

# TURKEY 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Turkey is a constitutional republic with a multi-party parliamentary system and a president. A unicameral parliament (the Grand National Assembly) exercises legislative authority. Following the 2011 parliamentary elections, which observers considered generally free and fair, the Justice and Development Party (AKP) formed a parliamentary majority under Recep Tayyip Erdogan. Erdogan was elected president in the country's first direct presidential election in August and was succeeded as prime minister by Ahmet Davutoglu. Civilian authorities maintained effective control of the security forces.

The most significant human rights problems during the year were:

1. Impunity and weak administration of justice: The judiciary and law enforcement agencies were politicized, giving the appearance of impropriety and bias. The government reassigned thousands of police and prosecutors in response to an anticorruption investigation they were conducting of a number of senior government officials and their families, and the prosecutors who initiated the investigation were suspended. The government closed the investigation and destroyed evidence that was gathered; many police officers involved in the investigation were accused publicly of a conspiracy to overthrow the government. Very few police were prosecuted for excessive force that led to dozens of deaths and scores of injuries among demonstrators in 2013 and 2014. The executive branch took greater control over the bodies responsible for judicial appointments and discipline and created a new set of courts in which single judges wield extraordinary powers and to which it assigned politically sensitive cases, which had a chilling effect on potential future investigations of politically connected persons. Wide leeway granted to prosecutors and judges contributed to inconsistent court verdicts. Authorities applied the broad antiterror law extensively with little transparency and continued to engage in arbitrary arrests, hold detainees for lengthy and indefinite periods, and conduct extended trials.

2. Government interference with freedom of expression and assembly: The penal code and antiterror law retain multiple articles that restrict freedom of expression, the press, and the internet. At least seven journalists remained jailed at year's end, most charged under the antiterror law or for connections to an illegal organization. Self-censorship was common because journalists feared that criticizing the government could prompt reprisals. The government vilified and prosecuted

individuals sympathetic to some religious, political, and cultural viewpoints. New legislation gave the state expanded authorities to block internet sites without judicial oversight. Security forces used excessive force to disperse protests, detaining hundreds of demonstrators and charging many under the antiterror law. A new law criminalized the provision of medical services outside of licensed facilities, creating a liability for doctors treating wounded protesters. In some cases, prosecutors sought long prison sentences for individuals who used social media to send updates on protests.

3. Inadequate protection of minority and vulnerable populations: The government did not effectively protect vulnerable populations from societal abuse, discrimination, and violence. Kurds continued to face human rights problems, particularly limitations on freedom of assembly. Roma, women, children, and lesbian, gay, bisexual, and transgender (LGBT) individuals were also subject to discrimination and abuse. Violence against women, including so-called honor killings, remained a significant problem, and child marriage persisted.

Other problems during the year included poor prison conditions, including overcrowding; restrictions on religious freedom; government restrictions on human rights organizations; and a rise in the expression of anti-Semitic sentiments by political leaders and progovernment media outlets.

The government took limited steps to investigate, prosecute, and punish members of the security forces and other officials who were accused of human rights abuses. Impunity was a problem.

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

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

There were several reports that the government or its agents allegedly committed arbitrary or unlawful killings. Human rights organizations continued to assert that the government's failure to delineate clearly in the law the circumstances that would justify the use of force contributed to disproportionate use of force and deaths during protests.

Security forces reacted with force to protests and demonstrations, resulting in numerous deaths. According to the nongovernmental organization (NGO) Human Rights Foundation (HRF), 45 protest-related deaths occurred during the year (see section 2.b.).

On March 11, Berkin Elvan, a 15-year-old bystander who had been hit in the head by a tear-gas canister fired at close range during the Gezi Park protests in June 2013, died after nine months in a coma. His death brought the total number of Gezi Park-related deaths to eight.

The HRF alleged that police, military, and Jandarma, a paramilitary force controlled jointly by the Ministry of Interior and the military and charged with policing rural areas, were responsible for 53 civilian deaths as of October 15, primarily due to the use of firearms.

The HRF reported that in the first nine months of the year, five persons died during detention. The HRF considered the deaths suspicious, but it was unclear if they were the direct result of police violence or negligence.

According to the domestic NGO Human Rights Association (HRA), security officers were responsible for 18 civilian deaths and 52 injuries at government checkpoints as of November, while the HRF reported security forces killed 35 civilians and injured 49 persons at checkpoints as of September 5. The statistics given by the two human rights organizations varied because their reporting and tallying methods differed. The Jandarma reported their personnel killed one alleged terrorist who did not heed orders to halt at a checkpoint in Van.

Hundreds of thousands of Syrians crossed the country's southern border during the year, and a few were injured or killed during border crossings. On May 18, a Syrian mother of two was shot and killed while trying to cross the border to flee fighting. On April 16, Civan Muhammed, a 15-year-old Syrian who crossed the border illegally, was beaten by soldiers and later died in a public hospital.

In 2011 Turkish military aircraft bombed smugglers believed to be Kurdistan Workers' Party (PKK) members near Uludere in Sirnak Province, killing 34 civilians, including 17 children. After a preliminary report was filed in January 2013, a final report was released by the General Staff Military Prosecutor's Office in January 2014. The military prosecutor decided the five prime suspects, including four generals and one colonel involved in the airstrike, were fulfilling their duties and had made an unavoidable error. Uludere families appealed, but the higher military court rejected their appeal on June 11. On July 18, the families filed individual applications with the Constitutional Court, claiming the violation of right to life by unlawful, unnecessary, and disproportionate use of force; denial of fair, impartial, and effective investigation; lack of adequate efforts to save the

lives of the wounded; and mistreatment of the victims' families. The case continued at year's end.

In 2007 police officer Cengiz Yildiz allegedly shot and killed Festus Okay in a police station in Beyloglu. Yildiz was tried, but police authorities permitted Yildiz to remain on duty and retain possession of his weapon, which was evidence, during the trial. Yildiz also wrote the incident report, which was crucial evidence in the trial. In 2011 the court sentenced Yildiz to four years and two months in prison; the sentence was overturned in 2013 in favor of a retrial. On August 29, authorities opened a second investigation into Okay's death against five officers and related public officials on the charge of first-degree murder.

Since late 2012 the government has publicly acknowledged its engagement with imprisoned PKK leader Abdullah Ocalan to secure a negotiated end to a 30-year conflict that observers believed has claimed almost 40,000 lives. The PKK declared a ceasefire in March 2013, and in May 2013 it began the withdrawal, later interrupted, of an estimated 1,500 armed militants from the country's territory. Although skirmishes diminished during the year, at least 13 PKK members and 12 Turkish security personnel were killed and 111 injured during clashes, according to Jandarma, General Staff, and Ministry of Defense statements. The Jandarma additionally reported one civilian death caused by PKK clashes with security forces. The Turkish National Police (TNP) reported that two civilians lost their lives and four civilians sustained injuries during the clashes between security forces and the PKK.

As of September the General Staff announced that 975,466 uncleared land mines remained in the country. As of September 5, the TNP reported that landmine and other explosions killed one civilian and injured 29 civilians and 50 security personnel. According to the Jandarma, as of August 31, land mines had killed one security force member and injured 18 security personnel and three civilians. The HRA reported that land mines and unattended explosives had killed two civilians and injured 10 as of September. The HRF reported three civilians killed and 11 injured by land mines as of October 15. Casualty statistics varied, as reporting and tallying methods differed between observers.

On March 20, three individuals believed to be associated with the Islamic State in Iraq and the Levant (ISIL) attacked a checkpoint near the city of Nigde, killing a police officer, a Jandarma member, and a civilian truck driver.

## **b. Disappearance**

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

Human rights organizations continued to criticize official investigations into previous disappearances, many from the early 1990s. According to the HRA, 12 cases continued in seven different cities. The HRF reported that of hundreds of reported disappearances from the 1990s, only a few cases were opened, and only after public pressure. Citing security concerns, the government moved hearings on the few continuing cases to cities distant from the scene of the alleged disappearances, making participation in the hearings difficult for victims' families and their lawyers. For example, the Gorumlu case--involving a general and five soldiers accused of the 1993 retaliatory execution of six villagers--did not begin until November 2013. During the year the case was moved from Sirnak Province, where the crime allegedly took place, to the Ankara High Criminal Court, more than 600 miles away. The defendants were not under detention as the case continued.

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

The constitution and law prohibit such practices, but there were reports that some government officials employed them. Human rights organizations continued to report allegations of torture and abuse, especially of persons who were in police custody but not in a place of detention, and during demonstrations and transfers to prison, where such practices were more difficult to document.

Prosecutors investigated allegations of abuse and torture by security forces during the year but rarely indicted accused offenders. Domestic human rights organizations claimed this failure to follow through deterred victims of abuse from filing complaints. Authorities regularly allowed officers accused of abuse to remain on duty during their trial. For example, the HRF reported that authorities investigated 164 police officers in connection with the 2013 Gezi Park protests, including 32 police chiefs, in response to complaints of abusive or excessive force; however, authorities suspended only three officers, and most cases closed without results or stalled with no action being taken. According to international observers, hundreds of similar cases were pending in which perpetrators had yet to be identified.

Police officers in several parts of the country used disproportionate force to disrupt protests (see section 2.b.). The HRF reported that a woman who was forced to

submit to a strip search after a protest in Istanbul in September 2013 filed a disciplinary complaint against police. In August the Istanbul subgovernorship in Kadikoy declined to investigate her complaint.

Some human rights observers reported that detainees often refrained from reporting torture and abuse because they feared retaliation or believed complaining to authorities would be futile. Human rights organizations documented several cases of prison guards beating inmates and maintained 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. They also noted that LGBT persons, particularly gay men, were subject to police abuse and harassment on “moral” grounds. As of August 11, the Jandarma reported two allegations of rape by security forces personnel. The criminal process against them continued.

The HRA received 366 allegations of torture and excessive use of force, including 14 involving child victims during the first seven months of the year. The Jandarma reported it received four complaints of torture or abuse, of which it dismissed one and referred another to the courts. The TNP reported it received several complaints of torture or abuse by police, of which it dismissed 26 after a disciplinary process. Of the cases referred to the courts, four were acquitted and 31 were dismissed. The Ministry of Justice reported that as of August 18, a total of 72 investigations were conducted into claims of torture and indictments prepared in 18 of them.

The government continued to pursue efforts to ensure compliance with legal safeguards to prevent torture and mistreatment through its campaign of “zero tolerance” for torture. The TNP reported that it continued installation of digital audio and video systems in 12 provincial TNP antiterror directorates, with 68 installations in detention centers and 15 in testimony rooms through September. The Jandarma reported that as of the end of August, there were digital audio and video systems installed in 1,936 internal detention centers and 30 testimony rooms with 56 new installations continuing.

According to the NGO Soldiers’ Rights Platform, conscripts endured severe hazing, physical abuse, and torture that could lead to suicide. According to the NGO, the shortening of compulsory military service from 15 to 12 months and removal of some disciplinary conditions were positive but insufficient steps to address the problem of military suicides. As of August the General Staff reported 29 military personnel had committed suicide. The TNP reported 25 police officers

also committed suicide, while the Jandarma reported nine suicides through August 31.

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

Prison facilities remained inadequate and did not meet international standards. Underfunding and lack of access to adequate health care were problems. Overcrowding in some prisons remained a problem.

Physical Conditions: On September 5, according to the Ministry of Justice, there were 368 prisons with a designed capacity of 158,073. As of August 18, the prisons held 150,126 inmates, including 20,233 persons in pretrial detention and 129,893 convicts. The ministry reported the average length of arrest was eight months and 25 days. The military reported that 21 military prisons held eight convicted prisoners and 212 pretrial detainees. The HRA reported that despite official numbers suggesting the opposite, the number of prisoners was actually higher than prison capacity and overcrowding was a problem. Authorities occasionally held detainees together with convicts.

As of September there were 5,358 women in prison, of whom 721 were in pretrial detention and 4,637 were convicts. There were 1,724 children in prison, including 1,232 in pretrial detention and 492 convicts. The law provides for children to be held in separate prisons. The government reported separate prisons were the practice where such facilities were available; otherwise, children were kept in separate sections within adult prisons. The HRA reported that on January 6, guards in Sincan Juvenile Correction Facility beat 12 child inmates and used tear gas and high-pressure hoses against them. Four of the children were transferred to another prison (Sakran) where mistreatment continued, including strip searches and isolation. The Ankara Prosecutors' Office declined to open a human rights case on behalf of the children.

The HRA reported 27 deaths of prison inmates and detainees in the first eight months of the year, including one suspicious death. The HRF counted at least 31 deaths in the first nine months. The Ministry of Justice reported that as of September 5, 162 inmates and 26 detainees had died in prison. The General Staff reported there were no deaths of detainees or convicts in military prisons during the year.

According to human rights organizations, prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting. According to the

HRA, prisoners sometimes complained about food quality and access to sufficient water. For example, in Gaziantep Prison prisoners complained about insects in their food. The HRA cited these problems frequently in prisons across the country. The HRF reported that physical and hygiene conditions in prisons were inadequate due to overcrowding.

Human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors, although the Ministry of Justice and the General Staff emphasized that there were doctors assigned to each prison. The HRA reported that guards and doctors often treated inmates receiving medical care with hostility, particularly if inmates asked guards to leave the examination room or remove their handcuffs. In August the HRA reported that 632 inmates were sick, including 228 in critical condition. The HRA reported that through the end of August, 12 inmates had been released because of critical health conditions. The Ministry of Justice reported that between January 2013 and August 28, authorities released 246 inmates for health reasons. The HRF emphasized the number of prisoners released due to illness was very low. Chief prosecutors have discretion, particularly under the wide-reaching antiterror law, to keep inmates in prison whom they deem dangerous to public security, regardless of medical reports confirming serious illness.

The HRF reported that, in July, Ekrem Cicek, who was arrested in 2009 and held in Diyarbakir prison, suffered a cerebral hemorrhage. On July 17, before his treatment was complete and while he was still unconscious, authorities returned him to prison. On August 20, after members of parliament and human rights organizations intervened, Cicek was released following a medical report.

Administration: Prisoners and detainees had reasonable access to visitors and could observe their religious practices. Authorities permitted prisoners and detainees to see a judge once a month, although there was no prison ombudsman institution. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. The Ministry of Justice reported that by August 14, they had received 152 complaints of inhuman treatment by prison guards towards detainees.

According to the Ministry of Justice, the use of measures other than detention as an alternative to confinement continued to increase. As of March the number of alternative measures applied to adults was 232,776 and for children 16,865, compared with 198,952 total alternative measures in March 2013 (adults 185,840

and children 13,112). The Ministry of Justice reported house arrest and bail often were used as alternative measures, with 142 convicts and 5,661 suspects and defendants under house arrest as of July 31.

Independent Monitoring: The HRA and the HRF reported the government did not allow NGOs to monitor prisons. The parliament's Human Rights Investigation Commission (HRIC) and the Ombudsman Institution had authorization to visit and observe prisons, including military prisons, without advance permission. During the year the HRIC visited nine prisons. The government reported it allowed prison visits by the EU, the Council of Europe's Committee for the Prevention of Torture, and UN bodies as well as provincial and local human rights councils. It also permitted visits to individual foreign prisoners by representatives of their embassies and consulates. The European Commission's 2014 progress report noted that domestic monitoring boards could not carry out their inspections effectively due to insufficient resources, training, and expertise.

Improvements: The EU progress report noted that reform of the prison system continued but that a shortage of probation officers remained a problem. Both the HRF and the HRA asserted that during the year the government did not improve prison conditions. The Ministry of Justice reported that nine new prisons became operational while two outdated facilities were closed.

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

The law prohibits arbitrary arrest and detention. There were numerous reports of the government not observing these prohibitions.

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

While civilian authorities maintained effective control of the TNP, government mechanisms to investigate and punish alleged abuse and corruption by state officials remained inadequate, and impunity remained a problem. The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma, under the joint control of the Ministry of Interior and the military, is responsible for rural areas and specific border sectors where smuggling was common, although the military has overall responsibility for border control and overall external security. Village guards, a civilian militia that reports to the Jandarma and historically was responsible for widespread human rights abuses, focused their activities almost exclusively on fighting the PKK in the Southeast. The mission of the internal security apparatus, in particular the village guards, was

under review, as the government began in 2012 to pursue a negotiated end to the armed conflict with the PKK (the “solution process”).

No independent body examined and monitored reports of security force killings, torture or mistreatment, excessive use of force, or other alleged abuses. Military and civil courts were the main recourses to prevent impunity, although complaints could also be filed with the Ombudsman Institution, which investigates all complaints against the state administration. A law passed in April gives personnel from the Turkish National Intelligence Organization immunity from prosecution. Impunity of police, security forces, and government officials in general remained a problem.

In September the General Staff reported it had dismissed 329 personnel for disciplinary and moral reasons but none for excessive use of force. Also in September the Jandarma reported 35 dismissals for disciplinary and moral reasons.

Village guards were less professional and disciplined than other security forces. The HRA cited allegations of abductions and confiscation of property by village guards. The Jandarma reported the total number of village guards serving during the year decreased, with 46,597 paid guards and 18,042 volunteers operating through August.

Although the TNP announced the formation of a special unit in 2013 to focus on investigating 1,901 unsolved killings mostly dating to the 1990s, no further progress was reported. According to the EU progress report, the government lacked a comprehensive approach to missing persons, extrajudicial killings, or the exhumation of mass graves during the year and did not adequately investigate mass graves discovered in the Southeast.

Officials employed the tactic of counter filing lawsuits against individuals who alleged abuse. In November 2013, for example, Ahmet Sahbaz, an Ankara police officer, was indicted for negligent homicide for reportedly firing live bullets indiscriminately into a Gezi Park protest, killing Ethem Sarisuluk. While the trial was proceeding, Sahbaz filed a criminal complaint against the victim’s mother and siblings for “insult and intentional injury.” The insult trial began in Ankara Criminal Court on October 17 and continued at year’s end. On September 3, a court found Sahbaz guilty of negligent homicide and sentenced him to seven years’ imprisonment, a sentence human rights activists criticized as too lenient.

On September 24, as an answer to a parliamentary question, the Ministry of Justice provided statistics on cases filed against individuals for “resisting” or “insulting” public officials: Since 2010 authorities opened a total of 102,247 files and convicted 41,500 persons on such charges. Human rights activists criticized the high number of convictions and accused police of using such charges to deter criminal prosecution of officers. The EU progress report also noted the use by law enforcement officers of counterfiling and alleged that in many instances courts gave priority to these counterfiling cases.

Impunity remained a problem, particularly highlighted by the small number of indictments of police for brutality during the Gezi Park protests. The EU progress report noted that loss of evidence and police obstruction, including the filing of counterclaims, impeded investigations into these cases.

The TNP reported that through August it reached decisions in 505 disciplinary cases involving excessive use of force. The TNP rejected 258 cases, dismissed 12 after investigation, penalized 19 officers in relation to their long-term seniority, and cancelled five cases due to the statute of limitations; 211 cases remained under investigation.

During the year courts continued the trials of police officers charged with killing two of the eight civilians who died as a result of the 2013 Gezi Park protests; an investigation into a third death continued. Authorities repeatedly postponed the trial of plainclothes police officers Mevlut Sandogan, Saban Gokpinar, Huseyin Engin, Yalcin Akbulut, and four armed civilians under their direction for the beating death of Eskisehir university student Ali Ismail Korkmaz; the trial also was moved to Kayseri, 180 miles from Eskisehir, reportedly for security reasons. Korkmaz died in July 2013 of a brain hemorrhage caused by beating. Watchdog groups reported that police and government officials initially tried to cover up police involvement by accusing Korkmaz’s friends of the beating and deleting television footage (later recovered) documenting the attack. A hearing in the trial of the four police officers and four civilians took place on November 26.

From January through September, more than 5,279 Jandarma and 191 police personnel received training in human rights and counterterrorism. According to the government, the military emphasized human rights in training for both regular and noncommissioned officers.

### **Arrest Procedures and Treatment of Detainees**

The law requires warrants issued by a prosecutor for arrests, unless the suspect is detained while committing a crime. Individuals can be detained for up to 24 hours, after which authorization of a prosecutor is required. Authorities may hold suspects without charge for 24 hours but have prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before arraigning them before a judge. A chief prosecutor may apply to extend this period of custody up to four days before arraignment under certain circumstances, including cases with multiple suspects and charges. Formal arrest is a later step, separate from detention. Authorities must tell suspects of the charges against them within 24 hours, although human rights activists claimed they did not always tell suspects which specific statement or action was the basis of a given charge. For crimes that carry sentences of fewer than three years in prison, a judge may release the accused after his arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge decides either to release the defendant on his or her own recognizance or, if there are specific facts indicating that the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims, the judge may hold the defendant in custody prior to trial. Judges, however, often kept suspects in detention without demonstrating the public interest or otherwise articulating a justification for doing so.

The law provides detainees the right to immediate access to an attorney at any time. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence is more than five years or where the defendant is a child or is disabled, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney where a defendant could not afford one. The HRA noted that after the annulment of antiterror law article 10, suspects charged with terror crimes could be represented by more than three lawyers in courts, allowing human rights interest groups and bar associations greater participation in the legal defense of these cases. According to the Judiciary Reform Package finalized into law on December 12, defense lawyers' access to their clients' court files for a specific catalog of crimes including crimes against state security, organized crime, and sexual assault against children is restricted until after the client is indicted.

Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. According to local bar associations, detainee access to an attorney continued to vary across the country. The HRF reported that suspects in organized crime cases continued to be restricted from access to a lawyer in the first 24 hours of detention.

In terrorism-related cases, authorities frequently denied access to an attorney until after security forces had interrogated the suspect. As in previous years, the HRA and the bar associations claimed that police often intimidated detainees who asked for an attorney, for example, by telling them that a court would assume they were guilty if they consulted an attorney during detention.

Authorities generally allowed detainees prompt access to family members, although human rights organizations alleged this principal was sometimes violated, particularly in the Southeast.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. By law police and Jandarma may compel citizens to identify themselves without cause.

During the year police routinely detained individuals for hours without charge. For example, in a security operation conducted on July 22 in Istanbul, authorities allegedly detained a number of police officers without charge for more than the 24 hours allowed by law. The officers were detained for their alleged involvement in illegal wiretapping of a number of prominent individuals, including the son of then prime minister Erdogan, as part of a corruption investigation (see section 4). During large public protests, such as those related to Berkin Elvan's death, passage of a new internet access law, International Labor Day, and the Soma mine disaster, as well as regional protests in Diyarbakir, police regularly removed dozens of persons from demonstrations to holding areas, detaining them without charge, usually for short periods. Human rights organizations documented cases of protesters held without charge for longer than the 24-hour limit set by law.

Pretrial Detention: In March the Fifth Judicial Package reduced from 10 years to five the maximum time that a detainee can be held pending conviction, including for organized crime and terrorism-related offenses. For other major criminal offenses tried by high criminal courts, the maximum detention period is two years plus three one-year extensions for a total of five years.

In 2010 the government began trying thousands of persons alleged to be members or supporters of the Kurdistan Communities Union (KCK), the umbrella political organization of the PKK terrorist group. As of October 15, the HRF estimated that at some point during the year, authorities had detained 2,309 persons on KCK-related charges. Of these, authorities arrested 377 and released 627, mostly due to the Fifth Judicial Package's reduction in the maximum time authorities may hold

detainees who have not been convicted. The Ministry of Justice reported that between January 6 and August 18, a total of 460 KCK detainees and convicts were released from prison while 219 remained in prison. Following the change in the law, the Ministry of Justice reported that authorities had released 114 persons being held on terrorism and organized crime charges pending trial. The trial system does not provide for access to speedy trial, however, and each hearing in a case may be months apart. For example, in 2007 police apprehended five individuals for the killing of three Christians in Malatya. Despite considerable evidence and at least one clear confession, the trial remained pending. Following the reduction in the maximum time detainees may be held without conviction, authorities released the five suspects in May but monitored them with electronic bracelets while their trial continued. In a similar case, authorities in May released Erhan Tuncel, a prime suspect in the 2007 killing of Armenian publisher Hrant Dink, pending trial.

The EU progress report noted the length of pretrial detention was often excessive and not supported by adequate reasoning as required by law. Human rights groups further noted detentions were generally longer than necessary to defend the public interest, detainees usually had limited opportunities to challenge the lawfulness of their detention, and those occasions offered little prospect of success.

Detention of Rejected Asylum Seekers or Stateless Persons: The Directorate General of Migration Management (DGMM) reported there were 27 admission and return centers with a capacity of 2,186 persons operated by the Foreigners' Department of the TNP for persons who claimed asylum after being detained by security forces. The NGO Association for Solidarity with Asylum Seekers and Migrants reported conditions in the centers were better than in the past, but statistics were not available on the number of persons processed. The DGMM also reported that it had allocated funds to the TNP for the improvement of conditions in the centers.

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

The law provides for an independent judiciary and the independence of individual prosecutors, who operate within the judiciary and direct police investigations. There continued to be strong indications in significant cases and through the passage of recent legislation that the judiciary remained subject to government, and particularly executive branch, influence.

In December 2013, when prosecutors launched an anticorruption operation and detained dozens of persons with family or business ties to high government officials, the government took immediate steps to reassign prosecutors and police linked to the investigation. Mass reassignments continued throughout the year. By November thousands of police officers were moved due to an alleged connection to the December anticorruption operation, and numerous judges and prosecutors were removed or reassigned. Investigations also were opened against hundreds of police officers in a series of operations aimed at illegal wiretapping (see section 4). As of September authorities had dropped corruption charges against 96 individuals, including President Erdogan's son, Bilal; Turkish businessmen Mehmet Cengiz and Latif Topbas; Iranian businessman Riza Zarrab; and Saudi Arabian businessman Yasin al-Qadi. Authorities also closed the cases and destroyed case records. None of the original accused remained under criminal investigation. According to media reports, as of November authorities had arrested at least 100 police officers, including some of high rank, and charged them with illegal wiretapping since the crackdown began in July.

Critics asserted the government used its influence among judges and prosecutors to ensure the election of handpicked candidates to the High Council of Judges and Prosecutors (HSYK), which selects judges and prosecutors for the country's courts and is responsible for court oversight. Although the constitution provides tenure for judges, the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges, as well as their inclination to protect the state over the individual and alleged partiality, contributed to inconsistent application of criminal laws.

In February parliament approved amendments to the law on the HSYK and the Justice Academy, which the EU progress report noted were adopted in a very short period of time and without stakeholder consultation. As a result many staff were furloughed or reassigned, and the justice minister nominated their replacements himself. Stakeholders and local and international NGOs raised serious concerns over the transfer of power to the minister of justice and resulting concerns over the independence of the judiciary and separation of powers. The EU progress report noted that while the Constitutional Court found a number of provisions unconstitutional and the legislation was ultimately revised, this determination had no retroactive effect, and thus the lay-offs and reassignments were maintained.

In June the penal judges of peace courts came into effect as part of an omnibus bill introduced by the AKP and passed by the parliament. The bill restructured the

criminal courts by closing the first level of courts (for low crimes) and giving their functions to penal judges of peace courts. The penal judges have the authority to decide on issuance of arrest and search warrants, seizure of property, and detentions during the investigative phase of a single case; they may also handle appeals on their own rulings. Critics charged the new system grants extraordinary powers to judges, that many of the appointed judges were allegedly progovernment, and that these new courts replaced the recently abolished special courts. Two appeals were filed to the Constitutional Court seeking abolishment of the system.

The country has an inquisitorial criminal justice system.

The country's system for educating and assigning judges and prosecutors created close connections between them that gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges studied together before being assigned by the HSYK; after appointment, they were often housed together, shared the same office space, worked in the same courtroom for many years, and even switched positions over their careers. International human rights organizations noted that prosecutors received special status, often entering courtrooms with judges and sitting elevated above defense lawyers. Human rights and bar associations noted that defense attorneys generally underwent less rigorous training than their prosecutorial counterparts and were not required to pass an examination to demonstrate a minimum level of expertise.

The constitution provides for the trial of military personnel in civilian courts if their alleged crime was committed against the state or the constitutional order. Decisions of the Supreme Military Council are generally not open to civilian review, although the constitution provides for civilian judicial review when specific circumstances are met.

The Fifth Judicial Reform Package abolished special criminal courts convened to prosecute antiterror cases and reduced the amount of time defendants facing terrorism charges could be held in pretrial detention from 10 years to five. While human rights groups believed these changes improved the situation, they also alleged that authorities continued to abuse the antiterror law and that political expediency continued to compromise the right to fair trial.

On June 18, the Ankara 10th High Criminal Court sentenced the former chief of general staff and president of the country, Kenan Evren, and former Air Force commander Tahsin Sahinkaya--the two surviving leaders of the 1980 military

coup--to aggravated life imprisonment for crimes against the state. The court subsequently reduced the sentence, however, to a less-restrictive “life in prison” due to extenuating circumstances. Both generals had been standing trial since 2012 on charges of abolishing the constitution and the parliament during the period of military takeover after 1980. While the coup leaders argued they were forced to intervene to restore order after prolonged and deadly civil disturbance between political extremists, the military takeover led to a wave of executions and arrests and allegations of torture and disappearances.

The trial begun in 2012 of 103 persons charged with planning the 1997 “coup by memorandum” (also known as the “postmodern coup”) continued. All defendants in the trial, including senior military officers and the one civilian suspect, were released on probation in 2013. After the Fifth Judicial Package dissolved special criminal courts in March, the trial resumed at the Ankara Fifth High Criminal Court in June. Critics continued to charge that the case was politically motivated, that there was a lack of evidence and inadequate reasoning, and that the court was not hearing defense witnesses

### **Trial Procedures**

Under the law defendants enjoy a presumption of innocence and have the right to prompt and detailed information about the charges against them. There were multiple, confirmed reports that the government did not observe this law. The EU progress report noted the lack of reasoning in indictments remained a serious cause for concern. Courtroom proceedings are public for all cases except those involving minors as defendants and those with security concerns, such as those related to “crimes against the state.” In such cases, court files, which contain the indictment, case summaries, judgments, and other court pleadings, are closed to everyone other than the parties to a case, thus making it difficult to obtain information on the progress or results of court cases. The Fifth Judicial Package, passed in March, included provisions preventing judges from restricting lawyers’ access to the files during the prosecution phase. The Judiciary Package passed on December 12 removes public prosecutors from first-level judicial review of cases; if a judge decides to arrest or release a suspect during this level of review, the file is sent to the prosecutor for an opinion. There is no jury system, and 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 own behalf.

Secret witnesses were frequently used, particularly in cases related to state security, and bar associations reported that courts usually did not allow defense attorneys to conduct the questioning but instead asked them to submit questions for the court to ask. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right not to testify or confess guilt and the right to appeal, although appeals generally took several years to conclude. Defendants sometimes waited several years for their trials to begin. The failure of officials to submit statements promptly or attend trials in cases against security officials resulted in delayed proceedings.

After former chief of general staff and retired general Ilker Basbug was sentenced to life imprisonment in 2013 for leading a terrorist organization known as Ergenekon, the Constitutional Court ruled in favor of his release because the reasoning for his conviction was not issued within the timeframe required for him to appeal. The high court's decision about rights violations, combined with the Fifth Judicial Package's reduction of the maximum preconviction detention period from 10 to five years, led to the release in March of other Ergenekon suspects. While the cases of many of the 275 suspects in the Ergenekon case continued under appeal, none of the suspects remained in detention.

On June 19, the Istanbul Anatolian Fourth High Criminal Court ordered the release of 236 military officers who had been convicted in the Balyoz ("Sledgehammer") case for having plotted to topple the government at an army seminar in 2003. The ruling followed the Constitutional Court's unanimous opinion on June 18 that the defendants' right to a fair trial had been violated due to concerns arising from contested digital evidence and the specially authorized court's decision to reject testimonies by defense witnesses. The 236 Balyoz suspects' retrial began on November 3. Separately, on June 24, the criminal court considered the case of 88 members of the original Balyoz trial whose convictions had been reversed in October 2013 due to lack of sufficient evidence or for agreeing to an offense without committing it. The court acquitted 25 of the 88 suspects and ordered a retrial to begin on November 10 for the remaining 63 suspects. At the November 10 hearing, the court requested an expert assessment of contested digital evidence and adjourned the hearing to February 5, 2015.

According to a UN Children's Fund (UNICEF) report, the government made progress towards establishing specialized juvenile courts, shortening detention, implementing alternative measures, and protecting child victims.

### **Political Prisoners and Detainees**

The HRA asserted there were hundreds of political prisoners from across the political spectrum, including journalists, political party officials, and academics. The government stated that those persons were charged with being members of, or assisting, terrorist organizations. Despite new limits on the use of the antiterror law provided by the Fourth and Fifth Judicial Packages, prosecutors continued to use a broad definition of terrorism and threats to national security. The law still does not distinguish between persons who incited violence, those who are alleged to have supported the use of violence but did not use it themselves, and those who rejected violence but sympathized with some or all of the philosophical goals of various political movements.

According to the Ministry of Justice, as of August 18, there were 930 persons in detention and 4,889 in prison on terrorism charges.

### **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, including for human rights violations. Individuals are able to apply directly to the High Court of Appeals (Yargitay) for redress.

### **Regional Human Rights Court Decisions**

A 2013 law permits individuals to appeal their cases directly to the Constitutional Court, allowing for faster and logistically easier high review of contested court decisions. In response the European Court of Human Rights (ECHR) now requires that all domestic remedies, including appeal to the Constitutional Court, must first be exhausted before it accepts new Turkish cases.

As of June 30, a total of 10,300 cases against the state for alleged violations of the European Convention on Human Rights were pending at the ECHR. As of August 25, the court issued 62 decisions against the state and one in its favor. According to observers, the government selectively implemented ECHR rulings by changing existing law or regulations and generally paid the associated fines. According to Human Rights Watch, the government had not taken steps to implement a July 2013 ECHR judgment that police improperly fired teargas directly at protesters. The ECHR had recommended the government improve safeguards surrounding the use of tear gas canisters.

The Ministry of Justice's Human Rights Department is the ministry's sole responsible authority regarding human rights issues. It is responsible for facilitating the implementation of the country's obligations under the European Convention on Human Rights and coordinating the execution of ECHR decisions.

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

The constitution provides for the "secrecy of private life" and states that individuals have the right to demand protection and correction of their personal information and data, but laws passed during the year placed limitations on this constitutional right.

The law allows the telecommunications agency (TIB) to conduct telephone tapping with a court order only if directed against alleged drug traffickers, organized crime members, or terrorists. Nevertheless, assumptions of widespread use by authorities of legal and illegal eavesdropping bugs and wiretapping had a chilling effect on freedom of expression and encouraged self-censorship at home as well as in professional environments. According to statistics cited in various media accounts, the telephone lines of thousands of private citizens as well as government leaders were tapped between 2008 and 2013. President Erdogan claimed that his telephone was among those illegally tapped. While the constitution prohibits admission or consideration of unlawfully obtained evidence in trials, courts did not comply with this broad prohibition in all cases.

A law passed in April greatly increases the powers of the Turkish Intelligence Organization (MIT) to collect information while seriously limiting the ability of the public or journalists to expose abuses. The MIT may now collect data from any entity in the country without referring to a warrant or other judicial process for approval. At the same time, the new law establishes prison penalties for interfering with the activities of the MIT, including MIT data collection, for obtaining information about the MIT, and for publishing information about the MIT. In addition the law gives the MIT and its employees immunity; only the prime minister's office has oversight of the MIT and the ability to investigate MIT activities.

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

#### **a. Freedom of Speech and Press**

Despite improvements made by the Fourth and Fifth Judicial Packages, the penal code and antiterror law still contain multiple articles that restrict freedom of speech and the press. International and domestic human rights organizations expressed particular concern over what they regarded as an overly broad definition of terrorism under the antiterror law and its disproportionate use by authorities against members of the press, academics, students, and members of the political opposition. Human rights monitors also emphasized that the penal code contains multiple articles that directly restrict press freedom and free speech, for example, through inclusion of provisions on praising a crime or criminal, inciting the population to enmity or hatred and denigration, and protecting public order.

On March 3, the parliament approved a law known as the Democratization Package that introduced an article on hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Perpetrators of these acts may be punished by up to three years in prison.

Authorities indicted journalists on numerous grounds, including for refusing to provide information about their sources and investigations; taking part in antigovernment plots; being members of outlawed political groups; attempting to influence the judiciary; insulting the Turkish nation, the Turkish Republic, its founder Mustafa Kemal Atatürk, or organs and institutions of the state; and discouraging individuals from doing their military service.

Prosecutors filed criminal lawsuits against those who allegedly organized or supported the 2013 Gezi Park protests via their Twitter and Facebook accounts. In Izmir, in February, 29 persons were charged with inciting riots based on tweets they had sent during the Gezi Park protests informing followers about places where first aid was provided or reporting police violence during the crackdown. The charges named then prime minister Erdogan as the sole victim in the crime, which carried a three-year prison term. On September 22, the court acquitted 27 of the defendants but convicted Egemen Ciynekli for tweeting insults online. The court fined Ciynekli 8,100 lira (\$3,600). The trial of one other defendant, Efekan Karakas, continued at year's end.

Freedom of Speech: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints. Active debates on human rights and government policies continued in the public sphere, particularly relating to political

Islam, Kurds, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. Government critics and human rights associations acknowledged that open debate on some topics, most notably Kurdish and Armenian issues, was more accepted than it was a decade ago; nonetheless, many who wrote or spoke on sensitive topics involving the ruling party risked investigation. Some opinion leaders reported they exercised self-censorship.

The penal code criminalizes insults to the Turkish nation. The Ministry of Justice reported receiving 251 complaints brought under this law through July 31, of which it rejected 117. In one example, Filiz Akinci, who allegedly made a rude hand gesture and shouted at then prime minister Erdogan as he passed her house during a campaign visit to Izmir on March 16, was charged with insulting a leader. The prosecution asked for up to two years' imprisonment. After a first hearing on September 9, the trial remained pending.

Press Freedoms: The print media was privately owned and active. Hundreds of private newspapers spanning the political spectrum published in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. Conglomerates or holding companies, many of which had interests before the government on a range of business matters--including billions of dollars in government construction, energy, or communications contracts--owned an increasing share of media outlets. Only a fraction of these companies' profits came from media revenue, and other commercial interests may have impeded media independence and encouraged a climate of self-censorship. The concentration of media ownership influenced the content of reporting and limited the scope of public debate.

The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations that operated on local, regional, and national levels. In addition privately owned television channels operated on cable networks, and the RTUK granted licenses for 245 television channels, 139 cable television channels, and 1,022 radio stations. The wide availability of satellite dishes and cable television allowed the public access to foreign broadcasts, including several Kurdish-language private channels.

The RTUK allowed radio and television stations to broadcast in Uighur, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year.

Several organizations, including the Committee to Protect Journalists (CPJ) and Freedom House, reported authorities continued to abuse the antiterror law and

criminal code to prosecute journalists, writers, editors, publishers, translators, rights activists, lawyers, elected officials, and students for exercising their right to freedom of expression. Although the Fourth Judicial Reform Package provides that with few exceptions, persons convicted of “promoting terrorism propaganda” would no longer automatically receive additional punishment for being members of a terrorist organization, human rights advocates noted that the reform had not resulted in substantial numbers of prison releases. The Fifth Judicial Reform Package took additional steps to reduce pretrial detention time and abolish the special courts used to try individuals charged under the antiterror law. Human rights groups, however, asserted the reforms fell short of bringing the country’s laws in line with international human rights standards on freedom of expression.

Violence and Harassment: Government and political leaders and their supporters in the social media space attempted to silence opposing media voices by criticizing them and subjecting them to personal attacks. In May, *Der Spiegel* recalled its Istanbul reporter due to death threats after his reporting on the Soma mine disaster, and police briefly detained CNN’s Istanbul correspondent, Ivan Watson, during his live broadcast of demonstrations in Istanbul on the anniversary of the Gezi Park protests. The next day then prime minister Erdogan accused Watson of being an “agent” in a widely televised speech.

President Erdogan frequently attacked journalists by name in response to critical reporting. In August, while campaigning, Erdogan targeted *Economist* journalist Amberin Zaman over her remarks on Muslim society in a television program; Erdogan called her a “shameless militant disguised as a journalist” and told her to “know your place, you shameless woman.” In September, Ceylan Yeginsu, a *New York Times* reporter based in Istanbul, had her photograph published on the front pages of progovernment newspapers and received thousands of threatening online messages after President Erdogan took issue with a story she had written. Human rights and press freedom activists asserted authorities filed numerous civil and criminal complaints against journalists, authors, and publishers for ideological reasons under various laws that restrict media freedom.

Pressure on journalists took more direct forms as well. In February, *Today’s Zaman* daily newspaper correspondent Mahir Zeynelov, an Azerbaijani, was deported, reportedly due to his critical tweets about then prime minister Erdogan. In April authorities deported another Azerbaijani journalist, Rauf Mirkadirov, for no stated reason and without the opportunity for appeal. He was met by security officers at the airport in Baku, where he was arrested for treason. In March authorities detained Onder Aytac, a columnist for the left-leaning *Taraf* daily

newspaper, reportedly due to government concerns he had received leaked information from the Foreign Ministry.

Authorities at times also ordered raids on newspaper offices, temporarily closed newspapers, issued fines, or confiscated newspapers for violating speech codes. Government officials and political leaders made statements throughout the year that appeared intended to influence media content, including but not limited to news coverage.

Five media organizations (T24, sendika.org, haber.sol.org.tr, gercekgundem.com, and Cumhuriyet.com.tr) reported that authorities threatened to close their websites if they did not remove content the government found objectionable. On September 30, police raided the office of a small online news website, *karsigazete.com*, in Istanbul. The editor in chief of *karsigazete.com* told media that police demanded removal of a website article providing information related to the December 17 corruption allegations, which they refused to do. The editor interpreted the raid as police intimidation. Within the day the organization's website was blocked.

A report released in July by the Journalists Association in Ankara stated the RTUK issued fines to intimidate media organs opposed to the government. The association alleged this was outside of the council's main duty of supervising and monitoring televised broadcasts and amounted to harassment.

Some individuals identified as journalists remained in prison, most charged under the antiterror law for connections to an illegal organization or for participation in antigovernment plots. The CPJ and other NGOs reported that since December 2013, 29 journalists were released from prison, most due to the Fifth Judicial Reform Package's reduction in the maximum time allowed for pretrial detention to five years. As of October 3, there were seven journalists reportedly still in prison, down from a high in 2012 of 61. The CPJ noted many of the journalists who had been released from prison still faced charges and could potentially be incarcerated again, encouraging them to continue practicing self-censorship. In contrast the news organization Bianet stated that 23 journalists remained in prison as of July, and the HRF reported that 22 journalists remained in prison. The ministry asserted that these persons' crimes were not related to journalism but rather ordinary or petty crimes. In September the Ministry of Justice reported that 20 convicts and one detainee claimed they were members of the press. On December 14, authorities detained more than 20 members of the media in raids that appeared to target media outlets openly critical of the government. Those detained included

*Zaman* chief editor Ekrem Dumanli and Samanyolu Media Group head Hidayet Karaca. The majority were released pending trial.

On May 8, Bianet further reported that the Istanbul 20th High Criminal Court released journalists Fusun Erdogan, Bayram Namaz, Ibrahim Cicek, and four other defendants jailed in 2006 and sentenced in November 2013 to life imprisonment; the four were charged with attempting to “overthrow the constitutional order” by violence and of membership in an outlawed Marxist party.

Censorship or Content Restrictions: Government and political leaders occasionally resorted to direct censorship of news media. For example, the government imposed an outright ban on news coverage of 46 Turkish citizens taken hostage by ISIL in Mosul. After two police sergeants were killed in an attack that targeted a provincial police chief in the eastern province of Bingol on October 9, authorities banned coverage of the investigation and subsequent actions. On November 25, an Ankara court banned reporting on a parliamentary inquiry into corruption allegations involving four former ministers who were still serving as parliamentarians. In an affirmative response to the request for the ban, the prosecutor mentioned the need for “preventing harm to personal rights and protecting the reputation and other rights of former ministers.”

Progovernment media often appeared to coordinate editorial decisions, as when all progovernment television stations cut away from live coverage of opposition party leader Kemal Kilicdaroglu as he prepared to give a speech about December 17 corruption allegations. In February an audio recording was leaked of then prime minister Erdogan allegedly telephoning a television news editor and ordering him to remove a news ticker about a political opponent. Pressure through tax and regulatory bodies to threaten the economic interests of media owners compelled the sale of media outlets by independent or mainstream-oriented owners to allies of the ruling party.

With the passage of the Fifth Judicial Package, legacy lists of banned publications were eliminated. Printing houses, however, were required to submit books and periodicals to prosecutors for screening at the time of publication. Media activists reported that as a means of censorship, the Ministry of Culture sometimes denied approval of a barcode required for all publications. According to the TNP, through August 15, decisions were underway in the cases of 460 confiscated publications, including 52 newspapers, 197 journals, 33 banners, 118 books, nine bulletins, and 51 other types of written communication.

The Turkish Publishers Association reported publishers often exercised self-censorship to avoid legal action by avoiding works with controversial content. The association also reported that book inspection committees were set up widely in public schools and that school administrators closely monitored book recommendations, increasingly limiting students to books approved by the state. The association described cases in which teachers who shared unapproved literature with students, even at the university level, faced investigation.

Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. Authorities investigated or continued court cases against myriad publications and publishers during the year.

Observers also reported that with the consolidation of media outlets under a few conglomerates that had other business interests, media entities increasingly practiced self-censorship to remain eligible for government contracts. Human rights organizations such as Freedom House noted companies with media outlets critical of the government were targeted in tax investigations and forced to pay fines. Journalists reported media outlets fired some individuals for being too controversial or adversarial with the government over fears of jeopardizing other business interests. Examples of such firings over the previous year included the firing of columnist Nazli Ilıcak by *Sabah* and the resignations of *Hurriyet* editor in chief Enis Berberoglu and *Haberturk* daily newspaper's Ankara bureau chief, Erdal Sen. Bianet reported that 384 journalists were laid off or forced to resign in the year ending June. The opposition Republican Peoples' Party (CHP) released a report in October claiming 1,863 journalists had been fired or dismissed from their jobs since the ruling AKP came to power in 2002. The government also reportedly withheld accreditation for controversial journalists or select media outlets.

Libel Laws/National Security: Observers reported government officials used defamation laws to stop political opponents from voicing criticism. The antiterror law and the penal code had the greatest impact in limiting free expression. Hundreds of journalists faced criminal charges, many of them multiple counts, for violations of the criminal code, including “denigrating Turkishness” or influencing the outcome of a trial as well as for offenses related to the antiterror law.

On January 20, then prime minister Erdogan won a libel suit against author Ihsan Eliacik, who had accused him of being “a dictator, a corrupt leader, provocateur, liar, and arrogant” on his Twitter account in June 2013. Erdogan was awarded 2,000 lira (\$890) in damages. According to a *Wall Street Journal* article, after just

two years in power, Erdogan had initiated 57 defamation lawsuits and won 21 of them, receiving awards the equivalent of \$440,000 in compensation. The government has not released an update to the number of libel lawsuits in process or of specific libel lawsuits filed by the president or other national leaders. In April, the *Radikal* news publication reported that then prime minister Erdogan appeared as a plaintiff in 503 complaint files in the Ankara Public Prosecution Office. Most of the files were for social media messages deemed “insulting or threatening” to the then prime minister. The newspaper reported that the prosecutor’s office was trying to identify the offenders from their internet protocol addresses; if they were residing in the country, the prosecutor would immediately open a criminal case against them.

### **Internet Freedom**

The government maintained restrictions on internet access. Internet law allows the government to prohibit a website or remove content if there is sufficient suspicion that the site is committing any of eight crimes: insulting Ataturk, engaging in obscenity, engaging in prostitution, gambling, encouraging suicide, encouraging sexual abuse of children, encouraging drug abuse, or encouraging provision of substances dangerous to health. A law passed in February increased the power and discretion of the TIB to demand that internet service providers (ISPs) remove content or block websites with just four hours’ notice. The TIB must refer the matter within 24 hours to a judge, who must rule on the matter within 48 hours. ISP administrators may face a penalty of six months’ to two years’ imprisonment for failing to comply with a judicial order. The law also allows persons who believe a website has violated their personal rights to request the TIB to order the service provider to remove the offensive content.

After the Constitutional Court struck down provisions in the February law, the parliament adopted similar legislation in September, which provides that sites deemed objectionable may be shut down for up to 72 hours on the opinion of the president and without a court order. Authorities also used the antiterror law and other sections of the penal code to block websites.

According to the *Google Transparency Report*, authorities blocked YouTube for 68 days, from March 27 to June 3. Freedom House’s report *The Struggle for Turkey’s Internet* noted that Twitter was blocked from March 21 until April 2. The government eventually unblocked both Twitter and YouTube following Constitutional Court orders. Critics noted, however, that while the government complied within 24 hours with the April ruling to unblock Twitter, YouTube was

unavailable for an additional five days after the court ruled at the end of May. In addition the Information and Communications Technologies Authority substantially increased its requests for Twitter to remove offending content from nine requests in 2013 to 186 requests in the first half of the year, of which 30 percent were removed.

Government authorities on occasion 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. During the year several persons involved in the 2013 Gezi Park protests were charged based on information the government obtained by monitoring their tweets and Facebook posts. The law allows authorities to block internet content that is obscene or promotes child abuse or gambling. The law also establishes an ISP union of all internet providers, which is responsible for implementing website takedown orders and is supposed to coordinate with content providers. The TIB is not obligated to inform content providers about ordered blocks or to explain why the block was imposed. Content providers, including Twitter and Facebook, were required to obtain an operating certificate for the country.

According to internet freedom NGO Engelliweb, as of October a total of 58,635 websites were blocked--54,091 by the TIB, 2,112 by court order, 952 by prosecutors pending court decisions, and 1,336 by unspecified actors. In the first nine months of the year, TIB blocked 16,871 websites, while other institutions (such as the Supreme Election Board) blocked 62. According to the Transportation, Maritime, and Communication Ministry, as of September the government took a total of 18,491 decisions to block websites.

Internet access providers are required to deploy and use filtering tools approved by the TIB. Providers who operated without official permission faced administrative fines. Internet activists and the press reported that more than one million websites were blocked in internet cafes in the country. On June 12, the government also blocked access to Google Plus for a short period of time. Bianet reported that between January and March, dozens of websites--including Vimeo, Soundcloud, Vagus.tv, yenidoem.com, and Samsunanaliz.com--were blocked. Additional internet restrictions operated in government and university buildings.

According to International Telecommunication Union statistics, 46.5 percent of the country’s population used the internet in 2013. The Ministry of Interior reported there were 30,406 internet cafes in the country during the year.

## **Academic Freedom and Cultural Events**

Government restrictions on freedom of speech at times limited academic freedom and cultural events. Some academics and event organizers stated they practiced self-censorship on sensitive topics. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board (YOK) that limited the autonomy of universities in staffing, teaching, and research policies and practice.

The “postmodern coup” case, which involved 103 suspects accused of attempting to overthrow the democratically elected government by a military memorandum in 1997, continued at the Ankara Fifth High Criminal Court with a hearing on November 6. All defendants in the trial, including senior military officers and the only civilian suspect, former YOK president Kemal Guruz, were conditionally released in 2013 in view of defendants’ health, age, and time served in jail, as well as lack of possibility of escaping and obscuring evidence. Human rights activists claimed that the trial of Guruz and others in Ergenekon were part of a systematic intimidation of academics who opposed the government’s efforts to introduce or assert Islamic elements in the country’s academic institutions. Prosecutors accused Guruz of cooperating with the military in implementing antireactionary measures in universities and profiling faculty members with a religious orientation.

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

#### **Freedom of Assembly**

Although the law provides for freedom of assembly, the government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often with excessive force. The government selectively restricted meetings to designated sites or dates, particularly access to Istanbul’s Taksim Square and Ankara’s Kizilay Square, and set up roadblocks to prevent protesters from gathering. The government attempted to ban some demonstrations outright if they touched sensitive issues or appeared likely to involve criticism of the government. Jandarma reported that through August 31, 13 illegal protests had taken place and that authorities had detained and released 125 persons pending trial. Security forces regularly responded with excessive force to protests, resulting in dozens of injuries, detentions, arrests, and even deaths. The government showed support for this strong security reaction. On October 14, after a week of protests and intrafaction fighting left dozens dead in

the Southeast, Prime Minister Davutoglu told the press that authorities would “replace every burnt TOMA vehicle (armored water cannon van) with five to 10 new ones.”

According to the HRF, through October 15, security forces detained 5,282 persons and arrested 310 during protests and demonstrations that also resulted in 45 deaths and injuries to 1,267 persons. According to opposition party CHP, during the months of June, July, and August alone, security forces detained 1,051 persons during various demonstrations.

On February 12, a court convicted 17 persons of “insulting public officials” for shouting slogans during a protest in Eskisehir in 2012. Three members of the group received one year of imprisonment and the rest received two years.

For a second year, rallies in cities nationwide freely celebrated the Kurdish new year holiday of Newroz. The HRA noted that no police-imposed restrictions or interventions were observed during the event; the HRF reported that 36 persons were detained and 30 persons were injured during Newroz.

The HRF reported that during the May 1 labor demonstrations, police detained 121 persons and injured 428 persons through use of excessive force. According to the TNP, as of September 5, authorities had detained 246 students; all ultimately were released by the courts. The HRA reported that through September authorities detained 1,277 persons and arrested 20 students. Numerous domestic and international human rights organizations criticized authorities’ restriction of freedom of expression and assembly and the security forces’ tendency to use excessive force in a punitive manner against demonstrators.

Human rights organizations remained critical of the violent police response to demonstrations and police use of tear gas. On March 11, Berkin Elvan died from injuries sustained during the 2013 Gezi Park protests and became the eighth civilian to have died in connection with the event. Thousands of protesters turned out for his funeral, demonstrating in cities throughout the country. In Istanbul two deaths were associated with the Berkin Elvan demonstrations: one was a police officer who died of an apparent heart attack, while the second involved a youth who died in a violent incident indirectly related to the protests.

The HRA reported that on May 1 (Labor Day), the government took extraordinary security measures in Istanbul, where it decided to close Taksim Square to the traditional annual demonstrations. Much of the public transportation system was

shut down, and flights over the city were not permitted. Police forces blocked all roads leading to Taksim Square and used pressured water, pepper gas, and plastic bullets against crowds gathered elsewhere in the city throughout the day. The Istanbul Governorate announced 142 persons were detained and 90 were injured. The Contemporary Lawyers Association reported 266 persons were detained. The Istanbul Chamber of Medical Doctors reported that thousands of persons were affected by the excessive use of tear gas.

In June in Adana, police allegedly fired a tear gas canister that killed a 15-year-old Kurdish boy during a protest of the deaths of two persons in Diyarbakir in a rally against the continued construction of military outposts in the Southeast. Another teenager was killed during similar protests in Mersin Province in June; the boy's body was found five days later in a river.

In October security forces responded aggressively to protests, predominantly by Kurdish citizens of Turkey, throughout the Southeast in response to the government's perceived inaction to an ISIL attack on the largely Kurdish town of Kobani, Syria. During the week of October 6, at least 40 civilians were killed during two days of protests and associated violence. According to the HRF, security forces killed 15 persons, while clashes between various Kurdish groups resulted in 31 deaths. As a result of the protests, authorities imposed curfews and travel restrictions in various predominately Kurdish populated provinces, such as Diyarbakir and Mardin. On November 13, the justice minister announced that authorities had opened 73 investigations into the Kobani protests and had detained 894 persons and arrested 386 in October.

### **Freedom of Association**

While the law provides for freedom of association, the government maintained several restrictions on this right.

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 requirement placed an undue burden on their operations. LGBT and women's groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. According to the European Commission's October progress report, civil society organizations were subject to disproportionate state

supervision--particularly through auditing--and restrictive interpretation of the law, causing many associations to seek court protection to defend their rights. For example, the LGBT rights group KAOS-GL reported the Governorship of Van Province filed a legal suit to dissolve Ekogenc (the Youth and Ecology Association) in Van because it used the term “sexual orientation” in its by-laws and did not have a “hierarchical” administrative structure. The case remained pending.

After the Gezi Park protests, police conducted dozens of sweeps countrywide to find the purported organizers of the protests, and prosecutors filed criminal law suits against hundreds of protesters. Amnesty International (AI) reported that 26 members of the Taksim Solidarity Platform, a coalition of more than 100 organizations whose members included architects, engineers, doctors, trade unionists and others, faced up to 15 and one-half years in prison for “founding a criminal organization” and violating the Law on Public Meetings and Demonstrations. The coalition, formed to raise public awareness about the Gezi Park development project, called for peaceful demonstrations against the planned destruction of the park. AI stated that the prosecution “concocted a case simply to send a strong message to the rest of Turkey that the authorities will ruthlessly pursue anyone who dissents and organizes protests against government policies.”

AI also reported that after the protests, medical doctors who provided first aid to protesters were subjected to unfair professional discipline and, in two cases, criminal prosecution. On January 2, the parliament passed into law provisions criminalizing the provision of “unlicensed medical services,” making it punishable with one to three years’ imprisonment and a fine of up to two million lira (\$890,000). Parliament acted despite warnings from the UN special rapporteur on the right to health that the legal amendments would “have a chilling effect on the availability and accessibility of emergency medical care in a country prone to natural disasters and a democracy that is not immune from demonstrations.” Following passage of the law, government officials confirmed that makeshift facilities such as those that operated during the Gezi Park protests would be unlawful under the terms of the new provisions.

On September 8, after a year-long investigation, Istanbul’s Public Prosecution Office requested aggravated life imprisonment for 35 members of the Besiktas soccer team fan group Carsi. The group was a significant force in the June 2013 Gezi Park protests in Istanbul. The 35 were charged with “establishing an armed organization to create an Arab Spring illusion to overthrow the government of Turkey” during the protests.

The HRF reported that as of October 16, authorities had charged 6,146 persons in connection with the Gezi Park protests in 115 different cases across the country for fomenting unrest, resisting state officials, and violating the Law on Meetings and Demonstrations. In Kirklareli Province, with a population of 340,000, authorities prosecuted more than 3,000 persons. The HRF reported that 22 of the 115 cases had concluded, resulting in 840 acquittals and 16 convictions. Of the 16 persons convicted, eight were sentenced to a total of six years and one month in prison, and the other eight were fined a total of 57,660 liras (\$25,600). Trials were underway for an additional 5,290 individuals. The Ministry of Justice reported that 591 criminal cases were opened in eight different provinces against 5,020 persons for Gezi Park-related crimes, including 14 cases based on the antiterror law. Of these, 301 cases had concluded.

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

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

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but at times the government limited these rights.

Beginning April 11, the DGMM in the Interior Ministry assumed responsibility for the granting of asylum or refugee status. The law provides standard treatment of asylum seekers countrywide and establishes a system of protection, but limits rights granted in the 1951 UN Refugee Convention to refugees only from Europe. While most non-European asylum seekers were not considered refugees under the law, the government granted Temporary Protection Status to Syrians while maintaining conditional/subsidiary refugee status for other asylum seekers (predominantly from Iraq, Afghanistan, and Iran). Authorities offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee as defined in the 1951 convention and as determined through status determinations by the Office of the UN High Commissioner for Refugees (UNHCR). Those under temporary protection as well as those in conditional/subsidiary refugee status were permitted to reside in Turkey temporarily until resettled to a third country.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern. Authorities assigned asylum seekers to one of 62 cities where they received services from local authorities under the responsibility of provincial governorates. These asylum seekers needed permission from local authorities to travel to cities other than their assigned city, including for meetings with the UNHCR or resettlement country representatives. Local officials had significant discretion in working with asylum seekers and NGOs, and the levels of assistance they provided varied widely.

Authorities required asylum seekers to register with the Foreigners Police under the authority of the DGMM to legalize their temporary stay in the country. A refugee accepted by a third country for resettlement through a UNHCR process needed to obtain exit permission before leaving the country. In 2013 a total of 7,226 persons received exit permission and departed to a third country; through September 12, the total for the year was 6,053.

The UNHCR reported that approximately 490 LGBT asylum seekers and conditional refugees from Iran were living in the country. Human rights groups reported these refugees faced numerous problems in addition to their refugee status due to their sexual orientation or gender.

In-country Movement: The constitution provides that only a judge may limit the freedom to travel and only in connection with a criminal investigation or prosecution, but conditional refugees were assigned to a satellite city and could not move without permission from the Foreigners Police. On October 22, authorities published a new law on temporary protection status for Syrians that defines similar restrictions on their freedom of movement. Freedom of movement was also a problem in the East and Southeast, where an armed conflict with the PKK led to the establishment of government and opposition checkpoints and roadblocks during the 1990s and early 2000s. With the Kurdish solution process underway since 2013, the government and Kurdish opposition groups greatly reduced roadway checkpoints. PKK members and supporters at times blocked roads and set up checkpoints to protest the construction of new security outposts, military facilities, dams, and other infrastructure projects, temporarily restricting movement in the East and Southeast.

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

Since 1984 the conflict between security forces and the PKK displaced hundreds of thousands of citizens, the vast majority of whom were Kurds from the Southeast. According to the Internal Displacement Monitoring Center at Hacettepe University, the conflict led to the displacement of between 950,000 and 1.2 million persons. The Ministry of Interior reported that 386,360 persons had been displaced, of whom 187,861 had returned home. According to the Ministry of Interior, some displaced persons no longer wanted to return to their original locations for reasons that included continued lack of security and concerns over the presence of village guard militias, land mines, and lack of basic social services and economic opportunities in the region.

The law allows persons who suffered material losses due to terrorist acts, including by the PKK or by security forces during the conflict with the PKK, to apply to the government's damage determination commissions for compensation. The Ministry of Interior reported that 50 million lira (\$22.2 million) was allocated from the year's budget, and as of August, 34.5 million lira (\$15.3 million) was paid to successful applicants, but delays in payments continued. Between 2009 and 2014, there were 250 projects implemented in the Returning to the Village and Rehabilitation Project. Since 1999 a total of 180.7 million lira (\$80.3 million) has been allocated from the ministry's budget for provinces affected by the rehabilitation project.

### **Protection of Refugees**

Access to Asylum: The law provides regulatory guidelines for foreigners' entry into, stay in, and exit from the country and for protection of asylum seekers. The law does not have a strict time limit to apply for asylum, requiring only that asylum seekers do so "within a reasonable time" after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status. The law distinguishes between conditional refugees and foreigners under "temporary protection." Syrians fleeing the crisis in their country were openly admitted to Turkey without documentation requirements and were given temporary protection, while non-Europeans of any other origin (commonly Iraq, Iran, Afghanistan, and Somalia) were required to apply for conditional refugee status through a status determination process run by the UNHCR.

The UNHCR reported that as of September, approximately 200,000 Iraqis were residing in the country, of whom 100,000 had entered the UNHCR refugee status determination process. In addition, as of the end of July, there were 12,073

Iranians, 29,764 Afghans, and 14,395 persons of other nationalities in the UNHCR status determination process (also see Temporary Protection below for information on persons who fled to Turkey due to the conflict in Syria).

There were limited cases of entry denied for groups of persons who could have been classified as asylum seekers, including Somalis and Yezidis.

Safe Country of Origin/Transit: The UNHCR reported successful interventions in most cases where asylum seekers arrived lawfully in the country. It also reported generally good access to asylum procedures for persons in detention or at international airports who wished to claim asylum.

Refoulement: The UNHCR reported incidents of refoulement were decreasing. According to the UNHCR, authorities returned seven persons to their countries of origin against their will through November.

In October, as approximately 180,000 Syrians fled into Turkey from the Kobani region due to ISIL attacks, AI confirmed the government held 302 Syrians under suspicion of links to the outlawed Kurdish terrorist organization PKK or the Syrian Democratic Union Party (PYD). On October 14, the government forced 82 persons to return to Syria; an additional 40 persons were forced to return on October 16. The remainder were released to camps within Turkey by October 20 after they began a hunger strike for their freedom.

The UNHCR sometimes had difficulty gaining access to interview potential refugees whom security forces had already detained or arrested for illegal entry into the country. Overall, however, the UNHCR reported improved access to asylum seekers, including in removal centers.

Access to Basic Services: Provincial governments, working with local NGOs, are responsible for meeting the basic needs of UNHCR-recognized refugees and other asylum seekers assigned to satellite cities in their jurisdictions as well as Syrians present in their districts, including by providing access to health care and education. Basic services were dependent on the interpretation of local officials of the relevant legislative instruments. Governors had significant discretion in working with asylum seekers and with NGOs, and the response of local officials to refugee presence varied widely. Following the passage of the temporary protection regulations in November, some provincial authorities demanded that NGOs stop providing medical care to Syrian refugees unless they were registered.

Temporary Protection: The government enacted a temporary protected status regime in response to the arrival of Syrian refugees and a conditional refugee status for asylum seekers who may not qualify as refugees due to the European-origin limitation in the law.

In mid-2011, in response to the conflict, Syrians began fleeing to Turkey in significant numbers. Although the Turkish government publicly announced an open door policy for all Syrians fleeing to the country, security concerns affected this policy. In general authorities were highly permissive in allowing emergency cases to enter. Following the ISIL advance on Kobani, authorities on September 19 began allowing more than 170,000 Syrians to enter, mostly within a five-day time period, exhibiting their willingness to keep the border open during emergencies. Following violent attacks at or near the border, the government sometimes closed official border crossings temporarily due to the security situation.

The government responded robustly to the humanitarian needs of displaced Syrians, reportedly spending more than 10 billion lira (\$4.4 billion) on aid and assistance, primarily for the construction and administration of 23 camps in the Southeast. As of September the country provided temporary protected status and assistance to an estimated 1.5 million Syrian citizens, approximately 221,000 of whom were in camps along the Syrian border. Observers stated the level of assistance provided in these camps exceeded international standards, and persons residing inside government-run camps had access to a variety of basic health care and education services.

Syrians who officially entered the country with passports could receive one-year residence permits upon registration with the government. The UNHCR estimated that only 4 percent of the Syrian population in Turkey qualified for residency. All Syrians were required to register with the government, although registration procedures varied across provinces, and information on registration and subsequent assistance was difficult to obtain. As of November 6, only 1,073,000 of the estimated 1.6 million Syrians in the country had registered with the government, leaving an estimated 550,000 Syrians uncounted. Syrians who registered with the government were able to receive an identification card, free health care, and occasionally other assistance provided through subgovernorates.

In September 2013 the government declared that any registered Syrian in any province could receive free medical care. This declaration was codified into law on October 22 with the publication of a regulation defining temporary protection.

The DGMM stated that 2,650,133 medical checks had been conducted on Syrians in the country through September 8, and 491,643 persons were hospitalized. As of September 8, a total of 570 of these patients remained under treatment. Despite the provision of medical care, displaced Syrians had no legal right to work or send their children to school and had little access to other social services, although the October 22 regulation paves the way for improved access to work, education, and other social services. UNICEF reported that the Emergency and Disaster Management Presidency and the Ministry of National Education worked closely with partners at the national and regional level to improve education for Syrian children. As of March the ministry reported 93 percent of Syrian children in camps and 26 percent of children outside of camps were in school. In contrast the UNHCR and UNICEF in September reported the school attendance rate outside of camps was 17 percent.

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

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

#### **Elections and Political Participation**

Recent Elections: Candidates were generally able to campaign freely in the August 10 presidential election, which was professionally organized but suffered from an uneven campaign playing field, according to the Organization for Security and Cooperation in Europe (OSCE). In its observation report following the election, the OSCE expressed concern over then prime minister Erdogan's misuse of state resources in the campaign, media bias in his favor, and lack of clarity in contradictory elections laws. On November 12, the country's media-monitoring board ruled that the state-run television broadcasting company had violated election coverage rules by showing five hours and 26 minutes of Erdogan's speeches in two days just before the August elections while broadcasting nothing from the leading opposition candidates. The broadcaster, *Turkiye Radyo ve Televizyon*, was fined and ordered to broadcast penalty programming.

March local elections were marred by a record number of complaints of irregularities and allegations of fraud, most notably in the capital Ankara.

Recounts were conducted on June 1 in 14 mayoral and district races, with the outcome changed in two mayoral races as a result of recount.

The law requires a party to receive at least 10 percent of the valid votes cast nationwide to enter parliament, which many political parties and human rights groups criticized as excessively high. Three of the 15 parties that competed in the 2011 general elections crossed this threshold. Candidates who ran as independents were able to bypass the threshold, and a coalition of 36 independent candidates banded together after the election to form a fourth bloc, the pro-Kurdish Peace and Democracy Party (BDP), now the Peoples' Democratic Party (HDP).

Members of parliament are entitled to immunity from prosecution while they are in office. At the start of the year, however, six elected deputies were in prison on charges related to the KCK and Balyoz cases. All were released during the year: Ibrahim Ayhan and Gulser Yildirim on January 3; Kemal Aktas, Selma Irmak, and Faysal Sariyildiz on January 4; and Engin Alan on June 19.

Political Parties and Political Participation: While political parties and candidates can freely declare their candidacy and run for election, the chief prosecutor of the Court of Appeals can seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court. On March 2, the government lowered the criterion for state financial support from 7 to 3 percent of the vote, giving smaller political parties a better chance of obtaining state financing.

Participation of Women and Minorities: There were 78 women in the 550-seat parliament and one woman in the 26-member cabinet. There was one Christian Syriac in the parliament, the first Christian to win a seat in approximately 50 years.

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

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The European Commission noted the country had not made progress in limiting the immunity of members of parliament and senior public officials in corruption-related cases or in establishing objective criteria for lifting their immunity.

Corruption: There was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were

concerns about the impartiality of the judiciary in the handling of anticorruption cases.

Dozens of leaked wiretap recordings posted to social media in February and March implicated then prime minister Erdogan, his children, and his closest political advisors and business associates in large-scale and systematic corruption, obstruction of justice, and general abuse of power. Activities alleged by the tapes ranged from bribery and graft on the scale of hundreds of millions of dollars, to censorship and manipulation of media, to direct interference in judicial appointments and individual court cases. Initial government claims that the tapes were forgeries were undermined by the prime minister's defense of his behavior and angry rhetoric against what he called a "parallel structure" that had tapped his telephone. The government responded by opening investigations against groups it suspected had leaked the tapes. No investigation was opened against Erdogan.

On September 1, the Istanbul prosecutor's office announced its decision not to prosecute Erdogan's son Bilal and 96 other suspects, stating it would close the cases and dispose of evidentiary files. On November 18, the government's Forensic Medicine Office announced that its analysis of the tapes concluded they were not montaged or created by splicing separate conversations together, as officials had alleged when the conversations began to be leaked. The Forensic Medicine Office stopped short, however, of stating that the recordings were authentic or matched the voices of government officials alleged to be recorded.

Cases against dozens of suspects originally detained in December 2013 on suspicion of bribery, money laundering, and misuse of state-owned land in real estate deals, were closed or not pursued, while thousands of police and prosecutors linked to the cases were reassigned. Many of the suspects had family or business ties to the governing AKP's top echelon. Four ministers implicated in the scandal resigned from their ministries but continued as members of parliament. The constitution protects members of parliament from criminal investigation while serving but delegates investigatory responsibility to the parliament itself. On October 17, the parliament convened a commission to conduct a long-delayed official investigation into corruption allegations against four former ministers (Erdogan Bayraktar, former environment and urban planning minister; Egemen Bagis, former EU minister; Zafer Caglayan, former economy minister; and Muammer Guler, former interior minister). The inquiry had not reached a conclusion by year's end. Immediately following the corruption allegations, however, the government opened misconduct cases against the police investigation.

The Ministry of Justice reported that 141 investigations were conducted against the police officers, and one criminal case was filed against a group of police personnel in Istanbul. The TNP reported that in 35 provinces, intelligence branch offices investigations were continuing against police chiefs and officers. According to media reports, more than 300 police officers were detained or investigated since July 22 in operations reportedly aimed at investigating illegal wiretapping. More than 100 officers were arrested or charged with crimes in dozens of provinces throughout the country. On November 18, the minister of the interior announced that 155 police officers had been discharged for participating in illegal wiretapping since the operation began earlier in the year.

Financial Disclosure: The law requires certain high-level government officials to provide a full financial disclosure, including a list of physical property, every five years (years ending with “0” and “5”), and officials generally complied with this requirement. The Prime Ministry’s Inspection Board, which advises the Corruption Investigations Committee, is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. The parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister, but that mechanism was shown to be ineffective. A majority can vote to send such cases to the courts for further action. There was no coordination with civil society on oversight.

Public Access to Information: The law provides for public access to government information; however, the government occasionally rejected applications on national security grounds. The law restricts access to information pertaining to state secrets, as well as concerning the privacy of individuals and intellectual property. The law requires institutions to provide the requested information within 15 or 30 working days, depending on the volume of the request. In such a case, the applicant is to be informed of the extension and the underlying rationale within 15 working days. Processing fees, which observers considered reasonable, are waived if the information can be obtained and provided via e-mail. Officials and other civil servants who negligently, recklessly, or deliberately obstruct the law are subject to disciplinary sanctions.

Denials of requests for information are subject to appeal. Within 15 days starting from the date of official notification, an applicant whose request for information was rejected may appeal to the Board of Review of Access to Information, which

then has 30 days to render a decision. Following the board's decision, individuals can also appeal for judicial review in an administrative court.

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

Domestic and international human rights groups operated throughout the country, but some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations, particularly in the Southeast. International NGOs reported difficulty obtaining residency permits for their staff and complained that documentation requirements were unclear. Human rights groups reported the government was sometimes unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. At times lawyers were detained when they attempted to intervene on behalf of protesters.

Muharrem Erbey, president of the HRA in Diyarbakir and vice president of the national HRA, who was arrested in 2009 on KCK-related charges, was released after four years and three months in prison after the court re-evaluated the evidence in his case. He was not acquitted, however, and his case continued. Many international human rights organizations asserted that Erbey's prosecution was a consequence of his work at the HRA and as a human rights lawyer. In a similar case, in December a court sentenced the Siirt branch executive of the HRA, Abdullah Gorgen, to eight years and six months in prison for being a member of a terrorist organization and making propaganda for an organization. Gorgen asserted the sentencing was connected to his criticism of authorities during Kobani-related protests in October.

Government Human Rights Bodies: The government created the Human Rights Agency in 2012 as a replacement to the Human Rights Presidency. Its purpose is to act autonomously within the government to protect and promote human rights. During the year the agency published reports about a potential mass grave in Sanliurfa, a juvenile prison in Sincan, prisoners' access to health services, and the Gezi Park protests.

The Ombudsman Institution, established in 2012, operates under the parliament but as an independent complaint mechanism for citizens to request investigations and research and to make suggestions regarding government practices and actions, particularly concerning human rights issues. As of August 25, it had received 3,562 complaints alleging human rights violations related to public personnel, government training, and labor and social security issues. The institution gave 56 recommendations and 18 partial recommendations and rejected 113 cases. The EU progress report assessed that the institution had yet to gain the full trust of civil society, that it should have more authority to make spot checks on its own initiative, and that parliament should follow up on its recommendations.

The Ministry of Justice's Human Rights Department is the sole authority in the ministry for human rights issues. It has responsibility for facilitating the implementation of the country's obligations under the ECHR and coordinating the execution of ECHR decisions.

The parliamentary HRIC functioned as a national monitoring mechanism. The members of the Commission conducted on-site inspections of detention centers and prisons and maintained dialogue with NGOs. It provided reports to the relevant government offices for action. By August 25, the HRIC had received 1,147 complaints of alleged human rights violations related to issues including judicial processes, prison conditions, practices of state officials, social security issues, financial aid requests, and rights for soldiers, workers, and persons with disabilities.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not enforce these prohibitions effectively. Government officials used discriminatory language toward opposition groups such as protesters, women, Alevis, Kurds, and other minorities. The constitution allows measures 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.

On March 3, the parliament approved a law known as the Democratization Package that introduced an article on hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Perpetrators of these acts may be punished by up to three years in prison. While observers considered the

legislation a positive step, they noted its categories did not match OSCE's recommendations because ethnic identity, sexual orientation, sexual identity, age, and profession were not included. Consequently civil society organizations asserted the grounds for punishing discrimination and hate in the law remained too limited and excluded major offences that may be motivated by discrimination and/or hate, especially failing to protect the most vulnerable groups, including women, persons with disabilities, LGBT individuals, Roma, and religious minorities.

## **Women**

Rape and Domestic Violence: The law prohibits violence against women, but human rights organizations claimed the government did not effectively enforce it. The law prohibits sexual assault, including rape and spousal rape, with penalties of imprisonment for two to seven years. The government did not effectively or fully enforce these laws or protect victims, who often waited days or weeks to report incidents due to embarrassment or fear of reprisals, hindering effective prosecution of assailants. Government statistics on violence against women were incomplete, and human rights organizations alleged that authorities manipulated the statistics to show progress on the issue. Societal acceptance of domestic abuse in some cases contributed to underreporting of gender-based violence.

The law covers all women, regardless of marital status, and provides for police and local authorities to grant various levels of protection and support services to victims of violence or to those at risk of violence. It also requires government services, such as shelter and temporary financial support, for victims and provides for family courts to impose sanctions on perpetrators.

The law provides for the establishment of prevention-of-violence and monitoring centers to offer economic, psychological, legal, and social assistance. The Ministry of Family and Social Policies operated 93 women's shelters with a capacity of 2,527 persons, while municipalities operated 33 women's shelters with a capacity of 761 persons. An NGO operated one women's shelter. The Purple Roof Association reported there were 14 in-take centers operated by the ministry, called SONIMs, which refer women to shelters. Purple Roof alleged that the SONIMs and shelters were insufficient in terms of both number and the quality of services they provided.

Regulations call for a state-funded women's shelter for every 100,000 persons, but there were no sanctions for noncompliance. Observers noted an inadequate

number of shelters--or no shelters at all--in many cities with populations above 100,000. For example, there were only three shelters in Adana, a city with a population of two million. The government operated a nationwide domestic violence hotline, but women's rights NGOs criticized the government for changing the hotline's focus from violence against women to broader violence issues, renaming it the "Family, Women, Children, Disabled, Families of Martyrs and Veterans Hotline." NGOs reported that the quality of the services provided during the calls was inadequate for victims of domestic violence. Through August 25, the hotline received 69,774 calls regarding violence, negligence, or exploitation. In a press release April 6, the Ankara Bar Association president stated that since 2011 the Poppy Center, which provides legal support to women facing domestic violence, received approximately 25,000 requests for assistance from women and children. There were 2,923 individual applications, and the bar association appointed lawyers in 2,418 cases. The association president estimated that only 10 percent of victims facing domestic violence actually applied for institutional assistance.

Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for crimes such as assault, wrongful imprisonment, or threats. Despite these measures the number of killings and other forms of violence against women in the country remained high, and activists asserted increased awareness and a change in mentality were required to prevent more women from becoming victims of domestic violence.

Courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. Women's associations also charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

On August 8 in Istanbul, a husband stabbed his wife, Hasret Kara, with a screwdriver 43 times in front of her four children. She survived the attack and underwent surgery on her lungs. After an initial detention, the court released her husband. Following a public campaign led by women activists and NGOs (who also guarded her house with the help of neighbors), authorities rearrested the husband on August 27.

According to Bianet, which tracks statistics through media reporting, through October a total of 235 women were killed, 88 women and girls raped, and 499

women battered in the country. NGO groups maintained these numbers were probably much lower than actual occurrences due to underreporting. The Jandarma reported that through August 31, 7,552 cases of domestic violence were reported, representing a 6 percent increase over the previous year. As of August 1, the Jandarma identified 25 rape and 290 sexual assault cases with 328 suspects.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. There were no documented cases of FGM/C in the country, and it was not a traditional practice.

Other Harmful Traditional Practices: So-called honor killings of women continued to be a problem. Most honor killings occurred in conservative families in the rural Southeast of the country or among families of migrants from the Southeast living in large cities. Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that actual sentences were often reduced due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the “misbehavior” of the victim. Because the law created harsh penalties for honor killings, family members sometimes pressured girls to commit suicide to preserve the family’s reputation. The Federation of Women Associations reported a trend of suspicious suicides of teenage girls in Adiyaman and Siirt Pervari regions during the year. The government did not report honor-killing statistics for 2014, and women’s advocates alleged this failure was part of the problem. Human rights groups also alleged that honor killings were likely underreported in the media and inadequately investigated by the police, as murders were not always attributed to honor killing, were made to look like suicide, or were in fact induced suicides.

Kader Erten in Siirt was forced to marry at a young age. She mothered two children by the age of 16. While her husband was doing military service, she was found dead in her house in January. Her husband’s family claimed she committed suicide, but a local NGO believed it was an honor killing because rumors of her infidelity surfaced. A court was seeking to determine whether it was a suicide or honor killing.

In one example, in Diyarbakir a husband, Veysi Turan, was accused of killing his wife, Mubarek, for suspected infidelity. Turan rigged the light switch to electrocute his wife when she turned it on, making her death look like an accident. Turan was in prison, and the case was pending in court.

Sexual Harassment: During the year penalties for sexual crimes committed against women and children were increased. The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring from two up to five years' imprisonment for sexual harassment and five to ten years' imprisonment for sexual assault of an adult. If the victim is a child, the recommended punishments are longer. Women's rights activists reported authorities rarely enforced these laws. Bianet counted 75 cases of sexual harassment through October; the government did not provide data on sexual harassment.

Reproductive Rights: Couples and individuals in most cases had the right to decide the number, spacing, and timing of their children; to have the information and means to do so; and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections. Women's rights NGOs criticized the government for unofficial bans on or interference in the distribution of birth control pills.

The UN Population Fund report, *State of World Population 2013*, estimated that skilled attendants assisted in 91 percent of all births, while 73 percent of married women used some method of birth control as of 2010.

Discrimination: While women enjoy the same rights as men under the law, societal and official discrimination were widespread. On July 28, Deputy Prime Minister Bulent Arinc sparked an outcry with his statement that women should not laugh loudly in public. "She should not laugh loudly in front of all the world and should preserve her decency at all times," he stated. He went on to mock women using their cell phones excessively, implying that women, even with their female friends, should be quiet and submissive. On November 24, President Erdogan told a summit organized in honor of the UN's International Day for the Elimination of Violence against Women: "You cannot claim that men and women are equal, as their natures are different." He went on to clarify: "Our religion has defined a position for women: motherhood," and he added that women and men could not be treated equally "because it is against human nature.... You cannot place a mother breastfeeding her baby on an equal footing with men."

The constitution permits measures, including positive discrimination, to advance gender equality. The Purple Roof Association reported non-Turkish speaking women and women with disabilities had difficulty accessing these services.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to the Turkish Statistics Institute, women's participation in the labor market was at 27 percent in 2013. Women mostly served as unpaid family workers with no social protection apart from that afforded by other family members. According to the June data of the State Personnel Department, 37.3 percent of individuals employed by state institutions and agencies were women. Women occupied only 9.2 percent of executive positions within the state bureaucracy. According to the European Commission's progress report, women's access to employment was limited by gender-based segregation of domestic duties and inadequate child-care services or services for older persons (see section 7.d.).

The number of women in politics and the judiciary remained very small. In April the Association for the Support and Training of Women Candidates reported in its *Equality in Representation of Men and Women Report* that only one of 81 provincial governors appointed by the Ministry of Interior was a woman. In the high judiciary, the rate of representation for women was 14.2 percent. The Ministry of Family and Social Policies reported that six of 458 deputy governors and 21 of 860 subgovernors were women. The ministry also reported that as of February, women held 41 percent of the teaching positions at universities, and 28 percent of full professors were women. Women were rectors in 14 of 176 universities. The High Council of Judges and Prosecutors announced that as of September 2013, a total of 3,549 of 13,666 judges and prosecutors were women. Of 550 members of parliament, 78 were women. At times members of parliament used language that denigrated women.

Women were also underrepresented in management in trade unions. The government, working with the state employment agency Is-Kur and women's groups, developed programs to encourage the hiring of women. The government reported that men and women had equal employment opportunities and received equal pay for equal work.

## **Children**

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

approximately 30,000 Syrian babies born in camps through September. It was unclear what the citizenship and identity status of these babies was, as their parents cannot refer to the Syrian government for provision of birth documentation. The government had not yet announced a policy of identification and documentation for children born to Syrians who lived in the country in temporary protection status.

Education: Human rights NGOs expressed concern that the law on compulsory education allows female students to be kept at home and married early. The system, generally referred to as “4+4+4,” divides education into three four-year periods. After the first four years of mandatory elementary education, students can choose to attend general middle school or religious-vocational middle schools, called Imam Hatip schools. The law also allows parents to homeschool their children as early as fifth grade.

The Ministry of Family and Social Policies reported that to support families and children, 55,596 individuals received conditional cash transfers through July. The ministry reported that these cash transfers especially helped poor families continue education for their daughters.

Child Abuse: Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. The law provides police and local officials the authority to grant various levels of protection and support services to victims of violence or to those at risk of violence. It requires the government to provide services to victims, such as shelter and temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence. On June 28, a new law took effect introducing harsher penalties for sexual predators, such as child abusers and perpetrators of violence against women. The law at least doubles the minimum sentence for sexual harassment and abuse, particularly for crimes targeting children. Nonetheless, 269 women’s and children’s rights’ NGOs jointly criticized the law because the Ministry of Family and Social Policies did not consult with them in any phase of its preparation. Some aspects of the law, such as the six-month limit for lodging a sexual crime complaint, reduced its potential benefits.

The TNP reported 6,839 police officers at children’s branch offices had received either training on investigating child sexual abuse (201 officers), basic training for police specializing in crimes against children (4,615 officers), or training on the juvenile justice system (2,023 officers).

The Ministry of Health reported there were 18 child-monitoring centers in 17 different provinces.

On September 3, Justice Minister Bekir Bozdag stated that the Forensic Medicine Office received 650 child abuse files each month and that the office was still working on cases received three years previously. He emphasized the office was closing the gap and was processing child abuse cases more quickly than in the past.

Forced and Early Marriage: The law defines 18 years as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. Children as young as 12 were at times married in unofficial religious ceremonies, particularly in poor, rural regions. Some families applied to court to change the birthdate of their daughters so that they could “legally” marry. Early and forced marriage was particularly prevalent in the Southeast, and women’s rights activists reported the problem remained serious. In January the women’s NGO Flying Broom estimated that based on police data, one-third of all marriages involved girls under age 18 and one-third of those marriages were as second wives. Some girls were married as young as 12. One indicator of this phenomenon may be the birthrate for girls under age 19. According to the UN Population Fund, birthrates were 29 per thousand teenage girls, and 38 per thousand girls ages 15 to 19 during the period 2005-10. As many as 91,000 girls under age 18 gave birth each year across the country, with the largest percentages concentrated in the Southeast.

Female Genital Mutilation and Cutting (FGM/C): The law does not prohibit FGM/C. There were no documented cases of FGM/C in the country, and it was not a traditional practice.

Sexual Exploitation of Children: The constitution provides that the state shall take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. There were reports that children were subject to commercial sexual exploitation. The penalty for encouraging or facilitating the entry of children into prostitution is four to 10 years’ imprisonment; if violence or pressure is involved, the sentence can be doubled.

The age of consent is 15 years. The law provides sentences for statutory rape (without use of force) of from two to five years’ imprisonment. 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 prison sentence of six months to two years as well as a fine for violations.

Incest involving children remained a problem, although official statistics were incomplete, and prosecutions remained minimal. The new law also increased sentences for incest, which had been six months to two years, to between two and five years. The Jandarma reported 47 incest cases during the year.

Child Soldiers: The terrorist group PKK regularly recruited children in the past, although the number of PKK child soldiers during the year was unknown. The PKK continued occasional abduction and conscription of youths, but it was often not clear whether youths joined voluntarily or due to coercion. Families of allegedly abducted children conducted several protests during the year demanding the PKK return their children. On June 21, the PKK released Yusuf Aslan, a 15-year-old boy, following rising criticism over its recruitment of children.

International Child Abductions: The country is a party to the Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/english/legal/compliance.html](http://travel.state.gov/content/childabduction/english/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/turkey.html](http://travel.state.gov/content/childabduction/english/country/turkey.html).

### **Anti-Semitism**

Incidents of anti-Semitism increased during the year, especially in response to the conflict in Gaza and during the period preceding the August presidential elections. The media and elected officials regularly spoke against Israelis and generalized their statements toward Jews. On July 12, pop singer Yildiz Tilbe tweeted a series of anti-Semitic messages, including "May God bless Hitler," in connection with her condemnation of Israeli actions in Gaza. Ankara mayor Melih Gokcek retweeted many of her messages (although not those specifically referencing Hitler). Members of the country's Jewish community (estimated to be 18,000 persons, nearly all of whom lived in Istanbul) pressed for legal action against Tilbe and issued a statement that called her tweets offensive and demanded an apology.

During his July 15 address to the parliament, then prime minister Erdogan compared Israeli lawmaker Ayalet Shaked with Hitler after she reportedly said that Palestinian mothers should be killed to stop them from "bear[ing] any more terrorists." Two days later, on the evening of July 17, protesters waving Turkish

and Palestinian flags attacked the building housing the Israeli consulate in Istanbul. Ankara mayor Gokcek tweeted, “We do not want an embassy in Turkey of the murderers!”

On July 19, a senior advisor to then prime minister Erdogan called on the Turkish people to “be prudent about the Jewish population in Turkey.” He added, “It is the government of Israel, not the Israeli people, and certainly not the Jewish community in Turkey, who are Turkish citizens, that we criticize.” On July 20, however, the prime minister escalated his rhetoric in a television interview, standing by an analogy he made between the Israeli government and the Nazis, stating, “You can see that what Israel does to Palestine, to Gaza right now, has surpassed what Hitler did to them.” In a September 22 interview following the election, newly elected President Erdogan scaled back his rhetoric: “Our criticism is not directed to the Jews. It is only and solely directed at the Israeli administration and its policies, and no one should distort this. There is a distinction here.”

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution permits positive discrimination favoring persons with disabilities, and the law prohibits discrimination against them in employment, education, air travel and other transportation, access to health care, and the provision of other state services. On February 6, the parliament amended the Law on Disabled Persons to revise state obligations in line with international definitions and standards. The amendments specifically prohibit discrimination against persons with disabilities. NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively.

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. Nonetheless, the government continued to make little progress implementing the law. Access in most cities remained extremely limited. The Disabled and Senior Citizens Directorate General, under the Ministry of Family and Social Policies, is responsible for protecting persons with disabilities.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce be persons with disabilities; in the public sector, the requirement is 4 percent. The ministry reported that a job-placement initiative launched in 2012 provided 5,254 positions for persons with disabilities in 2012 and an additional 5,926 position as of October 2013. As of May the ministry reported there were 12,329 persons with disabilities working in both the public and private sectors. In September the State Personnel Department reported 34,088 persons with disabilities serving as public officials. Despite these proactive efforts on the part of the government, NGOs reported examples of discrimination in employment.

The law requires all public schools to accommodate student with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to an education. Nonetheless, according to the Ministry of Education, students with disabilities received at least eight hours of individual education and four hours of group education per month. The Ministry of Family and Social Policies reported there were 20,632 disabled students above the ninth grade in special education schools. In addition 5,455 students were attending specialized programs for children with disabilities. The ministry also reported that as of 2012, there were 1,728 special education and rehabilitation centers in the country providing support and training services to 255,848 disabled persons.

The Independent Election Watch Platform, which monitored both presidential and local elections in March and August under coordination of the Association to Watch for the Equal Rights, reported 545 violations involving voting centers that were not accessible.

### **National/Racial/Ethnic Minorities**

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other ethnic or religious minorities--including Alevis, Assyrians, Protestants, Roman Catholics, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz--were not permitted to exercise their linguistic, religious, and cultural rights fully.

More than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects. Against the backdrop of government-PKK solution process talks, official censure or harassment of Kurds who publicly spoke Kurdish or asserted their ethnic identity decreased markedly. In both law and practice, the government took steps toward accepting the Kurdish language in private education, the judiciary, state-owned media, and public services.

The Democratization Package approved by the parliament on March 3 allows private schools to teach in languages other than Turkish. The law allows citizens to open private education institutions to provide education in languages and dialects they traditionally use in their daily lives, on the condition that the schools are subject to the provisions in the Private Educational Institutions Act and are inspected by the Ministry of National Education. At least three universities provided Kurdish-language programs, and the government received an application to establish a university in Diyarbakir where courses would be taught primarily in Kurdish, but also in Turkish, Armenian, Syriac, and English. The Diyarbakir university remained in the establishment phase at year's end.

The Democratization Package also allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language. Restrictions remained on use of languages other than Turkish in government and public services.

Kurdish civil society organizations and political parties continued to experience problems exercising the freedoms of assembly and association. When large groups of Kurds rallied, they were usually met with a large police presence, which often led to skirmishes. This was particularly true during the October protests throughout the Southeast over perceived government inaction to prevent the potential fall of the predominantly Kurdish town of Kobani, Syria, to ISIL forces.

Public gatherings on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915 were peaceful and received police protection where necessary. In the period leading up to the August presidential elections, however, then prime minister Erdogan escalated his use of rhetoric that singled out minorities, including Armenians. On August 5, in a television interview, Erdogan complained that some had questioned his family background, stating: "I was called a Georgian. I apologize for this, but they even said [something] worse: They called me an Armenian." The comment immediately sparked outrage on social media and in the Armenian diaspora.

On January 19, thousands of persons marched in Istanbul to commemorate assassinated Turkish-Armenian journalist Hrant Dink's life and to call for justice. The trial of the 18 defendants charged with plotting the killing continued, although authorities released a prime suspect, Erhan Tuncel, in March due to a legal change in the maximum time a suspect can spend in detention prior to conviction. In July the Constitutional Court ruled the government's inadequate investigation of Dink's killing violated the rights of the Dink family. The court based its decision on two separate applications by the family alleging that their rights were violated because confidentiality rulings by local courts and the government's refusal to grant permission to investigate certain public officials barred them from conducting a proper investigation into the killing. Despite the ruling no court cases had been brought against the officials charged with negligence of duty.

Observers estimated there were more than two million Roma in the country. The Romani community continued to face problems with access to education, health care, and housing. Romani populations suffered displacement as new housing development projects extended into their traditional areas of residence. Roma reported workplace discrimination as well.

Alevis, followers of a heterodox Islamic belief system, constituted between 10 and 25 percent of the population. They were underrepresented in the state bureaucracy and held none of the country's 81 provincial governorships appointed by the central government. Alevi houses of worship, or "cem evi," do not have a legal status equal to mosques or receive state funding, and the state's Presidency of Religious Affairs supported only Sunni Islamic religious institutions, as did compulsory religious education in schools. On September 23, thousands of Alevis protested when some of their children were assigned to state-run religious schools rather than secular schools.

On September 16, the ECHR found the state had violated the right to education of 14 Alevi students by compelling them to participate in mandatory Sunni religious education classes. The ECHR called on the government to remedy the situation immediately by introducing a system whereby students could be exempted from religion and ethics classes without having to disclose their religious or philosophical convictions. In response Foreign Minister Davutoglu justified the compulsory religious education system, stating: "It is a requirement even for an atheist to have knowledge about religious culture, just like I should know about Marxism even though I am not a Marxist." He asserted that religious knowledge was essential to understanding social events in Turkey and the Middle East and

that a lack of proper religious education contributed to radicalization. He added that he had not seen any element of religious pressure placed on non-Muslims in the curriculum of the compulsory course.

Alevis regularly faced societal discrimination. For example, on March 26, in Tusba subprovince of Van, vandals marked the home of Erkan Gur with red paint, in an echo of similar warnings in 1978 before a massacre of dozens of Alevis in Kahramanmaraş Province.

On May 22, protests erupted in Istanbul's Okmeydani neighborhood, which has a substantial Alevi population, over the Soma mine disaster and the death of Berkin Elvan. Responding to the protests with live ammunition, police shot and killed Ugur Kurt, who was attending a funeral at an Alevi house of worship.

The country also has a Shiite minority, which President Erdogan insulted along with Gulenists in a September television interview. When asked about Gulenists, who are members of a Sunni-based religious movement started by a Turkish Islamic scholar and were accused of plotting to overthrow the ruling AKP government, President Erdogan stated: "These people have three major characteristics: They practice dissimulation, they lie, they slander. As a result, they are involved in sedition, malice. They are far ahead of Shiites. Shiites cannot compete with them."

According to the HRF, as of October 15, 11 persons had lost their lives and 82 were injured in hate crimes directed towards Kurds, Alevis, Romas, Armenians, Jews, and transgender individuals.

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

While the law does not explicitly discriminate against LGBT individuals, references in the law relating to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" sometimes served as a basis for discrimination by employers and abuse by police. LGBT prostitutes reported that police detained them to extract payoffs. The law provides that "no association may be founded for purposes against law and morality." Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters, and the TIB blocked LGBT social websites. For example, the website Grindr, blocked in August 2013, remained blocked during the year.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. The NGO KAOS-GL reported that between 2010 and June 2014, there were at least 41 reported hate murders of individuals known to self-identify as lesbian, gay, bisexual, or transgender.

KAOS-GL also reported that social protection was withheld from LGBT individuals due to the failure of the Ministry of Family and Social Policies and the Ministry of Labor to acknowledge the existence of LGBT individuals. KAOS-GL reported that neither ministry would engage with LGBT groups or consider the rights of LGBT persons or their need for services and protection.

LGBT advocates accused the courts and prosecutors of creating an environment of impunity for attacks on transgender persons in prostitution. Human rights attorneys reported that police and prosecutors frequently failed to pursue violence against transgender persons aggressively. They often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. That code states that punishment “will be reduced if the perpetrator commits a crime under the influence of rage or strong, sudden passion caused by a wrongful act.” Judges routinely applied the law to reduce the sentences of those who killed LGBT individuals. For example, on February 26, a court reduced the sentence of a man who killed a transgender woman from life imprisonment to 18 years under the “unjust provocation” provision. According to the verdict, the “unjust act” was the victim’s “being a transvestite.” Courts of appeal upheld these verdicts based, in part, on the “immoral nature” of the victim.

On April 21, two transgender women were assaulted in the district of Tarlabasi in Istanbul. One woman, Nalan, was injured and her companion, 21-year-old Cagla, died. Another transgender woman recounted the attack and reported that police and ambulance staff refused to touch the dead body, so the victim’s friends were forced to carry her.

There were active LGBT organizations in Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and on university campuses. Groups reported harassment by police and government authorities. Many university groups in small cities complained that rectors had denied them permission to organize. On June 18, the administration of Mardin Artuklu University canceled a “queer and architecture” workshop for a graduate class due to threats that included hate speech.

LGBT organizations reported the government used regular and detailed auditing to create administrative burdens and threaten the possibility of large fines. They also reported challenges finding office space to rent due to discrimination from landlords.

LGBT individuals faced discrimination in employment. The law includes a clause that allows for dismissal if a government employee is found “to act in a shameful and embarrassing way unfit for the position of a civil servant,” and other statutes criminalize the vague practice of unchastity. In March an LGBT police officer in Gaziantep was fired and charged with the crime of “unchastity.” The administrative court rejected the officer’s appeal to annul the decision.

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

The Ministry of Health reported 1,313 new cases of HIV/AIDS in 2013, of which 1,220 were of HIV and 93 were AIDS, the highest one-year increase recorded. Through the end of 2013, there were 6,381 HIV-positive persons and 1,147 persons with AIDS in the country. Human rights organizations complained the media and medical professionals often did not respect the privacy of individuals with HIV/AIDS. Many persons with HIV/AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. The Positive Life Foundation noted the country lacked laws protecting persons with HIV/AIDS from discrimination and that there were legal obstacles to anonymous HIV testing. The EU progress report noted that the government had not yet finalized its strategic action plan on HIV/AIDS and that further awareness-raising activities were needed.

## **Section 7. Worker Rights**

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

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

Certain public employees, such as senior officials, magistrates, the military, and police, cannot form unions. The law provides for the right to strike but prohibits

strikes by public workers engaged in safeguarding life and property and by workers in the coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education. While the latter groups of workers can bargain collectively, the law requires them to resolve disputes through binding arbitration rather than strikes. The law allows the government to deny the right to strike for any situation it determines a threat to public health or national security. The government maintained a number of restrictions on the right of association and collective bargaining. The law requires unions to notify government officials prior to holding meetings or rallies, which they must hold in officially designated areas, and allow government representatives to attend their conventions and record the proceedings. A minimum of seven workers is required to establish a trade union without prior approval. A union must represent 40 percent of the employees at a given work site to become a bargaining agent and 1 percent of all workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, or working for or being involved in the operation of any profit-making enterprise. Nonunionized workers--such as migrants, domestic servants, and those in the informal economy--were not covered by collective bargaining laws. Labor courts functioned effectively and relatively efficiently. Appeals, however, could often last for years. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate him or her, the employer generally paid compensation to the employee along with a fine. Worker advocates said these fines were low enough that employers could regard them as routine business costs.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of unions to conduct their activities, particularly with respect to freedom of association. Police were frequently present at union meetings and conventions. On June 20, nearly 6,000 workers at Sisecam glass factories called a strike. The government ended the strike using its power to postpone strikes it deemed a threat to public health or national security. On April 21, police in Istanbul fired tear gas at union members when the unions tried to read a statement announcing to the media their plans for traditional May Day rallies in Taksim Square, in defiance of a government ban on protests there. Authorities in Istanbul used considerable force, including water cannon and tear gas, to deny unions access to Taksim on the day itself. The bar association reported authorities detained 266 persons. Peaceful protests occurred elsewhere in the city.

Employers increasingly used threats, violence, and systematic layoffs in unionized workplaces. Unions alleged that antiunion discrimination occurred regularly across sectors. Service sector union organizers reported that private sector employers sometimes ignored the law and dismissed workers to discourage union activity. There was an increasing trend toward hiring workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights. In June nearly 50 workers were dismissed following successful organizing campaigns at two plants of M&T Reklam. By August the number rose to 110 workers. Union groups indicated the company refused to bargain with the union, although the Ministry of Labor had certified the union for collective bargaining.

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

The law generally prohibits all forms of forced or compulsory labor, and the government generally effectively enforced such laws. Forced labor generally did not occur, although some families sent their children to work on the streets selling items and begging (see section 7.c.).

The Ministry of Labor and Social Security said it had no evidence of forced labor in the country. In April oversight for combating trafficking, including forced and compulsory labor, shifted from an interagency national task force to the DGMM. The government demonstrated weak efforts in preventing trafficking and identifying trafficking victims. Penalties for trafficking violations range from eight to 12 years' imprisonment and were sufficiently stringent compared to other serious crimes.

The law allows the use of military conscripts for purposes of economic development. The law on collective agreements, strikes, and lockouts also provides for penal sanctions involving compulsory labor for participation in strikes.

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

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

The law allows children to perform light work that does not interfere with their school attendance from age 14 years and prohibits children under age 16 from performing arduous or dangerous work. The government prohibits children

younger than 18 from working in certain professions or under hazardous conditions, such as working at night or in underground mining. In 2013 the government repealed laws protecting children from other heavy and hazardous work and revised regulations to allow children between ages 16 and 18 to be employed in brick and plastics factories. A 2012 law on compulsory education permits children age 13 and older to be schooled at home (also see section 6, Children). The new law reduces protections against child labor, even though the legal minimum age for work remains 15.

Child labor was employed in manufacturing, some street industries in the informal economy, and in seasonal migrant farm work, in which children joined their families to follow harvests. Government sources and the International Labor Organization maintained instances of child labor had declined considerably in small industries, such as shoemaking or auto repair, and that there was no evidence the problem existed any longer in such workplaces. UNICEF reported the employment rate for children between ages six and 17 years was 5.9 percent. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were a growing problem among Syrian, Afghan, and Iraqi refugees as well. The labor ministry identified the worst forms of child labor as working in seasonal commercial agriculture or in street work. Commercial sexual exploitation of children occurred (see section 6, Children). Data from the government's 2012 National Child Labor Survey, the most recent information available, indicated one-third of working children were between ages six and 14 and two-thirds were between ages 15 and 17.

Resources and inspections were insufficient to effectively monitor and enforce the law in all sectors. Inspectors did not routinely visit farms employing 50 or fewer workers, maritime and air transportation facilities, family handicraft businesses, and small shops employing up to three persons. Labor ministry inspection of these workplaces generally occurred only if someone submitted a complaint. As of September inspectors identified 22 cases of child labor and levied total penalties of 26,360 lira (\$11,700). Penalties were not always sufficient to deter violations.

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

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

Labor laws and regulations prohibit discrimination in employment or occupation with regard to race, sex, gender, disability, language, religion or sect, political

opinions, or philosophical beliefs. The Positive Life Association reported that in practice these safeguards also included medical conditions (e.g., HIV). The government did not effectively enforce these laws and regulations. Discrimination in employment or occupation occurred with regard to gender, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability.

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

The national minimum wage was 1,134 lira (\$504) monthly. The official poverty level was 3,876 lira (\$1,722) per month for a family of four as of September. The Organization for Economic Cooperation and Development indicated the national minimum wage did not take sufficient account of regional variations in productivity and living costs.

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

The government through the labor ministry effectively enforced these laws in some sectors. Resources and inspections were not adequate to ensure enforcement in all sectors. Violators could be penalized with fines ranging from 1,120 to 89,629 lira (\$498 to \$39,840) per violation. As of September the ministry reported 5,148 inspections had uncovered 6,985 labor law violations, triggering administrative fines totaling 25.9 million lira (\$11.5 million). An additional 5,956 health and safety inspections uncovered 14,117 violations, resulting in fines totaling 14.1 million lira (\$6.3 million). The country has historically had a large informal economy. According to the most recent data available, in 2013 the Finance Ministry reported the informal sector's share of the economy had fallen to an estimated 26.5 percent of the gross domestic product from 28 percent in 2012. In most sectors workers could not remove themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities did not effectively protect employees in this situation.

According to the worker advocate organization Assembly for Worker Health and Safety, at least 1,573 workplace deaths occurred during the year to October 31, a 50 percent annualized increase from 2013. The construction, metallurgical, mining, and agricultural sectors were the most hazardous.

On May 13, 301 miners died of carbon monoxide poisoning after an explosion and fire at a coalmine in Soma. The number of miners underground at the time was doubled by an overlap of shifts, which labor regulations require to be sequential. The law does not require the mine to provide for, and it did not have, escape areas or survival rooms. According to workers, mine management had shut off gas sensors, fire alarms, and communication systems to avoid slowing productivity. Workers also noted that safety equipment was antiquated and faulty. The parliament had previously voted down a motion to investigate longstanding safety concerns at the mine. Unions stated that the mine had passed 16 semiannual labor ministry safety inspections without challenge. They criticized the subcontracting of mine work to laborers on short-term contracts, a growing practice they charged enabled employers to evade liability and therefore responsibility for worker safety. The official accident investigation report released on November 5 recommended aggravated life imprisonment, based on 301 counts of manslaughter, for the chair of the mine's executive board and seven others. Eight company executives and 29 other employees, including mine managers, engineers and security supervisors, faced prosecution; the Soma public prosecutor found 20 counts of gross negligence at the mine.

On October 28, in Ermenek, 18 miners died after being trapped underground by a flood at a coalmine. An expert report released on November 26 implicated the Energy Ministry's General Directorate of Mining, along with two companies that operated the mine, in the accident because it allowed the mine to be reopened even though problems found in an inspection in August had not been remedied.