a problem. The government limited freedom of expression through the use of constitutional restrictions and numerous laws. Press freedom declined during the year. There were limitations on Internet freedom. Courts and an independent board ordered telecommunications providers to block access to Web sites on numerous occasions. Violence against women, including honor killings and rape, remained a widespread problem. Child marriage persisted, despite laws prohibiting it.

During the year there were some positive developments. On April 11, the political parties law was amended to allow campaigning in languages other than Turkish, including Kurdish. On July 25, the government amended the antiterror laws to prohibit prosecution of minors under the laws, reduce punishments for illegal demonstrations and meetings, and allow for the release of minors who had been previously convicted under the laws, resulting in the release of hundreds of children from prison. On September 12, a package of constitutional reforms was passed by a referendum; it included provisions that changed the composition of the Constitutional Court and the Supreme Board of Judges and Prosecutors;

allowed appeal of decisions of the Supreme Military Council in civilian courts; established an ombudsman; and allowed positive discrimination in favor of women, children, veterans, persons with disabilities, and the elderly.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed some persons during the year.

The domestic nongovernmental organization (NGO) Human Rights Foundation (HRF) reported that security forces caused the deaths of several persons during demonstrations.

On May 11, police officer Gultekin Sahin allegedly shot Serzan Kurt during a demonstration at Mugla University. On May 17, the police officer was arrested. Kurt died from the wounds on May 19 at a hospital in Izmir. On August 10, a Mugla court transferred the case to a court in Eskisehir. The case continued at year's end.

On May 28, the Diyarbakir prosecutor terminated the investigation into the 2009 death of Aydin Erdem after declaring he was killed by the terrorist Kurdistan Workers' Party (PKK).

There were no developments in the 2009 deaths of demonstrators Sinan Aydin, Mahsum Karaoglan, or Mustafa Dag during the year.

There were continuing reports that security forces shot and killed civilians who refused to obey a warning to stop at checkpoints. The HRF reported that 29 persons died during the year specifically for refusing to stop, a decrease from the previous year. However, the Jandarma reported that there were no such deaths at checkpoints during the year.

On February 7, the HRF said the Jandarma opened fire on a minibus that failed to obey the warning to stop in Sirnak, killing Hecer Uslu. No investigation had begun at year's end.

Human rights organizations continued to state that the government's failure to clearly delineate in the law appropriate situations for the use of lethal force contributed to cases of disproportionate use of force. The Jandarma, however, reported that various laws and regulations define proportionate use and escalation of force and that security forces followed those rules when reacting to a situation.

Yahya Menekse died after being run over by an armored police vehicle during a demonstration in Cizre, Sirnak, in 2008. On July 29, the first session of the court case for negligence began against the police officer who was driving the vehicle. The case continued at year's end.

As of year's end, a criminal case had not been filed in the police shooting and killing of Zeki Erinc during Nevruz (Kurdish New Year) celebrations in 2008.

On June 1, a Bakirkoy court convicted 21 of the 60 suspects in the death of Engin Ceber, who died of a brain hemorrhage in 2008, reportedly as a result of a beating by security forces during his detention and later by officials in prison. Four of the officials received life imprisonment.

The appeal of the Istanbul prosecutor's decision to close the investigation of seven police officers suspected in the death of Mustafa Kurkcü in Umraniye prison in 2007 continued at year's end. The prosecutor requested acquittal for the police officers on July 26. The investigation also continued at year's end.

Approximate numbers based on reports from the security forces (military, Jandarma, and Turkish National Police (TNP)) indicated that 25 civilians were killed and 50 were injured in armed clashes related to the struggle against the terrorist PKK during the year. Approximately 108 members of the security forces were killed and 244 were injured, and 149 terrorists were killed and five were injured. Most of the clashes between terrorists and security forces occurred in the southeast. The number of civilian deaths and injuries decreased from 2009, while deaths of security forces increased.

According to the Jandarma, land mines killed 13 civilians and injured 17 during the year. The HRF, however, claimed that land mines and unattended explosives killed five civilians and injured 31 during the year.

On several occasions throughout the year, the Turkish government used military aircraft to attack areas where the PKK, a terrorist organization, was active in northern Iraq. According to press reports, one civilian was killed and two others were injured in Iraq by artillery fire on June 18.

b. Disappearance

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

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

The constitution and law prohibit such practices; however, there were reports that some government officials employed them.

Human rights organizations continued to report cases of torture and abuse in detention centers and prisons during the year. They alleged that torture and abuse largely occurred outside of detention centers in more informal venues where it was harder to document. In its report for the year, Amnesty International (AI) noted that investigations into human rights violations by police were largely ineffective and that instances of bringing officials to justice were rare. The UN Committee against Torture (UNCAT) stated in its November report that it was "gravely concerned about numerous, ongoing, and consistent allegations concerning the use of torture, particularly in unofficial places of detention."

The HRF reported that courts investigated allegations of abuse and torture by security forces during the year. However, they rarely convicted or punished offenders. Authorities typically allowed officers accused of abuse to remain on duty during their trials. UNCAT reported in November that it was "concerned at the continuing failure of authorities to conduct effective, prompt and independent investigations into allegations of torture and ill-treatment."

In its November progress report, the European Commission (EC) reported that security forces frequently initiated countercases for resisting arrest against persons who alleged torture or abuse and that such cases were often given priority in courts. Domestic human rights organizations agreed and claimed that this practice had a deterrent effect on the filing of abuse complaints.

The Prime Ministry's Human Rights Presidency (HRP) received a total of 3,475 applications based on human rights violations, including torture, during the year. The HRP attributed the increase in numbers of applications to a higher level of awareness of HRP's provincial and subprovincial offices.

According to the domestic NGO Human Rights Association (HRA), there were 202 reports of torture in the first 11 months of the year, a substantial decrease from the previous year. The HRF received 319 new allegations of torture. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because most feared retaliation or believed that complaining was futile. There was no data available at year's end from the TNP on alleged torture cases.

The Council of Europe's Committee for the Prevention of Torture (CPT) and domestic human rights observers reported in 2008 that security officials mainly used methods of torture and abuse that did not leave physical signs, including repeated slapping, cold exposure, stripping and blindfolding, food or sleep deprivation, threats against detainees or their family members, dripping water on detainees' heads, isolation, and mock executions. Human rights activists, attorneys, and physicians who treated victims stated that because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses such as speaking out against the government, although they were less likely to report abuse. According to a number of human rights groups and press reports, authorities allegedly tortured some suspects to obtain confessions, while others, such as transvestites, were regularly subject to abuse by police on "moral" grounds.

On March 5, police officer Gazi Ozuak was acquitted on charges of torturing theft suspect Zeki Simsek in 2008. Authorities ruled that videotapes of the incident indicated that police did not bear responsibility.

On May 8 and December 24, a Bakirkoy court continued the case against seven police officers for the 2007 shooting and paralysis of Ferhat Gercek while he was selling *Yuruyus*, a leftist newspaper. Gercek's trial for resisting arrest, which carried a possible punishment of up to 15 years and four months' imprisonment, also continued at year's end.

Human rights organizations documented cases of prison guards beating inmates during the year. On January 5, a group of parents of 32 children being held in an Adana prison on terror charges made a press statement claiming that prison officials beat the children and rubbed salt in their wounds.

On June 21, according to the HRF, prison officials beat three inmates at the Tekirdag prison for singing "Human dignity will overcome torture." One of the inmates filed a criminal complaint against prison officials on August 24. As of year's end, an investigation had not begun. After filing the complaint, the three inmates were each allegedly given more than a month of solitary confinement.

As of year's end, no action had been taken in the 2008 case of Derya Bakir, who suffered fractures in both legs due to alleged cruel treatment by 20 guards when she visited her brother in prison.

As of year's end, no official action had been taken against officials in Bolu prison for the 2008 beating of Muzaffer Akengin, Deniz Guzel, and Naif Bal.

Prison and Detention Center Conditions

Prison facilities remained inadequate, although conditions generally improved during the year. Underfunding and overcrowding were the major problems.

The HRF reported 32 deaths of prison inmates and five deaths in detention through October 10. According to the TNP, two inmates committed suicide during the year. The Turkish General Staff (TGS) reported there were no deaths of detainees or convicts in military prisons during the year.

As of October 27, the Ministry of Justice reported the country had 371 prisons with a designed capacity of 114,220 holding a total of 121,102 inmates, 56,988 of whom were arrestees with ongoing trials. The TGS reported 25 military prisons with a capacity of 5,300 holding a total of 767 prisoners, 556 of whom were arrestees with trials in progress.

According to the Turkish Medical Doctors' Association, prisons were not adequately staffed with doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness. The HRF reported that 355 arrestees or convicts were denied access to proper health services during the year.

Foreigners who claimed asylum after being detained by security forces were held in "guest houses for foreigners" operated by the Foreigners' Department of the TNP. According to the Office of the UN High Commissioner for Refugees (UNHCR), detained asylum seekers reported insufficient food and medical attention and overcrowded conditions.

Detainees and convicts occasionally were held together. Inmates convicted for nonviolent, speech-related offenses were sometimes held in high-security prisons.

Juveniles were generally held in separate wards from adults. On July 25, the government amended the antiterror laws to prohibit prosecution of minors under the laws, reduce punishments for illegal demonstrations and meetings, and allow for the release of minors who had previously been tried and convicted under the laws. These amendments resulted in the release during the year of more than 200 minors and persons who had been convicted previously as juveniles. No data was provided by the Ministry of Justice at year's end as to the number of juveniles imprisoned in the country.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to see a judge once a month. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner.

In late February and March, members of parliament's Human Rights Investigation Commission (HRIC) were allowed to visit and observe military prisons for the first time. The HRIC produced two reports during the year that found conditions in those prisons satisfactory. The government permitted prison visits by representatives of some international organizations. Domestic human rights organizations and activists reported that they were not allowed to visit prisons during the year and that prison-monitoring boards composed of government officials and private persons were ineffective.

The CPT visited PKK leader Abdullah Ocalan in Imrali prison on January 26-27. Its report published on July 9 stated that the conditions of imprisonment for Ocalan had improved compared with 2007. It also noted improved access to the prison for Ocalan's lawyers and family members.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government at times did not observe these prohibitions.

Role of the Police and Security Apparatus

The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma, a paramilitary force under the joint control of the Ministry of Interior and the military, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military had overall responsibility for border control. In November the EC noted the government's February annulment of the secret protocol on Security, Public Order and Assistance Units (commonly called EMASYA), which allowed military operations to be carried out without the consent of civilian authorities.

A civil defense force known as the village guards, concentrated in the southeast, was less professional and disciplined than other security forces. The village guards have been accused repeatedly in past years of drug trafficking, corruption, theft, rape, and other abuses. Impunity remained a serious problem. During the year the government reduced the number of village guards to 45,877 from 47,854 in 2009.

On April 26, a Corum court convicted six persons who were employed as village guards and reportedly used state-supplied weapons to kill 44 persons at a wedding ceremony in Mardin in May 2009. They received 44 consecutive life sentences. Three other persons received lesser sentences. Appeals of the convictions continued at year's end.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. Thousands of security personnel received human rights training as part of their ongoing training during the year. According to the government, the military emphasized human rights in training for officers and noncommissioned officers. A total of 32 hours of human rights training is given to Jandarma officers, noncommissioned officers, and cadets.

The Jandarma reported that three personnel were investigated for excessive use of force during the year. The investigations were ongoing at year's end. A total of 68 Jandarma personnel were expelled for various reasons during the year.

The TNP reported that, as of November, 71 judicial or administrative investigations were opened against TNP personnel for excessive use of force or mistreatment. One investigation resulted in a reprimand, and five resulted in a short-term block on promotions. Investigations were dropped in 32 incidents because there was "no need to punish." Investigations continued in 33 incidents at year's end.

Arrest and Detention

Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. Suspects must be told of the charges against them within 24 hours. A suspect cannot, under the law, be held arbitrarily or secretly. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the judge determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law requires that the government provide indigent detainees with a public attorney in criminal cases where the defendant requests an attorney. In cases where the potential sentence is greater than five years, or where the defendant is a child or is disabled, a defense attorney is appointed even without the defense request. Detainees were generally allowed prompt access to family members. However, human rights organizations reported difficulties in helping families find out whether a relative had been detained because the government refused to release such information to the organizations or the families.

Private attorneys and human rights monitors reported irregular implementation of these laws, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees continued to vary widely across the country. In rural areas, particularly in the southeast, there were more reports of defendants not having immediate access to an attorney.

Human rights observers noted that in most cases where a defendant could not afford an attorney, one was provided. However, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. The HRA claimed that police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Provincial bar associations continued to face difficulties providing attorneys because the government was behind on compensation payments for such work.

By law, police and Jandarma may compel citizens to declare their identities without any cause.

During the year police routinely detained demonstrators for a few hours at a time. Police detained more than 1,000 members of the pro-Kurdish Peace and Democracy Party (BDP) on various occasions. Police continued to detain and harass members of human rights organizations, media personnel, and human rights monitors. Police continued to detain persons on suspicion of "membership in an illegal organization" and for "promoting terrorist propaganda."

On October 10, the first session of a case against 151 suspects, including several elected mayors, political party officials, and human rights activists, began in Diyarbakir. The suspects were charged in a 7,578-page indictment with disrupting the integrity of the state; being members and/or administrators of the Kurdish Communities Union (KCK), the political branch of the terrorist PKK; and assisting and sheltering a terrorist organization, among other charges. Human Rights Watch stated that the case raised concerns about the right of individuals to participate in political activities. The case continued at year's end.

Lengthy arrest periods before a verdict were generally a problem. The law does not set a time limit for holding suspects in custody or for completion of their trial. Judges have ordered that some suspects be held for long periods or even indefinitely without trial but with the right to come before a judge each month. The Ministry of Justice reported that the average length of time between arrest and the completion of trial was 580 days. In November the EC stated that close to half of all detainees were either awaiting trial or awaiting a final verdict on their cases. Of juveniles in detention, 88 percent were awaiting trial.

Throughout the year, prosecutors in Istanbul continued to arrest and indict prominent military, business, and media personalities on charges of plotting to foment unrest and topple the elected government as members of an alleged network known as "Ergenekon." More than 250 persons were indicted by year's end. Some opposition politicians, members of the press, human rights groups, and critics of the government considered many of the indictments to be politically motivated. Others, including human rights groups and some supporters of the government, claimed that the arrests had reduced pressure on journalists and human rights activists across the country. Dozens of defendants have been held for long periods, a common practice in the country, although some were released pending trial during the year.

On December 16, the first session of a trial of 195 suspects in the alleged "Sledgehammer" coup plan began. The suspects, who include active-duty military generals and civilians, were accused of obstructing the government and plotting to overthrow it. The trial continued at year's end. Many observers saw this trial as politically motivated, similar to the Ergenekon case, while others saw it as bringing to justice those who attempted to overthrow the government.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was occasionally subject to outside influence. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power. In November the EC's progress report on the country noted that senior members of the armed forces in particular continued to make statements on judicial matters.

The High Council of Judges and Prosecutors (HSYK) selects judges and prosecutors for the country's courts and is responsible for court oversight. The constitution provides tenure for judges, but the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. The September 12 constitutional amendments expanded the number of permanent members of the HSYK from seven to 22. The amendments also called for 10 members to be directly elected by the approximately 12,000 judges and prosecutors throughout the country, while the 10 other members are appointed by the president, the Court of Appeals, the Council of State, and the Justice Academy. The remaining two members are the minister and under secretary of justice. Supporters of the changes hailed the development as a step toward an independent judiciary. Opponents, however, argued that the

government would use influence among judges and prosecutors to ensure the election of handpicked candidates to the HSYK and contended that the president would be likely to select progovernment candidates as well. The minister of justice presides over the HSYK, and at least once in the past year the minister prevented the HSYK from convening, accusing the HSYK of attempting to intervene in ongoing trials.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the HSYK. Once appointed, they were often housed together, frequently shared the same office space, and often worked in the same courtroom for more than five years.

According to several regional bar associations, the government devoted insufficient resources to public defense. The associations also noted that public defense attorneys undergo less rigorous training than their prosecutorial counterparts and are not required to take an examination to demonstrate a minimum level of expertise.

Constitutional amendments adopted on September 12 allow individuals to apply directly to the Constitutional Court for redress. Previously, only the lower courts, the president, and members of parliament under certain conditions could apply to the court.

On January 21, the Constitutional Court declared unconstitutional the provision of the law allowing military personnel to be tried in civilian courts. However, the September 12 constitutional amendments contain a provision for trial of military personnel in civilian courts if the crime is committed against the state, constitutional order, or the functioning of constitutional order. The amendments provide for civilian judicial review of decisions of the Supreme Military Council. The amendments also annulled the constitutional provision that prevented the trials of persons involved in the 1980 coup, including former military generals.

According to an AI report during the year, criminal defendants faced protracted and unfair trials, especially for violations of antiterror laws. The report also asserted that convictions under antiterror laws were often based on unsubstantiated or unreliable evidence.

Trial Procedures

Defendants enjoy a presumption of innocence. Courtroom proceedings are public for all cases except those involving minors as defendants. Court files, which contain charging documents, case summaries, judgments, and other court pleadings, are closed to everyone other than the parties to a case. This makes it difficult to obtain information on the progress or results of court cases except through formal channels. There is no jury system; a judge or a panel of judges decides all cases. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and, within limits, present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy the right to appeal, although appeals generally took several years to conclude.

International human rights organizations and the EU stated that the courtroom structure and rules of criminal procedure gave an unfair advantage to the prosecution. During a trial, the prosecutor could call any witness desired, whereas the defense had to request that the judge call a witness. Judges decided whether to ask and how to phrase defense counsel's questions but asked all of the prosecution's questions in the exact form presented. Prosecutors entered the courtroom through the same door as the judge; defense attorneys entered through a separate door. Prosecutors sat at an elevated desk at the same level as that of the judge; the defense sat at floor level.

Defendants sometimes wait several years for their trials to begin. Subsequently, trials often last several years. Proceedings against security officials often were delayed because officials did not submit statements promptly or attend trials.

In 2009 the European Court of Human Rights (ECHR) found 95 violations of the European Convention on Human Rights by the country involving length of proceedings.

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

Political Prisoners and Detainees

The HRA asserted that several thousand political prisoners from all parts of the political spectrum existed, although the government does not distinguish them as such. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations.

According to the Ministry of Justice, from January to June, 7,217 suspects were detained on terrorism-related charges. During the same period 1,553 terrorism cases were opened against 3,333 suspects.

International humanitarian organizations were allowed access to alleged political prisoners, provided they could obtain permission from the Ministry of Justice. In practice, organizations rarely received permission.

Regional Human Rights Court Decisions

Article 90 of the constitution states that "in the case of a conflict between international agreements in the area of fundamental rights and freedoms...the provisions of international agreements shall prevail." The country is signatory to the European Convention on Human Rights. Due to this provision, the country's courts are subject to the jurisdiction of the ECHR. Decisions of the ECHR bear the force of law in the country and take precedence over case decisions from the Court of Appeals or Constitutional Court.

As of November 30, there were 16,100 cases involving the country outstanding at the ECHR. As of November 22, there were 330 ECHR decisions involving the country. According to the EU's November progress report, a high number of alleged violations continued to be submitted to the ECHR.

On September 14, the ECHR ruled in a high-profile case that the country was liable for failing to protect the life and freedom of expression of Armenian-Turkish journalist Hrant Dink in 2007. The ECHR ruled that the government failed to prevent the murder of the journalist after threats were made against him and did not carry out an effective investigation afterwards.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered, including for alleged human rights violations. The September 12 constitutional amendments allow individuals to bring a case directly to the Constitutional Court. The amendments also establish the creation of an independent human rights commission and an ombudsman's office. Neither institution had been established by year's end.

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

The September 12 constitutional amendments protect the "secrecy of private life." The amendments state that persons have the right to demand protection and correction of their personal information and data.

The law allows for telephone tapping with a court order. Only the country's telecommunication agency is authorized to tap telephones, and only when presented with a court order directed against alleged drug traffickers, organized crime members, and terrorists. There were occasional complaints by individuals and public figures, including higher court members and politicians, that their telephones were illegally tapped without a court order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in significant numbers of cases. The EC stated in its November progress report that the law does not sufficiently guarantee freedom of expression and noted as particular concerns the high number of cases initiated against journalists, undue political pressure on the media, legal uncertainties, and frequent Web site bans.

Article 301 of the penal code criminalizes insults to the Turkish nation. The minister of justice must give permission for a case concerning article 301 to proceed. A separate legal provision forbids insulting the country's founder, Mustafa Kemal Atatürk. Prosecutors continued to conduct ideologically motivated investigations under both the constitution and the law. Other laws, such as antiterror laws and laws governing the press and elections, also restricted speech.

According to the Ministry of Justice, the minister received 352 complaints concerning article 301 during the year and rejected 342 of them. The minister gave permission for the remaining 10 cases to proceed.

Individuals in many cases could not criticize the state or government publicly without risk of criminal suits or investigation, and the government continued to restrict expression by persons sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued in the public sphere, particularly on problems relating to the role of the military, Islam, political Islam, Kurds, Alevis, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, many who wrote or spoke on such topics, particularly those who criticized the military, the Kurdish problem, or the Armenian problem, risked investigation, albeit fewer than in previous years. The Turkish Publishers' Association (TPA) reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy.

During the year authorities continued to file numerous cases against publications under antiterror laws. The HRF reported that the laws contain an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. There were at least 550 cases against the pro-Kurdish daily newspaper *Ozgur Gundem* under antiterror laws. There were some convictions, but most cases remained open at year's end.

Throughout the year, police and the judiciary increased pressure on members of the BDP. Human rights activists and party officials claimed that more than 1,700 cases continued against BDP members by year's end. Most members were investigated and prosecuted for speaking in the Kurdish language or for making statements critical of the government or in support of the PKK or its leader, Abdullah Ocalan. Many were also arrested for alleged ties with the KCK.

At the first session in October of the trial against 151 alleged members of the KCK, the suspects asked to defend themselves in the Kurdish language instead of Turkish. The court denied the request, calling Kurdish an "unknown language."

In December a Diyarbakir court rejected a request by 17 defendants to defend themselves in Kurdish in a trial for support of terrorism after returning from Iraq in October 2009. However, also in December a Sanliurfa court allowed defendants to defend themselves using the Kurdish language. This kind of inconsistency in court decisions on the use of languages other than Turkish was prevalent throughout the country.

Diyarbakir mayor Osman Baydemir continued to face more than 100 charges and investigations for use of the Kurdish language, spreading terrorist propaganda, and promoting terrorism or a criminal. Most of these cases were for Baydemir's expression of his political views or speaking in Kurdish in public events. During the year there were at least 20 acquittals and three convictions in cases against Baydemir, but he remained in his position as mayor. Many cases and appeals were pending at year's end. For example, in December Prime Minister Erdogan opened a civil case against Mayor Baydemir for "emotional damage" for a speech that Baydemir made in December 2009 to protest police operations against KCK suspects. Baydemir cursed in the speech. There had been no movement on the case at year's end.

In February, BDP member of parliament Emine Ayna sued deputy prime minister Bulent Arinc for calling her a "creature." She demanded 10,000 lira (\$6,666) compensation. The case continued at year's end.

On May 21, a Diyarbakir court indicted singer Ferhat Tunc for "spreading propaganda for the PKK" and "acting on behalf of an illegal organization" for a speech he gave at a festival in Erueh in August 2009 on the 25th anniversary of the first PKK attack. The singer faced up to 15 years' imprisonment. The case continued at year's end.

During the year the prosecutor ceased the investigation of suspected violations of article 301 against the National Police Academy for a workshop conducted in August 2009 on the government's "Kurdish Opening" initiative aimed at addressing some concerns of the country's Kurdish citizens.

The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), as of November there were 210 local, 15 regional, and 25 national television stations and 944 local, 99 regional, and 35 national radio stations officially registered in the country. In addition, 77 television channels operated on cable networks, and the RTUK granted seven television and two radio enterprises satellite licenses and broadcast permits necessary for operation. 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 owned by large, private 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. Observers noted that some media conglomerates used the media as a tool to build pressure for or against government policies.

The RTUK reported that radio and television stations were allowed to broadcast in the following languages besides Turkish during the year: Arabic, Bosnian, Circassian, and Kurdish (both Kurmanci and Zaza dialects).

The country had active privately owned print media. Hundreds of private newspapers spanning the political spectrum appeared in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. However, authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source. According to the TNP, 21 issues of newspapers, 32 issues of magazines, and 10 books were confiscated during the year.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court under various laws that restrict media freedom. However, judges dismissed many of these charges. Authorities at times ordered raids of newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an

adversarial role with respect to the government. On October 20, Reporters without Borders cited a "frenzied proliferation of lawsuits, incarcerations, and court sentencing targeting journalists." The Solidarity Platform of Imprisoned Journalists reported that, at the end of the year, there were 43 journalists in prison, 10 of these editors in chief. Most of these journalists were being charged under antiterror laws.

On February 26, Prime Minister Erdogan made statements that many observers believed implied media owners should fire columnists whom Erdogan accused of hurting the economy with their negative reporting. These statements were seen by many as an attempt to censor the media's critical reporting on government activities. Observers reported that government officials and state bureaucrats made other statements throughout the year that were interpreted as influencing the independence of the media.

The media reported that, by year's end, more than 5,000 cases were filed against journalists covering the Ergenekon trial. Of those, more than 20 journalists were convicted. The remaining cases continued at the end of the year.

On December 2, the country's top administrative court suspended a large portion of the 2009 tax fine against the Dogan Media Group. Some observers were concerned that the government was using the large tax fine to punish the media group because its editorial line had been considered critical of the government and prime minister. They described the fine as having a chilling effect on journalists, which continued during the year, and reported that the government was using it to silence opposition. Although the fine was suspended, a case regarding the validity of the fine continued at year's end.

National publications could be denied access to government officials because of their reporting. During the year a journalist from the daily newspaper *Evrensel*, Sultan Ozer, and at least five other journalists did not receive accreditation to the Prime Ministry after being denied in 2009 as well. The TGS did not admit to its media briefings representatives of publications which it perceived as espousing views contrary to the TGS.

There were complaints during the year against authors and publishers filed by ideologically motivated attorneys and prosecutors. Dozens of authors, writers, and publishers were on trial at year's end.

On January 11, the Court of Appeals decided that the 2008 "I apologize to the Armenians" campaign did not constitute a crime and dropped the case against the organizers.

On February 18, an Istanbul court convicted attorneys Irfan Dundar and Firat Aydinkaya to 10 months' imprisonment for a 2004 article in the *Ozgur Gundem* daily newspaper that reported Ocalan's comments to his attorneys. They were convicted of "making propaganda for a terrorist organization."

In April a court convicted Samil Tayyar of the daily newspaper *Star* and gave him a suspended term of 15 months in prison for writing about the continuing trial of the alleged Ergenekon organization. Tayyar was convicted of violating individual confidentiality, influencing the independence of the judiciary, and violating the confidentiality of preliminary investigations.

On May 13, a local court convicted Vedat Kursun, former editor in chief of the Kurdish-language newspaper *Azadiya Welat* for membership in a terrorist organization and violating antiterror laws in connection with 102 articles he had written in 2007 and 2008. Kursun was sentenced to 166 years in prison. In another case in December, Kursun was sentenced to another 138 years for articles he published in the same newspaper. Both cases were under appeal at year's end.

On June 4, an Istanbul court convicted *Express* magazine writer Irfan Aktan and editor Merve Erol under antiterror laws for spreading propaganda for a terrorist organization in a 2009 article that Aktan wrote on the Kurdish problem. Aktan was sentenced to one year and three months in prison, and Erol received a 16,600 lira (\$11,066) fine.

Several cases remained outstanding at year's end against publisher Ragip Zarakolu for publishing books deemed offensive or "dangerous" or for "spreading propaganda of a terrorist organization."

On June 10, an Istanbul court convicted author N. Mehmet Guler to one year and three months in prison for "spreading propaganda of a terrorist organization" for his book *More Difficult than Death*. Publisher Zarakolu was acquitted in the same case. On September 30, a separate case was opened against Zarakolu for publishing another book about the Kurdish issue. The case continued at year's end.

On October 26, the trial of Ogun Samast, accused of killing prominent human rights activist Hrant Dink in 2007, was transferred to Istanbul Juvenile Court under the amendments that prohibit trying juveniles under the antiterror laws. Samast was 17 when the killing occurred. The case continued at year's end.

On October 27 and December 30, an Ankara court continued the case against publisher and writer Temel Demirel for allegedly violating article 301. Demirel had been charged for a statement he made after the 2007 Dink killing that "Hrant Dink was not killed for being Armenian but for recognizing the genocide." The case continued at year's end.

On June 4, an Istanbul court acquitted Nedim Sener, who was charged with "publicizing confidential information" and "insulting government officials" in a book he published, *Dink Murder and Intelligence Lies*.

Printing houses were required to submit books and periodicals to prosecutors at the time they were published. The TPA reported that publishers often avoided works with controversial content in order to stay out of court. It also reported that the prohibition and recall of books remained a concern, although there were fewer such cases than in 2009. Several publications were recalled pending a final court decision during the year. Writers and publishers were still prosecuted on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. According to the TPA, authorities investigated or opened court cases against dozens of publications and publishers during the year. The International Publishing Association stated that, at year's end, 70 persons from the literary world were on trial in the country.

On May 21, the RTUK approved an application from a private TV station in Diyarbakir to change its name to AMED-TV. "Amed" is the Kurdish name for Diyarbakir. AMED-TV began broadcasting in the Kurmanci and Zaza dialects of Kurdish, along with Turkish, Farsi, and Arabic, on May 23.

Internet Freedom

The Internet was widely available in the country. It was used in schools, libraries, cafes, and other public locations, and the government encouraged its use. There were some restrictions on Internet access. According to TurkStat, the country's national statistics authority, individuals in approximately 41.6 percent of homes in the country used the Internet during the year.

The Internet law allows the government to prohibit a Web site if there is suspicion that the site is committing any of eight crimes: insulting Atatürk, obscenity, prostitution, gambling, or encouraging suicide, sexual abuse of children, drug abuse, or dangerous substances for health care. Upon receiving a complaint or as a result of personal observations, a prosecutor may request that a judge prohibit access to the offending site or, in an urgent situation, the Telecommunication Presidency (TP) may prohibit access. In either case, a judge must rule on the matter within 24 hours. Following a judicial order, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. The ISP administrators may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows persons who believe a Web site violates their personal rights to request the TP to order the ISP to remove the offensive content. No official figures on the number of blocked Web sites were available at year's end. However, Engelliweb, an NGO working on internet freedom issues, reported that by October 31, 6,457 sites had been blocked in the country, a substantial increase over the reported numbers in 2009.

On June 7, the Ministry of Transport asked the TP to block access to certain Web sites associated with Google services and demanded that YouTube register as a taxpayer in the country. Other services, including Google Translate, Google Docs, and Google Books, were blocked because they tried to "circumvent Turkey's laws" to allow access to YouTube. Access to these services was restored at year's end.

On October 31, the TP removed the 2008 prohibition on the YouTube Web site because a video that lampooned Atatürk had been removed from the site. The site remained accessible at year's end.

On November 2, an Ankara court ordered YouTube blocked again for publishing a secretly taped video allegedly showing then head of the opposition Republican People's Party (CHP) Deniz Baykal with a woman in a hotel room. The court ordered the Web site blocked because of "obscene and immoral images." As of year's end, the TP had not acted on the court order, and the Web site remained accessible.

On August 6, the TP banned *Playboy* magazine's Web site without a court order, based on "a legal evaluation" of the Internet law on obscenity. The ban remained in force at year's end.

On September 17, a court ordered the TP to block the social networking site Facebook because videos posted on the site insulted Turks and Atatürk. However, the TP decided not to block the site because the offending material was removed. The site remained accessible at year's end.

Government authorities on rare occasions accessed Internet user records to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the "highest administrative authority" before taking such action and generally did so in practice.

Academic Freedom and Cultural Events

There were generally no government restrictions on academic freedom or cultural events during the year; however, there was some self-censorship on sensitive topics. Restrictions on freedom of speech at times were used to limit academic freedom and cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.

The HRF reported that security forces killed two persons during demonstrations and injured 143, a substantial decrease from the previous year. There were reports that police beat, abused, or harassed demonstrators during the year. The HRF reported that police detained 1,716 and arrested 152 persons involved in demonstrations during the year. The detentions varied in length from several hours to several days.

Human Rights Watch (HRW) reported that many demonstrators were punished during the year "even if their offense was making a victory sign, clapping, shouting a PKK slogan, throwing a stone, or burning a tire." The HRW report criticized heavily the use of antiterror laws to punish persons who were exercising their right to demonstrate peacefully.

AI reported that on June 17, Halil Savda, Gokce Oflu Sevimli, Zarife Ferda Cakmak, and Volkan Sevinc were convicted of "alienating the public from military service." The case stemmed from their attendance at a public demonstration on January 6 and a press release in support of conscientious objector Enver Aydemir. Savda, Sevimli, and Cakmak each

received prison sentences of six months; Sevimli's and Cakmak's sentences were suspended. Sevinc was also convicted of insulting a police officer and sentenced to one year and six months in prison, suspended.

Public events around the country celebrating the Nevruz holiday in March were generally peaceful. However, violence continued to mar demonstrations related to the Kurdish problem during the rest of the year in the southeast of the country.

A number of symbolic public events took place on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915. The gatherings were peaceful and received police protection where necessary.

Labor Day celebrations on May 1 were generally peaceful. For the first time in 33 years, celebrations were officially allowed in Taksim Square in Istanbul, which in the past was a traditional location for such celebrations.

Freedom of Association

The law provides for freedom of association; however, several restrictions on this right continued in practice.

Under the law, persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this placed an undue burden on their operations.

According to the Third Sector Foundation of Turkey, an advocacy NGO, the criteria for NGOs to obtain public benefit status that entitles them to certain tax exemptions were restrictive and complicated. Applications for public benefit status must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the government limited these rights in practice. The September 12 constitutional amendments state that only a judge may limit the freedom to travel and only in connection with a criminal investigation or prosecution. The government reduced substantially the number of roadway checkpoints in the southeast, where it maintained a heavy security presence. The government generally cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees (recognized as such with certain geographical limitations on country of origin), returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

Fighting between the security forces and the terrorist PKK, which began in 1984 and continued during the year, resulted in hundreds of thousands of citizens living as IDPs in the country. Many IDPs settled permanently in cities in the west, especially around Izmir and Istanbul. According to the TNP, a total of 187,861 citizens returned voluntarily to their villages in the southeast by October.

The law to compensate IDPs allowed persons who suffered material losses during the conflict with the PKK to apply for compensation through May 2009. The EC's November progress report stated that the government had made continued progress on compensating losses due to terrorism and the fight against terrorism since 2004. Rejected applicants have launched numerous cases in administrative courts. Several of them applied to the ECHR. Local NGOs and regional bar associations maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. The government denied these claims.

Voluntary and assisted resettlements continued. In a few cases, persons could return to their former homes; in other cases centralized villages were constructed. The TNP reported it had provided compensation totaling 1.95 billion lira (approximately \$1.3 billion) by October related to losses stemming from the fight against PKK terrorists.

Protection of Refugees

The country accepts its obligations under the 1967 Protocol relating to the Status of Refugees only with respect to refugees from Europe. An administrative regulation provides for the granting of asylum or refugee status. During the year the Ministry of Interior conducted a parallel refugee status determination process subsequent to the UNHCR's determinations, affirming the latter's decisions in nearly all cases.

The government requires that refugees who have no durable solution in the country obtain exit permission before departing for resettlement in other countries. In the past, such permission was withheld until the person paid a residence fee and any back fees and fines. In March the Ministry of Interior released guidance that the municipality where an asylum seeker resides may waive the residence permit fee for persons who are unable to pay. No data was available at year's end regarding the number of waivers granted.

In most cases, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In the first nine months of the year, 62 persons of interest to the UNHCR were deported from the country. This was a significant decrease from the previous year, when the number deported was 214. The UNHCR sometimes had difficulty gaining access to interview potential refugees if they had already been detained or arrested by security forces for illegal entry into the country.

The government detained refugees and asylum seekers who entered the country illegally, a practice that was criticized by AI during the year. A total of 1,014 persons were detained in the first nine months of the year; 310 were registered with the UNHCR. Detainees could be held indefinitely. According to UNHCR, the majority of those detained were from Afghanistan (646) and Iran (177).

Iraqi citizens were generally able to obtain tourist visas upon arrival at airports in the country. However, some foreigners transiting the country on their way to Europe, including Iraqis, were returned to their countries of origin when immigration authorities determined they might seek asylum in Europe.

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 a lack of interpreters to assist security officials.

The law does not have a strict time limit for asylum seekers or require them to present a valid identity document. The law also provides for a waiver of residence permit fees for asylum seekers in "humanitarian situations." After the issuance of a government circular in March ordering the end to fines for late registration, there were no reports of fines being imposed or enforced.

The UNHCR reported successful interventions in most cases where asylum seekers arrived lawfully in the country after transiting one or more other countries. It also reported improved access to persons in detention who wished to apply for asylum, ship stowaways who wished to apply for asylum, and persons seeking asylum while they were in the international areas of the country's airports during the year.

The government provided temporary protection to persons who may not qualify as refugees, including persons of non-European origin. Refugees needed permission from local authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies.

Human rights groups reported that nearly 200 lesbian, gay, bisexual, or transgender (LGBT) refugees from Iran were living in the country at year's end. The group reported that these refugees faced numerous problems in the country in addition to their refugee status due to their sexual orientation or gender identity.

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

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

Elections and Political Parties

In October 2009 the law on the election of parliamentarians was amended so that parliamentary elections are to be held every four years instead of every five.

The 2007 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. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties and human rights groups criticized the 10 percent threshold as unduly high. Three parties of the 21 eligible to run crossed the threshold in the 2007 elections. Candidates who ran as independents were able to bypass the threshold.

In its observation report following the 2007 elections, the OSCE noted that despite a comprehensive legal framework for elections, a number of laws creating the potential for uncertainty and arbitrary interpretation constrained political campaigning and freedom of expression in a broader context. The OSCE also noted the positive efforts made to enhance the participation of citizens of Kurdish origin in political life.

On April 11, the political parties law and the election law were amended to allow the use of languages other than Turkish during an election campaign. While Turkish is still the primary language for election campaigns, other languages, such as Kurdish, may be used.

The military's political influence via formal and informal mechanisms declined during the year. In December the military published a statement on its Web site reminding the country that the official language was Turkish as a reaction to statements by some political leaders that they would use Kurdish in parliament and during official business. However, the president and other government officials immediately attempted to give official context to the military's statement by stating that Turkish is the official language of the country.

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

The September 12 constitutional amendments repealed the constitutional provision that allowed removal of a person from parliament if he or she was involved in acts that caused a political party to be closed. However, in November the EC noted in its progress report that a majority of the former Democratic Society Party and BDP members of parliament had been taken to court and that the country "still needs to align its legislation as regards procedure and grounds for closures of political parties with European standards" on freedom of association.

During the year police raided dozens of BDP offices, particularly in the southeast, and detained more than 1,000 BDP officials and members. Prosecutors also opened numerous investigations and trials against BDP members, mostly for alleged membership or support of the KCK. Jandarma and police regularly harassed BDP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to the BDP. Although security forces released some detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism.

There were 48 women in the 550-seat parliament and two female ministers in the 27-member cabinet. More than 100 members of parliament and at least three ministers were of Kurdish origin.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The EC noted in its November report that the "scope of parliamentary immunities" in cases of corruption was "too wide" and that there were incomplete measures to ensure transparency in areas such as political party financing and election campaigns.

The Ministry of Interior suspended the Adana mayor from duty in March because of corruption allegations. Administrative and judicial investigations continued at year's end.

The law requires government officials to provide a full financial disclosure, including listing physical property, every five years; this requirement was generally fulfilled. The Prime Ministry's Inspection Board, which advises the Corruption Investigations Committee, is responsible for investigating major corruption cases. Nearly every state agency has its own inspector corps responsible for investigating internal corruption. Parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister. A majority vote is needed to send these cases to the courts for further action.

The law provides for public access to government information. However, the government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal.

Section 5 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. Government officials were generally uncooperative and unresponsive to their views, although cooperation increased during the year. 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 closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. During the year AI reported that some human rights defenders were prosecuted for monitoring and reporting human rights violations.

The HRA had 28 branches nationwide and claimed a membership of approximately 11,000. The independent HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana, as well as a "mobile office" in the southeastern region. It also served as a clearinghouse for human rights information. Other domestic NGOs included the Helsinki Citizens Assembly, the Human Rights Research Association, the Turkish Medical Association, the Civil Society Development Center, and human rights centers at a number of universities, among others.

The first session of the trial against Muharrem Erbey, president of the HRA in Diyarbakir and vice president of the national HRA, began on October 20 along with the other suspects in the KCK trial in Diyarbakir. The HRA and many international human rights organizations continued to claim that Erbey was arrested for his work at the HRA and as a human rights lawyer. The trial continued at year's end.

During the year the 2008 trial in an Adana court against HRA Adana secretary general Ethem Acikalin continued; he faced two years in prison for making propaganda of an illegal organization. Acikalin was charged after chanting slogans during a 2007 press meeting commemorating the death of 28 inmates during a military operation in 2000. On October 9, in another case, Acikalin was sentenced to three years in prison for statements he made regarding children who had been tried under antiterror laws. Numerous other court cases were outstanding against Acikalin at year's end. Media reports indicated that Acikalin took refuge in Switzerland in March and remained out of the country at year's end.

On June 12, a court convicted four members of HRA's Canakkale branch, including its chairman, to 18 months' imprisonment each for organizing an unauthorized "World Peace Day" gathering in 2007. An appeal remained pending at year's end.

The government generally cooperated with international organizations such as the CPT, UNHCR, and the International Organization for Migration; however, some international human rights workers reported that the government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work during the year.

The HRP was authorized to monitor the implementation of legislation relating to human rights and to coordinate the work of various government agencies in the field of human rights. Despite lacking a budget and sufficient resources, the HRP carried out a number of projects with the EC and Council of Europe.

During the year the HRP promoted human rights by showing short films on topics such as freedom of expression, discrimination, children's rights, and torture. The HRP maintained a no-cost emergency hotline for persons to report information on human rights violations for transmission to the appropriate government body. The HRP reported increased awareness of its activities during the year.

There were provincial human rights councils under the HRP in all 81 provinces and their constituent subprovinces. These bodies served as a forum for human rights consultations among NGOs, professional organizations, and the government. They had the authority to investigate complaints and to refer them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their mandates. The HRA generally refused to participate on the councils, maintaining that they lacked authority and independence.

The September 12 constitutional amendments called for the establishment of an ombudsman's office and an independent human rights commission. At year's end, parliament had taken no legal steps to establish either institution.

The parliamentary HRIC received 3,200 petitions and published 15 reports from October 2009 to October 2010. These covered various complaints, such as sexual harassment in universities, the situation in state-run orphanages, and conditions in military and civilian prisons. For the first time, the HRIC was allowed to visit and evaluate military prisons

during the year. The EC noted in its November report that the HRIC focused on policymaking and the legislative process during the year as well.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these prohibitions effectively. The September 12 constitutional amendments allow measures to be taken to advance gender equality, as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

Women

The law prohibits rape, including spousal rape, with prison terms of two to seven years for sexual assault. However, the government did not effectively enforce the law. Victims often waited days or weeks to report incidents due to embarrassment or reprisals; these delays hindered effective prosecution of assailants. Human rights organizations claimed that cases of rape were heavily underreported.

Violence against women, including spousal abuse, was a serious and widespread problem both in rural and urban areas. Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001 and 2005, the latest period for which statistics were available. The law prohibits violence against women, including spousal abuse, but the government did not effectively enforce it. The criminal code does not specifically forbid "spousal abuse" but provides punishment based on the underlying crime, such as assault, wrongful imprisonment, or threats. The civil code states that spousal abuse is a reason for granting divorce. Restraining orders were regularly issued by courts during the year to protect abused women, but human rights organizations reported that police rarely effectively enforced them. Domestic human rights organizations reported these laws were partially but increasingly effective; more women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports. Some organizations reported that societal acceptance of domestic abuse in some cases contributed to underreporting.

Through October 27, the government's hotline received 19,377 calls: 8,704 were from women, 1,658 from children, 5,807 from disabled individuals, and 512 from the elderly. The Institution for Social Services and Orphanages operated 29 women's shelters with a total capacity of 650 persons for female victims of domestic violence and rape. The municipalities operated 19 women's shelters with a capacity of 609 persons. The government reported that provincial government offices, municipalities, and NGOs operated 54 shelters. Regulations call for women's shelters in any town with a population of more than 50,000 persons. Observers noted that there were an inadequate number of shelters, or no shelters at all, in many towns with populations of more than 50,000 persons.

Persons convicted of honor killings may receive life imprisonment. The Ministry of Justice reported that 10 cases involving 25 suspects and 18 victims of honor killings began during the year. Of these, eight cases involving 11 victims were finalized during the year, and 10 individuals were convicted. Most honor killings occurred in conservative families in the rural southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform such killings.

Due to penalties for honor killings, family members sometimes pressured girls to commit suicide in order to preserve the family's honor. Government officials worked with advocacy groups to hold town hall meetings and set up rescue teams and hotlines for endangered women and girls.

KA-MER, the leading women's organization in the southeast, stated that 62 women from the eastern and southeastern regions contacted it to report that their families had threatened them with honor killings. The father or husband decided the fate of the woman in the vast majority of the cases. KA-MER complained that, while in the past police had shared statistics on suicides in such situations, they did not share such information during the year.

On February 4, the father and grandfather of Medine Mimi, a teenage girl, were arrested after allegedly killing her for talking to boys. Her body was found in a hole outside a chicken pen near the family's home in Adiyaman. Mimi had been buried alive. The case continued at year's end.

On July 22, a 15-year-old boy allegedly killed his 17-year-old sister, Seyma G., in Diyarbakir after she left a women's shelter where she had been staying to escape violence at home. Her body was found half-buried in the ground after she had been strangled to death. Police arrested the brother on July 16. The case continued at year's end.

No information was available on the investigation of Sukru Batuhan for the April 2009 honor killing of Leyla Gok in Siirt.

An appeal continued at year's end for the 2009 conviction of Muslum Bakir for the 2008 murder of his wife, whom he married in an unofficial religious ceremony.

The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring two to seven years' imprisonment for sexual assault and three months' to two years' imprisonment plus a fine for sexual harassment. Women's rights activists maintained both laws were rarely enforced.

On July 23, the Court of Appeals overturned on procedural grounds the conviction of Huseyin Uzmez for sexually harassing a 14-year-old girl and disturbing her mental health. A retrial began on November 25 and continued at year's end.

Couples and individuals in most cases have the right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. However, on March 6, the Ministry of Health promulgated regulations that made women impregnated through sperm banks liable for prosecution for giving birth to children whose lineage was unknown. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

In 2008 the UN Population Fund estimated the maternal mortality ratio in the country to be 23 deaths per 100,000 live births. Skilled attendants assisted an estimated 83 percent of all births; 71 percent of the country's population used some method of birth control, and 43 percent used modern methods of contraception, including male and female sterilization, IUDs, oral and injected contraceptives, hormonal implants, condoms, and female barrier methods.

The September 12 constitutional amendments allow measures, including positive discrimination, to be taken to advance gender equality and declared that such measures would not violate the constitutional prohibition against discrimination. Under the law, women enjoy the same rights as men; however, societal and official discrimination were widespread. The Directorate General on the Status and Problems of Women under the minister of state in charge of family affairs is responsible for promoting equal rights and raising awareness of discrimination against women.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to a November report by the EC, the levels of women's employment and their political participation nationally and regionally were low. A large percentage of women employed in agriculture and in the retail, restaurant, and hotel sectors worked as unpaid family labor. The World Economic Forum reported during the year that women earned 57 percent of what their male counterparts earned for similar work. The government reported that men and women were offered equal opportunities in work and received equal pay for equal work.

Children

There is universal birth registration in the country. Citizenship in the country is passed through blood from a child's parents. Some parents were allowed to give their children names derived from the Kurdish language during the year. However, on February 2, the ECHR upheld the country's prohibition on the use of the letters W, X, and Q, which do not exist in the Turkish alphabet, on birth certificates.

The September 12 constitutional amendments permit positive discrimination for children. The amendments also provide that the state shall take measures to protect children against exploitation. The amendments commit the government to furthering children's welfare and to work to expand opportunities in education and health.

Education through age 14 or the eighth grade is free, universal, and compulsory.

Child abuse was a problem. There were honor killings of girls by immediate family members, sometimes by juvenile male relatives.

Child marriage occurred, particularly in poor, rural regions; however, women's rights activists claimed that underage marriage became less common in the country in recent years. The law defines 17 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies.

On December 13, police arrested a 22-year-old man in Sanliurfa who married a 13-year-old girl. Another adult man who married a 14-year-old girl was detained in the same action. A case had not begun at year's end.

There were reports that children were subject to commercial sexual exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. A person convicted of encouraging or facilitating children into prostitution can receive a sentence between four and 10 years; if violence or pressure is involved, the sentence can be doubled.

The minimum age of consent in the country is 15. The law provides for imprisonment of six months to two years for statutory rape; the sentence is doubled if the offender is more than five years older than the victim. The law prohibits producing or disseminating child pornography and provides for a sentence of six months to two years as well as a fine.

The country is a party to the Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were some reports of anti-Semitic incidents against members of the Jewish community, which numbered approximately 23,000. Jewish leaders in the country believed that occurrences of anti-Semitism were directly related to events in the Middle East; however, Jewish community members reported that they did not feel they were held responsible for these events by most of the public. After the "Free Gaza" flotilla incident on May 31, government leaders at all levels emphasized through public speeches that Turkish Jews were distinct from both Israeli citizens and the Israeli government, and they asserted that the country's Jews should be protected. Jewish community leaders noted that after the event they received extra police protection, which prevented a few acts of vandalism against community property. Nonetheless, they expressed concerns about the rising anti-Semitism in the country.

In June an individual was arrested on charges of planning the assassination of rabbis. Although he stated that he "hated Jews" personally, he denied the accusation of planning the killings.

A variety of newspapers and television shows continued to feature anti-Christian and anti-Jewish messages, and anti-Semitic literature was common in bookstores.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The September 12 constitutional amendments allow positive discrimination based on disability status. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities, and access in most cities was extremely limited. The Administration for Disabled People under the Prime Ministry was responsible for protecting the rights of persons with disabilities.

The Ministry of Transport and Communication announced in May that 38,192 persons with disabilities would be employed by the state by year's end.

There was no movement on the investigation into Duchess of York Sarah Ferguson's documentary about the abuse of children with disabilities in two care centers. Prosecutors accused Ferguson of breaking privacy laws, and according to press reports, the government's request to the United Kingdom to extradite Ferguson to stand trial remained pending at year's end.

According to the EC, mental health hospitals and rehabilitation centers did not provide sufficient medical care or treatment. In November 2009 the Initiative for Human Rights in Mental Health reported a need to increase the number of professional care staff, improve hygienic conditions, vary treatment beyond only antipsychotic drugs and antidepressants, and allow for greater freedom of movement.

National/Racial/Ethnic Minorities

The law provides a single nationality designation for all citizens and does not recognize national, racial, or ethnic minorities. In November the EC's progress report observed the country's approach to respecting and protecting minority and cultural rights remained restrictive.

Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish dialects. Kurds who publicly or politically asserted their Kurdish identity or promoted using Kurdish in the public domain risked censure, harassment, or prosecution. In practice, children whose first language is Kurdish could not be taught in Kurdish in either private or public schools.

On April 11, the political parties law was amended to allow campaigning in languages other than Turkish, including Kurdish. Several private television and radio stations were allowed to broadcast in languages other than Turkish, including Kurdish, Arabic, and Armenian, and newspapers published in Kurdish, Armenian, and Farsi were allowed to function without administrative obstacles.

On October 11, Mardin Artuklu University began a three-month Kurdish literature and culture course for 50 graduate students under its "Living Languages Institute."

The country's law is interpreted to recognize only three religious minorities--Armenian Orthodox Christians, Jews, and Greek Orthodox Christians--and no other ethnic and religious minorities, such as Alevis, Yezidis, Assyrians, Catholics,

Protestants, Kurds, Jafaris, Circassians, Laz, or Roma. These other groups were prohibited from fully exercising their linguistic, religious, and cultural rights and continued to face intense pressure to assimilate.

There is no firm estimate of the number of Roma in the country. Roma continued to face persistent discrimination and problems with access to education, health care, and housing. In March the prime minister and cabinet held an unprecedented public meeting with approximately 12,000 Roma citizens in Istanbul. At the meeting, the government discussed planned steps to improve the housing and economic situation of Roma in the country. In June the Ministry of Interior asked all governors about the housing needs of the Roma population in each province. The EC stated in its November progress report that the "Roma population continues to face socioeconomic problems, such as poverty, displacement, and lack of social services in the aftermath of the demolition of Roma districts under urban renewal programs in various cities."

The European Roma Rights Center, the Helsinki Citizens Assembly, and the Edirne Roma Culture Research and Solidarity Association conducted a program during the year to train the Roma community on civil society organization and activism. Literacy courses for Roma women offered by the Roma Culture and Solidarity Association of Izmir continued. Numerous associations celebrated International Roma Day in Ankara.

In the Sulukule neighborhood of Istanbul, redeveloped housing lots began to sell for four to five times what the original mostly Roma occupants received as compensation for leaving the area. Most former residents did not choose to accept the government's offer of new housing outside the city. In Edirne, the government offered Roma citizens new apartment-style housing that was rejected by many in the Roma community because they considered that it did not meet their needs.

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

While the law does not explicitly discriminate against lesbian, gay, bisexual, or transgender (LGBT) individuals, organizations working with LGBT persons stated that references in the law relating to "the morals of society," "protection of the family," and "unnatural sexual behavior" were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." This article was applied in attempts to shut down or limit the activities of NGOs working on LGBT matters, a fact the EC criticized in its progress report in November.

In October 2009 the Directorate of Religious Affairs (Diyanet) under the authority of the Prime Ministry released a decision declaring that homosexuality is "a behavior disorder and has been spreading in a scary way within society. ...[H]omosexuality cannot be accepted." The decision went on to state that homosexuality "is against human nature, and it should be corrected without targeting homosexuals."

The state minister in charge of women and family affairs, Aliye Kavaf, stated on March 7 that she believed homosexuality was a "biological disorder, a disease...that needs to be treated." The EC said in its progress report in November that this sort of "negative stereotyping by political figures" could provoke further discrimination against LGBT individuals.

In December the RTUK issued a fine to Haberturk TV for broadcasting a discussion of homosexuality. The RTUK also issued a warning to ATV for a series that showed two men in bed together as a couple. The RTUK president said that because both programs presented homosexuality as "normal," the RTUK assessed that they harmed the Turkish family structure. He claimed the programs "constituted a breach of the society's national and moral values."

On May 16, nearly 300 persons marched in an antihomophobia parade in the heart of Ankara. On June 27, a LGBT pride parade and celebration in Istanbul drew more than 5,000 persons, with heavy participation and coverage by foreign observers. Smaller pride celebrations occurred in other cities. Police provided protection to some of the celebrations, and

no incidents of violence were reported. According to human rights organizations, LGBT events with foreign participation generally occurred without incident while those without foreigners had much higher levels of police interference.

There were active LGBT organizations in at least seven cities in the country: Istanbul, Ankara, Izmir, Bursa, Adana, Eskisehir, and Diyarbakir. Other unofficial groups existed in smaller cities and on university campuses. All groups complained of harassment by police and government authorities. Most had problems registering as an official organization or maintaining their registration once granted. While some university LGBT clubs were granted permission to form during the year, many groups complained that they had tried to form but had been denied permission by the university's rector.

In the fall, an LGBT group at the Middle East Technical University in Ankara applied to the university administration for status as a club. The university administration rejected their application, stating that "it is not sufficient reason to establish a club to raise consciousness and sensitivity." The group had been denied several times in the past as well.

On April 30, an Izmir court dismissed the closure case against Black Pink Triangle, an LGBT rights association in Izmir. The court declared in its ruling that LGBT persons have the same right to freedom of association as other citizens. The association was functioning normally at year's end.

LGBT groups claimed that transgender persons were significantly persecuted during the year. Although police arrested many for unauthorized prostitution, human rights organizations reported that during the year there was a significant rise in prosecutions for "offending public morals." Several groups reported that many transgender persons were fined for frequenting stores or walking on city streets, officially for "disturbing the environment" or "disrupting traffic." Police claimed they were acting on complaints they had received. LGBT organizations reported thousands of fines against transgender individuals during the year.

The HRF and LGBT organizations reported that police in many cities, especially Istanbul, Izmir, and Ankara, continued to use a "point system" whereby officers were rewarded for fining transgender persons. Many observers noted that this practice had contributed to a substantial increase in the levels of abuse of transgender persons by security forces. There was no government response to these allegations by year's end.

On May 17, uniformed police officers pulled from a vehicle and beat and arrested five transgender activists while they were driving in Ankara; one of the women was beaten unconscious. Human rights groups witnessed the bruised and bloody activists when they were released the following day. Following the attack, the police and the activists filed complaints against each other in court, the activists for mistreatment, and the police for "resisting the police." An Ankara court dropped the charges against the five activists on October 20 for lack of evidence. The investigation against the police continued at year's end.

On June 19, police assaulted and arrested three transgender persons after stopping their car Ankara. The transgender persons were subsequently charged with "damaging public property, resisting police, and preventing police from performing their duty," but they denied the charges. On December 29, one police officer did not attend the first hearing, and the case continued at year's end. The three filed complaints against the police officers for mistreatment, but there had been no public investigation at year's end.

Halil Ibrahim Dinçdag, a soccer referee who lost his job in May 2009 because of his self-identification as a gay man, filed a complaint early in the year against the Turkish Soccer Federation for wrongful termination. The first hearing had not begun at year's end.

The criminal case against Birol Can Korkmaz for the March 2009 murder of transgender activist Ebru Soykan continued at year's end.

There was no movement on the October 2009 case against police in Istanbul for harassment of transgender individuals.

The trial of Yahya Yildiz, accused of killing his son, Ahmet Yildiz, in 2008 in Istanbul in a case described as a gay "honor killing," continued at year's end.

Openly gay men were not allowed to perform military service for "health reasons" due to their sexual orientation; those requesting military exemption for reasons of sexual orientation had to undergo an invasive burden of proof and many times were denied even after proclaiming their sexual orientation and undergoing treatment and examination at several military medical facilities. LGBT groups complained that gay men were required to show photos of themselves in overtly sexual positions and to undergo thorough medical evaluations to prove their homosexuality to military officials. The groups further complained that military officials "outed" gay men to their families and communities.

Other Societal Violence or Discrimination

NGOs complained that the National AIDS Commission did not have adequate funding or staffing to deal with HIV/AIDS during the year. The Positive Life Association (PLA) and other NGOs complained that the media and medical professionals often did not respect the privacy of persons with HIV/AIDS and often reported their names in the media. Many people living with HIV/AIDS reported discrimination in housing, public services and benefits, and health care. The PLA and the Human Resources Development Foundation conducted programs during the year for people living with HIV/AIDS.

Section 7 Worker Rights

The September 12 constitutional amendments provided for the recognition of many new labor and workers' rights. However, at year's end no legislation had been passed to legally implement these changes.

a. The Right of Association

The law provides most but not all workers with the right to associate and to form unions; most workers exercised this right in practice. Certain vital public employees, such as military and police, cannot form unions. The government maintained a number of restrictions on the right of association. The September 12 constitutional amendments provide for a person to become a member of more than one union in the same branch of work at the same time. Some viewed this amendment as being in compliance with freedom of association, while others complained that it was an effort to divide the power of organized labor.

A minimum of seven workers are required to establish a new trade union without prior approval. There are no restrictions on membership or participation of persons or unions in regional, national, or international labor organizations, but such participation must be reported to the government. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols in any union or confederation publications. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their conventions and to record the proceedings; these requirements were usually enforced.

Official government statistics reported the employment rate in the country as 43.6 percent. Although 58.9 percent of the labor force was unionized, union officials noted that privatization of public industry had lowered that figure substantially. Credible observers reported that the actual number of unionized workers was only 600,000.

The September 12 constitutional amendments provide for the right to strike and to engage in secondary (solidarity), political, or general (involving multiple unions over a large geographical area) strikes or in work slowdowns. The law prohibits strikes by civil servants; public workers engaged in safeguarding life and property; and workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education. Labor disputes in these sectors were resolved through binding arbitration. However, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal according to law; while some illegal strikers were dismissed, in most cases employers did not retaliate. Unions sought to compel the government to enforce a 2008 ECHR decision that civil servants have the right to strike.

The Ministry of Labor reported that, through September 30, there were 12 strikes involving 38 workplaces.

At year's end, an investigation continued into the alleged 2009 beating of Tekgida-Is union member Ali Can Aykel.

b. The Right to Organize and Bargain Collectively

The September 12 constitutional amendments provided for the right to collective bargaining for public employees. However, diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. 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. The International Trade Union Confederation (ITUC) claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. If a court ruled that a worker was unfairly dismissed and should either be reinstated or compensated, the employer generally paid compensation to the employee along with a fine. ITUC reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity.

There are no special laws or exemptions from regular labor laws in the country's 19 free trade and export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women, men, and minors were trafficked for commercial sexual exploitation. Internal trafficking of citizens for both legal and illegal prostitution was reported. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement them. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. Some parents forced their children to work on the streets selling tissues or food, shining shoes, or begging.

The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At age 15, children may engage in light work, provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the government prohibits

children from working at night or in areas such as underground mining. The law prohibits school-age children from working more than two hours per day or 10 hours per week.

The Ministry of Labor and Social Security 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 are not covered by the law, including agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.

Notwithstanding government enforcement of the law, child labor was widespread. In a child labor survey conducted in the fourth quarter of 2006 and released in 2007, the State Statistical Institute reported that there were 960,000 child laborers between the ages of six and 17. This figure represented a decrease over previous years. The study found that 84.7 percent of children between the ages of six to 17 attended school and that the 31.5 percent of children in that age group who were employed were also attending school at least part-time.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls were rarely seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, with 52.4 percent of employed children working in rural areas, compared with 47.7 percent working in urban areas. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy. To combat this problem, the Ministry of Education conducted a program in cooperation with the UN Children's Fund designed to provide primary education for at-risk girls. An educators union reported that one out of every 10 primary school students in some regions of the country work in the agricultural sector.

Children legally employed at small enterprises registered with a Ministry of Education training center were required to go to the center once a week for training, and the centers were obligated by law to inspect their workplaces. According to data provided by the ministry, there were 317 centers located in 81 cities; these centers provided apprenticeship training in 153 occupations.

There were reports that children were trafficked for sexual exploitation.

According to the U.S. Department of Labor's 2008 report on the worst forms of child labor, approximately 50,000 children worked on the street in 10 provinces. The government identified the worst forms of child labor as working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers.

The Social Services and Child Protection Institution operated 37 centers in 29 provinces to assist such children. The TNP operates a hotline for reporting child exploitation and negligence. The TNP initiated a project during the year to spot street children at risk and direct them to education. In Ankara, the program provided vocational training to 70 street children between the ages of 15 and 18.

e. Acceptable Conditions of Work

The national minimum wage of 760.5 lira (\$507) per month did not provide a decent standard of living for a worker and family of four. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board. The Turk-Is labor confederation reported that the minimum wage was insufficient, determining that a monthly minimum of 2,826 lira (\$1,884) per household was needed to stay out of poverty and to meet a family's minimum basic needs. The OECD, on the other hand, indicated that the national minimum wage takes insufficient account of regional variations in productivity and living costs, and in any case it is among the highest in the OECD when measured against the average wage, a fact the OECD claims works against job creation in the official sector.

The law establishes a 45-hour workweek with a weekly rest day and limits overtime to three hours per day for up to 270 hours a year. Premium pay for overtime is mandated, but the law allows for employers and employees to agree to a flexible time schedule. 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. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs.

There were seven mining accidents during the year that caused the deaths of 51 persons. A total of 15 workers were killed in shipyard accidents during the year.

Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, although reports of them doing so were rare. Authorities effectively enforced this right.

[Back to Top](#)