

# TURKEY

## EXECUTIVE SUMMARY

Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers. In the June 12 parliamentary elections, considered generally free and fair, the Justice and Development Party (AKP) formed a parliamentary majority under Prime Minister Recep Tayyip Erdogan. Civilian authorities generally maintained effective control of the security forces.

The most significant human rights problems in the country during the year were:

1. Deficiencies in effective access to justice: Broad laws against terrorism and threats to the state, political pressure, and inadequacies in the judicial system limited access to justice, as did lengthy pretrial detention and lack of transparency in the prosecution of cases related to state security. The time lag between arrests and presentation of indictments; leaks of information, evidence, or statements; restricted defense access to evidence put forward by the prosecution; and the secrecy of the investigation orders also fueled concerns about the effectiveness of judicial protections for suspects. The close connection between prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases, while the broad authority granted to prosecutors and judges contributed to inconsistent and uncertain application of criminal laws. During the year the government adopted judicial reforms to speed up and improve judicial processes.

2. Government interference with freedom of speech and press: The penal code and antiterror law retain multiple articles that restrict press freedom and public speech on politically and culturally sensitive topics. The arrest and prosecution of journalists, writers, and Kurdish intellectuals and political activists, coupled with condemnatory speeches by political leaders, had a chilling effect on freedom of expression. Politicians, including the prime minister, sued their critics for defamation at all levels. More than 100 journalists remained imprisoned at year's end, with most charged under antiterrorism laws or for connections to an illegal organization. Intellectuals, writers, journalists, and media outlets increasingly report practicing self-censorship to avoid prosecution, although the media continued to criticize government leaders and policies daily and in many cases adopted an adversarial role with respect to the government. The government and the courts limited access to a broad range of Web sites based on their content.

3. Inadequate protection of vulnerable populations: The government did not effectively protect vulnerable populations, including women, children, and lesbian, gay, bisexual, and transgender (LGBT) individuals, from societal abuse, discrimination, and violence. Violence against women, including so-called honor killings and rape, remained a particularly significant problem. Child marriage persisted.

Other significant human rights problems reported during the year included: Security forces committed unlawful killings. Demonstrations in the country's southeast and elsewhere related to the Kurdish issue, student's rights, and activities of the Higher Education Board (YOK) were marred by violence, and members of the security forces allegedly used excessive force. Prisons were overcrowded. Law enforcement officials did not always provide detainees immediate access to an attorney.

The government investigated reports of abuse by security forces and other government officials, but the number of arrests and prosecutions was low, and convictions remained rare. Impunity was a problem.

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

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

Neither the government nor its agents committed politically motivated killings; however, security forces killed some individuals during the year.

The domestic nongovernmental organization (NGO) Human Rights Foundation (HRF) alleged the police, military, and Jandarma, a paramilitary force under the joint control of the Ministry of Interior and the military and charged with policing rural areas, were responsible for 58 civilian deaths and 25 serious injuries during the year, primarily due to airstrikes or firearms. The HRF alleged that security forces caused the deaths of several persons during demonstrations.

Reports from the security forces (military, Turkish National Police (TNP), and Jandarma) indicated that approximately 31 civilians were killed and 53 were injured in armed clashes related to the struggle against the Kurdistan Workers' Party (PKK) terrorist organization in the first 10 months of the year. Approximately 220 members of the security forces were killed and 475 were injured, and 303 alleged terrorists were killed and five were injured in the first 10 months of the year. Most of the clashes between terrorists and security forces

occurred in the Southeast. The number of civilian deaths and injuries rose from 2010, while the number of security forces' deaths and injuries more than doubled.

On December 28, military aircraft killed 34 civilians near the town of Uludere in an airstrike intended to kill members of the PKK. The government's investigation was underway at year's end.

On May 31, during an anti-AKP government demonstration around the pre-election visit of Prime Minister Erdogan to Hopa, retired teacher Metin Lokumcu died of a heart attack. The Turkish Medical Association subsequently declared his death was caused by tear gas used by security forces. Human Rights Watch (HRW) reported in its 2011 country summary that doctors also documented injuries on individuals who reported being beaten and ill-treated by police during the demonstration's dispersal and in detention. Some police officers also sustained injuries, at least one seriously. In September seven demonstrators were acquitted of spreading terrorist propaganda. Five demonstrators remained on trial before the Hopa Court of First Instance for participating in an unlawful demonstration, resisting police, and damaging public property. An additional 28 persons remained on trial before the Ankara 11th High Criminal Court under allegations of membership in an illegal organization because they protested the death of Lokumcu. Ministry of Interior inspectors recommended prosecution of the subprovincial Jandarma commander and police chief in connection with the incident. The investigation into police mistreatment continued at year's end.

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

On July 19, the Jandarma fired approximately 500 bullets at two teenagers walking to their village in Samsun, killing 16-year-old Gokhan Cetintas. The Samsun deputy governor recommended the Ministry of Interior pay 21,683 lira (\$11,730) as compensation to Cetintas's family. The unit commander was arrested but released until trial, which was pending at year's end. Human rights organizations continued to assert that the government's failure to clearly delineate in the law appropriate situations for the use of lethal force contributed to cases of disproportionate use of force. The Jandarma, however, reported that various laws and regulations define proportionate use and escalation of force and that security forces followed those rules.

In September the Court of Appeals overturned on procedural grounds the June 2010 conviction of 21 suspects in the death of Engin Ceber, who died of a brain hemorrhage in 2008, reportedly as a result of a beating by security forces during detention and later by prison officials. Four of the 21 officials had received life imprisonment, the first time that state officials were sentenced to life imprisonment for causing death through torture. The case was pending retrial in a local court at year's end.

On July 25, a juvenile court sentenced Ogun Samast to nearly 23 years in prison for the 2007 killing of prominent human rights activist Hrant Dink. In his final testimony to the court, Samast blamed certain newspapers and columnists for inciting him to commit the crime. Prosecution of Samast on other charges continued at year's end.

According to the Jandarma, land mines killed seven civilians and 27 security personnel during the year. The HRF said that land mines and unattended explosives killed four civilians and injured 22 during the year.

On several occasions throughout the year, the government used military aircraft to attack areas where the PKK terrorist organization was active in northern Iraq. According to press reports, fire from Turkish aircraft killed seven civilians in Iraq on August 21.

### **b. Disappearance**

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

There was a lack of progress on investigating previous cases of disappearances. The UN Office of the High Commissioner on Human Rights' Working Group on Enforced and Involuntary Disappearances 2010 annual report stated that the country still had 61 unresolved disappearance cases.

### **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. The government pursued efforts to ensure compliance with legal safeguards to prevent torture and mistreatment through its ongoing campaign of "zero tolerance" for torture.

Human rights organizations continued to report cases of torture and abuse, especially while the alleged victim was in police custody but not in a place of detention, during demonstrations, and transfer to prison. They alleged that torture and abuse largely occurred outside of detention centers in more informal venues where it was harder to document.

Courts investigated allegations of abuse and torture by security forces during the year but rarely convicted or punished offenders. Authorities typically allowed officers accused of abuse to remain on duty during their trial.

On October 12, students from primary and high schools in Mardin protested against violence at school. The Human Rights Association (HRA) reported the police intervened in the protest, hustled 19 students into an abandoned minefield, beat the juveniles, and took them into police custody. The Mardin deputy governor informed the HRA that due to the incident one police officer was given a 16 months' suspension per the police organization statutes for "acting and behaving in a way that affected the respect and trust required by his official title during his service." Human rights groups complained about the lack of a criminal investigation of torture in this case.

The Council of Europe's Committee for the Prevention of Torture (CPT) on its fifth periodic visit to the country reported a continued downward trend in both the incidence and the severity of mistreatment by law enforcement officials. It also reported credible allegations of recent physical mistreatment mainly related to excessive use of force during apprehension. In response to the report, authorities issued a circular to all central and provincial police units, emphasizing the need to avoid mistreatment and excessive use of force.

In its October progress report, the EU Commission reported that security forces frequently initiated counterclaims for resisting arrest against people who alleged torture or mistreatment and that such cases were often given priority in courts. Domestic human rights organizations agreed and claimed this practice deterred victims of abuse from filing complaints.

On July 16, Fevziye Cengiz was taken into police custody because she did not have her identification card while at a nightclub with her husband in Izmir. Police took her into custody as her husband went to get her identification from the car. Cengiz filed a complaint with the İzmir Chief State Prosecutor's Office claiming abuse while in custody. The officers subsequently filed a complaint against Cengiz, and

in September prosecutors charged her with “injuring and insulting a civil servant” and sought a sentence of up to six-and-a-half years in prison. On November 28, prosecutors charged the two police officers with “using excessive force” and requested a sentence of six to 18 months. Cengiz’s lawyers and human rights groups criticized the indictment, noting the police officers should be charged with torture and mistreatment. In December an official tape of her arrest was released to the media showing Cengiz being beaten and slapped by two police officers while handcuffed. After public outrage, the Izmir Governorship requested a Ministry of Interior investigation. The three police officers were reassigned to other positions and remained with the Izmir police. The case continued at year’s end.

The HRF received 419 new allegations of incidents of torture during the first 10 months of the year. Of these incidents, 187 allegedly occurred in the first 10 months of the year while 232 took place prior to 2011. A number of human rights observers claimed that only some detainees reported torture and abuse because many feared retaliation or believed that complaining was futile.

The TNP reported that, in line with the government’s “zero tolerance for torture” policy, it installed digital audio and video systems in 15 detention centers and testimony rooms during the year, bringing the total up to 63 out of more than 2,000 detention centers and testimony rooms.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses such as speaking out against the government, although they were less likely to report abuse. They also noted that gay men and transvestites were subject to abuse and harassment by police on “moral” grounds.

Human rights organizations documented cases of prison guards beating inmates. During the year three wardens and a prison director at Kalkandere Prison in Rize were arrested for beating and mistreating inmates. The trial was ongoing at year’s end.

On August 24, according to the HRF, an inmate filed a criminal complaint against officials at the Tekirdag prison in connection with the alleged June 2010 beating of three inmates for singing “human dignity will overcome torture.” As of year’s end, authorities had not opened an investigation. After the complaint was filed, the three inmates were each allegedly given more than a month of solitary confinement.

## **Prison and Detention Center Conditions**

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

The HRF reported 27 deaths of prison inmates and four deaths in detention through October. The Ministry of Justice reported that, as of October 25, 225 inmates had died in prison: 198 of natural causes, 26 by suicide, and one killed by fellow inmates. The Turkish General Staff (TGS) reported there were no deaths of detainees or convicts in military prisons during the year.

As of October 31, the Ministry of Justice reported the country had 371 prisons with a designed capacity of 116,043 holding a total of 127,074 inmates, including 36,429 in pretrial detention, 17,484 convicted and awaiting appeal, and 73,161 convicted. As of October 31, 3,768 inmates in pretrial detention were facing terrorism-related charges. The TGS reported 25 military prisons with a capacity of 5,300 were holding a total of 850 prisoners, 694 of whom were arrestees with trials in progress.

The CPT expressed serious concern about the inadequate provision of health care to prisoners and a dramatic shortage of doctors in prisons. According to the Civil Society in the Penal Punishment System Association (CISST), during the year the government made an improvement by attaching prison doctors to the Ministry of Health. The CISST reported that 240 arrestees or convicts were denied access to proper health services during the year, particularly those with paralysis or cancer, and called for them to be released or provided with hospital services in prison. Foreigners who claimed asylum after being detained by security forces were held in “guest houses for foreigners” operated by the Foreigners’ Department of the TNP. The CPT delegation found major shortcomings in the detention centers for immigration detainees, including severe overcrowding, dilapidated conditions, and limited access to natural light and exercise. They reported few allegations of abuse by security officials at the detention centers.

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

In July 2010 the government amended the antiterror laws to prohibit prosecution of minors under the laws, reduce punishments for unlawful demonstrations and meetings, and allow for the release of minors who had previously been tried and

convicted under the laws. The Ministry of Justice reported that in 2010, 1,023 children received convictions and 857 received acquittals under various articles of the penal code, the Antiterror Law, and the Law on Demonstrations.

As of October 31, there were 2,231 children in prison, including 1,825 in pretrial detention. Human rights activists noted that children, particularly girls, were not fully separated from adults in all adult prisons. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to see a judge once a month. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner.

The parliament's Human Rights Investigation Commission (HRIC) reported open authorization to visit and observe military prisons. The HRIC visited two civilian prisons and one military prison during the year. The government permitted prison visits by representatives of some international and domestic human rights organizations, although access remained difficult to obtain.

The CPT visited PKK leader Abdullah Ocalan in Imrali Prison in January 2010. The CPT's report on the visit stated the conditions of imprisonment for Ocalan had improved compared with 2007. Ocalan's lawyers and family members last had access to him in July.

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

The law prohibits arbitrary arrest and detention. However, the government at times did not observe these prohibitions in practice.

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

The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma is responsible for specific border sectors where smuggling is common, although the military has overall responsibility for border control.

A civil defense force known as the village guards, concentrated in the Southeast, was less professional and disciplined than other security forces. The village guards had been accused in past years of drug trafficking, corruption, theft, rape, and other abuses. Impunity remained a problem. During the year the government reduced the number of village guards to 45,081 from 47,854.

The TNP and Jandarma received specialized training in areas including human rights and counterterrorism. Thousands of security personnel received human rights training as part of their ongoing training during the year. According to the government, the military emphasized human rights in training for both regular and noncommissioned officers. A total of at least 32 hours of human rights training was given to Jandarma officers, noncommissioned officers, and cadets during basic training courses. Each year the TNP provides training on human rights to one-fifth of all personnel. During the year the Public Order and Security Undersecretariat published a text on human rights and the fight against terrorism, providing instruction on compliance with the European Court of Human Rights (ECHR) jurisprudence, to be utilized in the Jandarma and TNP training courses.

A total of 48 Jandarma personnel were dismissed during the year. The TNP reported that, as of October 25, 133 judicial or administrative investigations had been opened against TNP personnel for excessive use of force. One investigation resulted in a short-term block on promotions. Investigations were dropped in 95 incidents because there was “no need to punish” or prosecute. Investigations continued in 37 incidents at year’s end.

### **Arrest Procedures and Treatment While in Detention**

Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. Suspects must be told of the charges against them within 24 hours. A suspect cannot, under the law, be held arbitrarily or secretly. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, for crimes requiring punishments of up to three years. For more serious crimes, however, the judge decides either to release the defendant on his or her own recognizance or hold the suspect in custody prior to trial completion if there are specific facts which justify the suspicion that the suspect will flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. In practice judges often decided to keep suspects in detention when it did not appear necessary for the public interest, and the decision was often not clearly justified.

The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law also requires that the government provide indigent detainees with a public attorney in criminal cases

where the defendant requests an attorney. In cases where the potential sentence is greater than five years, or where the defendant is a child or is disabled, a defense attorney is appointed even without the defense request. Detainees were generally allowed prompt access to family members. However, human rights organizations reported difficulties in helping families find out whether a relative had been detained because the government refused to release such information to the organizations or the families.

Private attorneys and human rights monitors reported irregular implementation of these laws, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees continued to vary widely across the country.

Human rights observers noted that in most cases where a defendant could not afford an attorney, one was provided. However, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. The HRA claimed that police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention.

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

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

In October 2010 the government began the trial of 153 persons, including several elected mayors, political party officials, and a human rights activist in Diyarbakir. The defendants were charged in a 7,578-page indictment with disrupting the integrity of the state; being members and/or administrators of the Kurdistan Communities Union (KCK), the umbrella political organization of the PKK; and assisting and sheltering a terrorist organization, among other charges. HRW stated that the case raised concerns about the right of individuals to participate in political activities. The defendants’ request to defend themselves in Kurdish instead of Turkish was denied by the court, which called Kurdish an “unknown language.”

The BDP reported that, from the time the anti-KCK operation and investigations began in 2009 until October 2011, police detained a total of 7,748 persons and, of these, arrested 3,895. The BDP also reported that between April and September alone, police detained 4,149 persons, arresting 1,548.

Pretrial Detention: At the end of 2010, a new provision of the criminal procedure code came into effect that limited to 10 years the maximum length of time a person could be held for organized crime and terrorism-related offenses, and limited to five years the maximum length of time a person could be held for other offenses, including three one-year extensions. Lengthy detention before a verdict was generally a problem. Judges have ordered that some suspects be held for long periods or even indefinitely without trial but with the right to come before a judge each month. The Ministry of Justice reported that criminal cases averaged 384 days for completion. The Ministry of Justice also reported that, out of a total of 127,074 individuals imprisoned, 36,429 were in pretrial detention, 17,484 had been convicted and awaited appeal, and 73,161 had been convicted and were serving their sentences.

The Council of Europe commissioner for human rights' 2011 report *Administration of Justice and Protection of Human Rights in Turkey* stated that in most cases judges failed to sufficiently reason their decision to extend detention in custody, state the exact grounds for suspicion in their decision, or evaluate specific evidence regarding the risk of absconding or interfering with the course of justice. The report noted that judges rarely accepted any dissenting grounds from the defense and that decisions to extend detention appeared almost automatic, with judges approving most requests without a detailed case file examination.

Throughout the year prosecutors in Istanbul continued to arrest and indict prominent military, business, and media personalities on charges of plotting to foment unrest and topple the elected government as members of an alleged network known as "Ergenekon." More than 250 persons were indicted by year's end. Some opposition politicians, members of the press, and critics of the government considered many of the indictments to be politically motivated. According to journalists associations, 16 of those imprisoned in connection with the Ergenekon case were journalists. Most of the defendants were held in pretrial detention. Dozens of defendants have been held for long periods, a common practice in the country, although some were released pending trial during the year. Since the investigation began in 2007, there have been no convictions in the case, and trials continued at year's end.

On December 16, the first session of a trial of 195 suspects in the alleged “Sledgehammer” coup plan began. The suspects, who included active duty military generals and civilians, were accused of obstructing the government and plotting to overthrow it. Most remained in pretrial detention. Some observers saw this trial as politically motivated, while others saw it as bringing to justice those who attempted to overthrow the government. Since the investigation began in 2010, there have been no convictions in this case, and the trials continued at year’s end.

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

The law provides for an independent judiciary. However, the judiciary was occasionally subject to outside influence. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power.

The High Council of Judges and Prosecutors (HSYK) selects judges and prosecutors for the country’s courts and is responsible for court oversight. The constitution provides tenure for judges, but the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands.

Critics asserted that the government used its influence among judges and prosecutors to ensure the election of handpicked candidates to the HSYK and contended the president, a former member of the ruling party, would be likely to select pro-government candidates as well.

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

The associations also noted that public defense attorneys undergo less rigorous training than their prosecutorial counterparts and are not required to take an examination to demonstrate a minimum level of expertise.

Constitutional amendments adopted in 2010 allow individuals to apply directly to the Constitutional Court for redress starting in September 2012. Previously, only the lower courts, the president, and under certain conditions, members of parliament could apply to the court.

The constitution provides for the trial of military personnel in civilian courts if their alleged crime was committed against the state, constitutional order, or the functioning of constitutional order. The constitution also provides for civilian judicial review of decisions of the Supreme Military Council.

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

### **Trial Procedures**

Defendants enjoy a presumption of innocence. Courtroom proceedings are public for all cases except those involving minors as defendants. Court files, which contain the indictment, case summaries, judgments, and other court pleadings are closed to everyone other than the parties to a case, making it difficult to obtain information on the progress or results of court cases. 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 behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy the right to appeal, although appeals generally took several years to conclude.

International human rights organizations and the European Commission's October progress report stated the courtroom structure and rules of criminal procedure give an unfair advantage to the prosecution. Prosecutors enter the courtroom through the same door as the judge; defense attorneys enter through a separate door. Prosecutors sit at an elevated desk at the same level as that of the judge; the defense sits at floor level.

Defendants sometimes waited several years for their trials to begin. Subsequently, trials often last several years. Proceedings against security officials often were delayed because officials did not submit statements promptly or attend trials. In spring 2011, the government adopted judicial reform packages intended to speed up and improve judicial processes.

While the law prohibits the use in court of evidence obtained by torture, prosecutors in some instances failed to pursue torture allegations, forcing

defendants to initiate a separate legal case to determine whether the inclusion of evidence was lawful. Human rights organizations reported that, in such instances, the primary case frequently was concluded before the secondary case was decided, leading to unjust convictions.

### **Political Prisoners and Detainees**

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

According to the Ministry of Justice, as of October 31, 3,884 suspects were in pretrial detention, 3,768 convicted, and 365 convicted and awaiting appeals on terrorism-related charges.

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

Article 90 of the constitution states that “in the case of a conflict between international agreements in the area of fundamental rights and freedoms... the provisions of international agreements shall prevail.” Individuals may appeal alleged violations of human rights by the state to the ECHR after all avenues for a remedy in the domestic legal system have been exhausted. The country’s courts are subject to the jurisdiction of the ECHR, whose decisions bear the force of law and take precedence over case decisions from the Court of Appeals or Constitutional Court.

According to the European Commission’s October progress report, Turkey has abided by the majority of ECHR rulings but has not followed up some rulings for several years. These included decisions related to depriving defendants of liberty for several years without due process of law; repetitive prosecution and conviction of conscientious objectors; as well as other issues related to controlling the activities of security forces, effective remedies against abuse, restrictions on freedom of expression, and excessive length of pretrial detention.

During the year the Ministry of Justice created a new human rights office to facilitate implementation of the country’s obligations under the ECHR.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered, including for alleged human rights violations. Individuals should be able to apply directly to the Constitutional Court for redress starting September 12, 2012.

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

The constitution protects the “secrecy of private life” and states that people have the right to demand protection and correction of their personal information and data.

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

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

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

##### **Status of Freedom of Speech and Press**

International and domestic human rights organizations noted particular concern with an overly broad definition of terrorism under the antiterror law and the disproportionate use of the antiterror law against journalists and writers. They also emphasized that the penal code contains multiple articles that directly restrict press freedom and free speech, including provisions on praising a crime or criminal, inciting the population to enmity or hatred and denigration, and protecting the public order; providing protection of the confidentiality of investigations; attempting to influence the judiciary; insulting the Turkish nation, the republic, and organs and institutions of the state; and discouraging individuals from doing their military service. Committing some of these acts through the press or other publications is also considered an aggravating circumstance and increases the punishment by half. The press law and the law on the protection of Ataturk are also used to restrict freedom of expression.

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 people sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued in the public sphere, particularly on problems relating to political Islam, Kurds, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, many who wrote or spoke on such topics risked investigation, although there were fewer such cases than in previous years.

Article 301 of the penal code criminalizes insults to the Turkish nation, but use of this article continued to decrease. According to the Ministry of Justice, the minister received 305 complaints concerning Article 301 during the year and rejected 297 of them. The minister gave permission for the remaining eight cases to proceed.

Throughout the year, police and the judiciary increased pressure on members of the BDP. Human rights activists and party officials claimed that authorities were continuing to prosecute more than 4,000 cases against Kurdish politicians at year's end. Most members were investigated and prosecuted for alleged ties to the KCK, or for making statements critical of the government or in support of the PKK or its leader, Abdullah Ocalan.

Diyarbakir mayor Osman Baydemir continued to face multiple administrative, civil, and criminal charges and investigations for use of the Kurdish language, spreading terrorist propaganda, and promoting terrorism. During the year prosecutors opened 13 new investigations or cases against Baydemir. Most of the cases involved Baydemir's expression of his political views or speaking Kurdish at public events. During the year he received at least two acquittals and four convictions but he remained in his position as mayor. Many cases and appeals were pending at year's end. For example, in February the Ankara 10th Civil Court of First Instance ordered Baydemir to pay 30,000 lira (\$16,800) in compensation to Prime Minister Erdogan for a 2009 statement that "We tell the ones who divide us into hawks and doves to go to hell," which the court decided constituted an attack on Erdogan's "personal rights." The appeal was pending at year's end.

The provision of legal interpretation services is limited to situations where a defendant does not have sufficient command of Turkish to defend himself or herself or where the defendant or victim is disabled. In December 2010 a Diyarbakir court rejected a request by 17 defendants to defend themselves in

Kurdish while they stood trial for supporting of terrorism after returning from Iraq in 2009. However, a Sanliurfa court the same month allowed defendants to defend themselves in Kurdish. Inconsistent court decisions regarding the use of languages other than Turkish were prevalent throughout the country.

Freedom of Press: The country had active privately owned print media. Hundreds of private newspapers spanning the political spectrum appeared in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. However, authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source. According to the TNP, authorities confiscated 70 books and periodicals, 28 of them within the framework of the antiterror law.

The Turkish Radio and Television Corporation is a government-funded semi-autonomous body. The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations which operated at local, regional, and national levels. In addition, privately owned television channels operated on cable networks, and the RTUK granted 11 television and radio enterprises broadcast permits necessary for operation. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests. The concentration of media ownership influenced the content of reporting and limited the scope of debate.

In addition to Turkish, the RTUK allowed radio and television stations to broadcast in Arabic, Armenian, Assyrian, Bosnian, Circassian, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year.

Violence and Harassment: Prosecutors continued to bring dozens of cases against writers, journalists, and political figures under various laws that restrict media freedom. Authorities at times also ordered raids on newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government. On December 20, Reporters without Borders noted operations that “flout the right to the confidentiality of sources” of journalists and insisted that Turkish authorities “must stop trying to criminalize journalism, including politically committed journalism.” The independent news entity BIANET reported that, at the end of the year, there were 104 imprisoned

journalists, most in pretrial detention, 17 of whom were editors in chief. They also reported the imprisonment of 30 distributors. Most of these journalists were charged under antiterror laws. Observers reported government officials and state bureaucrats made statements throughout the year that appeared intended to influence the independence of the media.

According to media reports, as of year's end more than 5,000 cases were pending against journalists for breaching the confidentiality of criminal investigations or attempting to influence judicial bodies, including many related to the Ergenekon investigation.

During the year ideologically motivated attorneys and prosecutors filed numerous civil and criminal complaints against authors and publishers.

In March the Court of Appeals sentenced Nobel Laureate Orhan Pamuk to pay 6,000 lira (\$3,200) in nonpecuniary damages to six persons for "violation of one's personality" by having said in a Swiss publication in 2005, "We have killed 30,000 Kurds and one million Armenians." The Court of Appeals insisted that one's personality included such concepts as "professional identity, honor, dignity, race, religion and nationality, as well as feelings of belonging to a nation."

On March 2, the Court of Appeals overturned the 2010 decision of a lower court to sentence Vedat Kursun, former editor in chief of the Kurdish-language newspaper *Azadiya Welat*, to 166 years in prison for membership in a terrorist organization and violating antiterror laws in connection with 102 articles he had written in 2007 and 2008 and ordered a rehearing. In June the Diyarbakir Fifth Heavy Penal Court sentenced him to 10 years and six months' imprisonment. The appeal was pending at year's end.

On March 10, an Istanbul Heavy Penal Court sentenced writer Nur Mehmet Guler to 15 months' imprisonment and publisher Ragip Zarakolu to a 16,000 lira (\$9,000) fine for contributing to the "propaganda of an illegal terrorist organization" under the antiterror law for a book entitled the *KCK File*. The case was pending appeal at year's end. On September 30, a case was opened against Zarakolu for publishing another book about the Kurdish issue. The case continued at year's end. Separately, in November Zarakolu was arrested and imprisoned in conjunction with the KCK book case.

On December 28, an Ankara court continued the case against publisher and writer Temel Demirer for a statement he made after the 2007 Dink killing that "Hrant

Dink was not killed for being Armenian but for recognizing the genocide.” The case continued at year’s end.

On September 9, an Istanbul court accepted an indictment against journalists Nedim Sener and Ahmet Sik and 12 other persons for supporting a terrorist network accused of plotting a coup related to the Ergenekon trial. The indictment sought 15 years’ imprisonment. On January 23, the Istanbul 16th Heavy Penal Court rejected the motion for Sener and Sik to be released from prison until the completion of the trial. During the year Sener and Sik were charged in other cases for crimes such as “influencing the judiciary” or “violating the confidentiality of an investigation” and acquitted.

Censorship or Content Restrictions: Printing houses were required to submit books and periodicals to prosecutors at the time they were published. The TPA reported that publishers often avoided works with controversial content in order to stay out of court. It also reported that the prohibition and recall of books remained a concern. Several publications were recalled pending a final court decision during the year.

During the year authorities continued to file numerous cases against publications under antiterror laws. The HRF reported that the laws contain an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The Istanbul Heavy Penal Court Number 12 ruled to stop the publication of the daily Kurdish *Azadiya Welat* newspaper for 15 days beginning June 13, and ordered the confiscation of the June 12 issue, based on alleged terrorist organization propaganda. At least 10 *Azadiya Welat* journalists were also imprisoned on terrorism-related charges by the end of the year. The Istanbul Heavy Penal Court Number 14, on July 8 decreed a one-month ban on the *Ozgur Gelecek* newspaper for an interview in its July 8-21 issue with a regional commander of the TKP/ML-TIKKO, which the government considers a terrorist organization.

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

On December 13, an Istanbul penal court held the third hearing of a November 30 indictment of the Metis Publishing House and seven defendants for publishing a

2010 Illallah (I've Had Enough) calendar allegedly ridiculing religious values. The calendar includes quotes from intellectuals such as George Bernard Shaw, Umberto Eco, Fyodor Dostoyevski, James Joyce, Albert Einstein, Bertrand Russell, and Galileo Galilei. The case was ongoing at year's end.

Human rights activists and the media reported that authors increasingly practiced self-censorship to avoid prosecution. Observers also reported that, with the consolidation of media outlets into a few media conglomerates with other business interests, media entities increasingly practiced self-censorship in order for such conglomerates to remain eligible for government contracts. Journalists reported media outlets went as far as firing some individuals for being too controversial or adversarial with the government over fears of jeopardizing other business interests.

Libel Laws/National Security: Observers reported that government officials used defamation laws to stop political opponents from voicing criticism, particularly during the June 12 parliamentary election campaign.

Publishing Restrictions: Media activists reported the Ministry of Culture sometimes denied approval of a barcode required for all publications as a means of censorship.

### **Internet Freedom**

The government maintained extensive restrictions on Internet access. The Internet law allows the government to prohibit a Web site if there is sufficient suspicion that the site is committing any of eight crimes: insulting Atatürk; engaging in obscenity, prostitution, or gambling; or encouraging suicide, sexual abuse of children, drug abuse, or provision of substances dangerous to health. Upon receiving a complaint or as a result of personal observations, a prosecutor may request that a judge prohibit access to the offending site or, in an urgent situation, the Telecommunication Internet Presidency (TIB) may prohibit access while the complaint is examined. In either case, a judge must rule on the matter within 24 hours. Following a judicial decision to uphold the complaint, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. ISP administrators may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows people who believe a Web site violates their personal rights to request the TIB to order the ISP to remove the offensive content. The antiterror law and other sections of the penal code were also used to block Web sites.

There were no official figures on the number of blocked Web sites. However, Engelliweb, an NGO working on Internet freedom issues, reported that, as of December 31, authorities had blocked 15,595 Web sites, more than doubling the number reported in 2010. The Information Technologies Institute (BTK) reported 81 percent of the sites that were blocked contained pornography.

On September 21 an Ankara Heavy Penal Court ruled to bar access to 16 Kurdish-related Web sites, including [welat.org](http://welat.org) and [firatnews.org](http://firatnews.org), as well as Kurdish video and radio Web sites, such as [medciwan.com](http://medciwan.com).

In 2010 the TIB banned *Playboy* magazine's Web site without a court order, based on "a legal evaluation" of the Internet law on obscenity. The ban remained in force at year's end.

The BTK reported there were 25,850 Internet cafes in the country. Internet cafes were primarily used by young people. Under the Internet law, mass use providers, including Internet cafes, can only operate if they are granted an official activity certificate obtained from a local authority representing the central administration. The providers are required to deploy and use filtering tools approved by TIB. Providers who operate without official permission face administrative fines. As of December Internet activists reported that more than one million Web sites were blocked in Internet cafes in the country. The Web sites for many mainstream LGBT organizations were among those blocked, including the Kaos GL news portal.

Additional Internet restrictions were applied in government and university buildings. On September 21, parliamentarian Aylin Nazliaka submitted a parliamentary question to the prime minister challenging blocked access to the LGBT sites of Kaos GL and Lambda Istanbul from Internet stations at the parliament building. Both organizations were on the "black list" of forbidden sites issued by TIB.

In August, after significant public and international protest against a mandatory filter, the government revised a plan to introduce a regulation of the principles and procedures for safe usage of the Internet. In November the BTK implemented a nonmandatory filter, with two voluntary options, for "child" and "family." Civil society organizations continued to criticize the program, both for the government's involvement in deciding what is appropriate for family or child use on the Internet, and a lack of transparency into the criteria used to block sites. The Alternative

Information Association opened a case at the State Council against the new regulation stating the BTK was not entitled to make such a decision.

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 and generally did so in practice.

### **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 and students groups continued to criticize constraints placed on universities by law and by the actions of YOK that limits the autonomy of universities in staffing, teaching, and research policies and practice.

In August the government issued a decree with the force of law that changed the process of appointment to the Turkish Academy of Sciences (TUBA). Previously, TUBA members reviewed and elected all new scientists to join as members. With the new decree, TUBA members will elect one-third of the members, YOK will assign one-third of the members, and the Cabinet of Ministers will assign one-third of the members. Leading academics and scientists criticized the change as a politicization of scientific endeavors that will eliminate scientific autonomy and undermine scientific standards. Half of the 138 TUBA members resigned in protest.

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

#### **Freedom of Assembly**

The law provides for freedom of assembly. However, the government required significant prior notification for gatherings and in some cases restricted meetings to designated sites.

The HRF reported that security forces killed six persons during demonstrations, an increase from the previous year. There were reports that police beat, abused, or harassed demonstrators during the year. The HRF reported that police detained 1,916 and arrested 293 persons involved in demonstrations during the year. The detentions varied in length from several hours to several days. HRW criticized the

arbitrary use of terrorism laws to restrict freedom of expression and assembly and to punish demonstrators as though they were armed militants.

Human rights organizations reported that arrests of students involved in peaceful political protests discouraged students from some political activities. On October 6, an Istanbul court decided to try on release (similar to release on their own recognizance) Ferhat Tuzer and Berna Yilmaz, after 17 months of pretrial detention stemming from charges of “membership in an illegal organization.” The two had opened a banner during a speech of Prime Minister Erdogan at a Romani meeting in Istanbul in March 2010 that read, “We want free education and we will get it.” The case continued at year’s end.

Public events in March celebrating the Nevruz holiday were generally peaceful. The European Commission’s October progress report noted that demonstrations in the southeast of the country and in other provinces related to the Kurdish issue, student’s rights, the activities of YOK, and trade union rights were marred by violence, including incidents of the use of excessive force by security forces.

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

### **Freedom of Association**

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

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

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

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

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

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the government limited these rights in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other people of concern. While the country signed the 1951 UN Refugee Convention and its 1967 protocol, the government ratified the protocol with a geographic limitation acknowledging refugees only from Europe. While most asylum seekers are thus not considered refugees under Turkish law, the government grants temporary asylum to UNHCR-recognized refugees. Refugees were assigned to satellite cities where they received services from and were the responsibility of provincial governorates. They needed permission from local authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies.

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. The government maintained roadway checkpoints in the southeast, where it maintained a heavy security presence, but it reduced their number substantially compared with 2010.

At times the terrorist PKK blocked roads, set up checkpoints, and kidnapped civilians and government authorities in southeastern provinces. In one such example in September, a group of armed PKK terrorists in the province of Siirt randomly stopped vehicles and subsequently kidnapped and killed Abdullah Ozturk.

The government assigns asylum seekers and UNHCR-recognized refugees in Turkey to one of more than 50 cities and to the responsibility of the respective provincial authorities. Restrictions on moving from that city have economic as well as social consequences as local officials have significant discretion in working with refugees and NGOs, and their response varied widely.

Asylum seekers are requested to register with Turkish authorities to legalize their temporary stay in the country. The UNCHR reported that, as there is no local integration prospect for refugees in Turkey and voluntary repatriation is currently not the best alternative solution for the present caseload, resettlement is often the only available solution for individuals in need of an immediate durable solution. A refugee accepted by a third country for resettlement needs to obtain exit permission before leaving Turkey. In the past, such permission was withheld until the individual paid a pending residence permit fee and any possible accumulated fines. In 2010 the Ministry of Interior issued a circular encouraging governorates under the relevant article of the legislation to favorably consider exemption from these fees whenever the refugee is not financially in position to pay. While the implementation is not yet uniform in every single location, the 2010 circular explicitly refers to the previous difficulties in refugees and asylum seekers exiting Turkey. Since the circular was issued, the UNCHR reported that in general the previous difficulties some refugees had in obtaining exit permits had been almost completely removed. No data was available at year's end regarding the number of waivers granted.

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

Fighting between security forces and the terrorist organization PKK, which began in 1984 and continued during the year, resulted in hundreds of thousands of citizens, the vast majority of whom were Kurds, living as IDPs in the country. The Internal Displacement Monitoring Center reported as many as 1.2 million, while some human rights groups put the number significantly higher. Many IDPs settled permanently in cities in the west, especially around Izmir and Istanbul, but some faced discrimination and limited opportunities. According to the TNP, a total of 187,861 citizens had returned voluntarily to their villages in the Southeast as of October, although many more did not return due to continued insecurity and concerns about the presence of village guard militias, landmines, and lack of basic social services and economic opportunities in the region.

The law allows persons who suffered material losses due to actions by the PKK or security forces during the conflict with the PKK to apply to the government for compensation. The EU Commission's October progress report stated that since 2008 the government had made progress on compensating for losses due to terrorism and the fight against terrorism, but it noted payment delays. Rejected applicants for compensation appealed government decisions in administrative courts, and several of them applied to the ECHR. Local NGOs and regional bar

associations maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR.

Voluntary and assisted resettlement continued. In a few cases, IDPs could return to their former homes, while in other cases centralized villages were constructed. The Jandarma reported that, as of October, it had provided compensation totaling 2.6 billion lira (approximately \$1.4 billion) for losses stemming from the fight against terrorists.

### **Protection of Refugees**

Access to Asylum: An administrative regulation provides for the granting of asylum or refugee status. The country accepts its obligations under the 1967 Protocol relating to the Status of Refugees only with respect to refugees from Europe. During the year the Ministry of Interior conducted a parallel refugee status determination process subsequent to the UNHCR's determination and affirmed the latter's decisions in nearly all cases. The law does not have a strict time limit for asylum seekers or require them to present a valid identity document.

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

While most asylum seekers in the country cannot be considered refugees under Turkish law, the law requires that the government grant temporary asylum to persons declared refugees by the UNHCR.

Nonrefoulement: The UNCHR reported one Iraqi prima facie refugee was deported to Iraq after he was apprehended in Greece and readmitted to Turkey. The UNHCR sometimes had difficulty gaining access to interview potential refugees who had already been detained or arrested by security forces for illegal entry into the country.

The government's visa policies generally facilitated easy entry.

In general, Iraqi citizens were able to obtain a 90-day tourist visa upon arrival at the border gates in Turkey. Denial of entry to Turkey is possible if a foreigner has violated visa policy and exceeded visa time limits during a previous stay in the country. Apart from these cases, the UNCHR reported no denial of visa or entry during the year.

Refugee Abuse: The government detained refugees and asylum seekers who entered the country illegally, a practice that Amnesty International criticized during the year. Detainees could be held indefinitely.

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

Access to Basic Services: In 2010 the Ministry of Interior issued a circular containing provisions and administrative measures that would facilitate access to asylum procedures by detained irregular migrants from removal centers. The UNCHR reported this improved the condition of these centers. Provincial governments, working with local NGOs, are responsible for meeting the basic needs of UNHCR-recognized refugees and other asylum seekers who have been assigned to satellite cities in their jurisdictions, including by providing access to employment, healthcare, and education. Basic services are dependent on the goodwill of local officials. Governors have significant discretion in working with refugees and with NGOs, and the response of local officials to refugee presence varied widely.

Temporary Protection: The government provided temporary protection to asylum-seekers who may not qualify as refugees, including people of non-European origin. Syrians began fleeing into Turkey in significant numbers in June in response to the Syrian government's crackdown on protesters in border areas. The government maintained an open border to Syrian arrivals (and to voluntary returns) and responded robustly to the humanitarian needs of the displaced Syrians. As of October the government had provided temporary refuge and assistance to 18,957 Syrian citizens in camps in Hatay. Refugees needed permission from local authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies.

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

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

### **Elections and Political Participation**

Recent Elections: The June 12 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties and human rights groups criticized the 10 percent threshold as unduly high. Three of the 15 parties eligible to run crossed the threshold in the 2011 elections. Candidates who ran as independents were able to bypass the threshold.

In the June 12 election, 36 independent candidates endorsed by the BDP won seats in parliament. On June 21, the Supreme Electoral Board stripped Hatip Dicle, one of the successful BDP candidates, of his seat on procedural grounds, ruling he was ineligible to run for office to begin with because he had been convicted of “supporting propaganda of a terrorist organization” in the past. His seat went to an AKP member. Even though members of parliament are entitled to immunity from prosecution while they are in office, courts in Diyarbakir blocked the release from prison of an additional five successful BDP candidates, two successful Republican People’s Party candidates, and one Nationalist Movement Party candidate previously imprisoned on KCK-, Ergenekon-, and Balyoz-related charges, respectively. The BDP and CHP boycotted the parliament to protest the courts’ decision, and the BDP initiated a civil disobedience campaign. On July 11, the CHP ended its boycott. On October 1, the BDP ended its boycott and joined with independent lawmakers to form a parliamentary bloc. The BDP stated it would continue to work to change the laws to enable the release of the BDP members of parliament it endorsed who were in prison.

In its observation report following the 2011 parliamentary elections, the OSCE noted a comprehensive legal framework for elections and generally assessed that the government demonstrated a broad commitment to holding democratic elections. The OSCE also noted the previous legal prohibition against using any language other than Turkish in political campaigning had been partially repealed

but expressed concern that the constitution and implementing legislation continue to unduly limit freedom of expression, freedom of association, and electoral rights.

Political Parties: Political parties and candidates could freely declare their candidacy and run for election. However, the chief prosecutor of the Court of Appeals could seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court. During the year police raided dozens of BDP offices, particularly in the southeast, and detained more than 1,000 BDP officials and members. Prosecutors also opened numerous investigations and trials against BDP members, mostly for alleged membership or support of the KCK.

Participation of Women and Minorities: There were 79 women in the 550-seat parliament and one woman in the 26-member cabinet. There was one Christian Syriac in the parliament. He was the first Christian to win a seat in the parliament in approximately 50 years.

#### **Section 4. Official Corruption and Government Transparency**

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

The law requires government officials to provide a full financial disclosure including listing physical property every five years and officials generally fulfilled 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 has its own inspector corps responsible for investigating internal corruption. Parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister. A majority vote is needed to send these cases to the courts for further action.

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

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

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally uncooperative and unresponsive to their views, although cooperation increased during the year. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations 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. During the year Amnesty International reported that some human rights defenders were prosecuted for monitoring and reporting human rights violations.

In October 2010 the trial against Muharrem Erbey, president of the HRA in Diyarbakir and vice president of the national HRA, began along with the trial of other suspects in the KCK case in Diyarbakir. The HRA and many international human rights organizations continued to assert that Erbey was arrested for his work at the HRA and as a human rights lawyer. The trial continued at year's end. Additional HRA executives and employees were arrested during the year on KCK-related charges and remain imprisoned at year's end.

Government Human Rights Bodies: The Human Rights Presidency (HRP) was authorized to monitor the implementation of legislation relating to human rights and to coordinate the work of various government agencies in the field of human rights. There were provincial human rights councils under the HRP in all 81 provinces and their constituent subprovinces. The HRP was generally accorded little to no credibility by human rights organizations.

While constitutional amendments adopted in 2010 called for the establishment of an ombudsman's office and an independent human rights commission, as of year's end, neither institution had been established.

Through November 3, the Turkish Parliament Human Rights Committee received 1,512 complaints based on human rights violations. Approximately one-third of the complaints were related to judicial issues, primarily the right to a fair trial, as well as requests to improve the physical conditions and end poor treatment in prisons.

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

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

### Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, with prison terms of two to seven years for sexual assault. However, the government did not effectively enforce the law or protect victims. Victims often waited days or weeks to report incidents due to embarrassment or reprisals, hindering effective prosecution of assailants. Human rights organizations claimed that cases of abuse and rape were heavily underreported. The law prohibits violence against women, but the government did not effectively enforce it. The criminal code does not specifically forbid “spousal abuse” but provides punishment based on the underlying crime, such as assault, wrongful imprisonment, or threats. The civil code states that spousal abuse is a reason for granting divorce. Courts regularly issued restraining orders during the year to protect abused women, but human rights organizations reported that police rarely effectively enforced them. There are also problematic gaps in the law. Law 4320 to protect women against domestic violence, for example, excludes divorced and unmarried women from protection procedures. Some organizations reported that societal acceptance of domestic abuse in some cases contributed to underreporting.

Domestic human rights organizations reported these laws were partially effective. More women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports than in previous years. Women’s NGOs also reported an increase in violence towards women who attempted to use their legal rights.

Violence against women, including spousal abuse, was a serious and widespread problem both in rural and urban areas. Government statistics on violence against women are inadequate. The Turkish Women’s Association Federation reported that in the first 10 months of the year, 208 women were killed. They reported 65

cases of suspected deaths or suicides and 33 attempted murders, in addition to a number of reports of violence and rape. Women's NGO Flying Broom reported that of women killed during the year, 66 percent were killed by family members. Through October the government's hotline received 19,377 calls from women. The Institution for Social Services and Orphanages operated 52 women's shelters with a total capacity of 1,133 female victims of domestic violence and rape. Municipalities operated 24 women's shelters with a capacity of 554 persons and NGOs operated one women's shelter. Regulations call for women's shelters in any city with a population of more than 50,000. Observers noted that there were an inadequate number of shelters, or no shelters at all, in many such cities.

So-called honor killings of women continued to be a serious problem. Individuals convicted of honor killings may receive life imprisonment. Most honor killings occurred in conservative families in the rural Southeast or among families of migrants from the Southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform such killings.

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

In July the Federation of Women's Associations prepared a report showing the number of female suicides in Sanliurfa increased significantly during the past two years. There were five suicides reported in 2009, 124 in 2010, and 149 in only the first six months of 2011. Human rights organizations suspected many of these suicides were actually disguised honor killings, and most involved a history of domestic violence.

On May 12, the Ankara First High Criminal Court sentenced Istikbal Yetkin to a life sentence for the premeditated and deliberate murder of his former wife, Ayse Pasali. In December 2010 Yetkin stabbed Pasali 11 times. Before her death, Pasali received dozens of death threats from her ex-husband. She applied to the courts for protection from him but was rejected because they were divorced.

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

Reproductive Rights: Couples and individuals in most cases have the right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections. The Ministry of Health reported the maternal mortality rate in 2010 to be 16.4 deaths per 100,000 pregnancies. The World Economic Forum 2011 Gender Gap report estimated skilled attendants assisted an estimated 91 percent of all births; while 71 percent of married women used some method of birth control.

Discrimination: The constitution permits measures, including positive discrimination, to be taken to advance gender equality. While women enjoy the same rights as men under the law, societal and official discrimination were widespread.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to an October EU Commission report, the level of women's employment and political participation were low. A large percentage of women were employed in agriculture and in the retail, restaurant, and hotel sectors as unpaid family labor in family-owned businesses. The World Economic Forum evaluated that during the year that women earned 58 percent of what their male counterparts did for similar work. The government reported that men and women were offered equal opportunities in work and received equal pay for equal work.

## **Children**

The constitution permits positive discrimination for children and measures to protect children against exploitation, and commits the government to furthering children's welfare and working to expand opportunities in education and health.

Birth Registration: There is universal birth registration in the country and births were generally registered immediately. Citizenship is passed through a child's parents, not through birth on Turkish soil. Only one parent needs to be a Turkish citizen to pass citizenship to a child. In special cases where a child is born in Turkey who due to the status of his/her parents cannot receive citizenship from any other country, then Turkish citizenship is granted to the child.

Child Abuse: Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. Through the

end of the year, the government's domestic violence hotline received 4,071 calls from children.

Child Marriage: The law defines 17 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies. Child marriage occurred, particularly in poor, rural regions. Women's rights activists reported there were fewer underage marriages but that the problem remained serious. In July the parliament's Committee on the Equality of Opportunity for Women and Men issued a report stating that many families in eastern Turkey did not consider underage marriage improper. A Hacettepe University Institute of Population Studies' report stated that 28 percent of women were married by the time they were 17.

Media reports noted an underage girl who was eight months pregnant was hospitalized in Bolu after being brought to the hospital by her 25-year-old husband, to whom she was wed in a religious ceremony with no legal standing. The hospital did not initiate any formal process for child or sexual abuse, despite the minor's age, and sent her back home with her husband.

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. A person convicted of encouraging or facilitating children into prostitution can receive a prison sentence of between four and 10 years; if violence or pressure is involved, the sentence can be doubled.

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

In October the Court of Appeals supported the 2010 decision by a court in Mardin to reduce the sentences of 26 men, charged in 2002 with rape and unlawful sex with a minor, after it concluded the then 13-year-old victim had consented to have sex and on account of the "good conduct" on the part of the accused perpetrators. None of the defendants received a sentence of more than four years and 10 months in prison.

Incest is a problem. According to the Van Women's Association, in the first eight months of the year, 26 percent of women who came to it with a complaint of violence said they were subject to incest at some point in their life.

Child Soldiers: The terrorist group PKK regularly recruited children. Academic research indicated that 38 percent of PKK members were under the age of 18.

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/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

There were some reports of anti-Semitic incidents against members of the Jewish community, which numbered approximately 23,000.

Jewish leaders in the country believed that occurrences of anti-Semitism were directly related to events in the Middle East, although members of the Jewish community reported that they did not feel they were held responsible for these events by most of the public. After the "Free Gaza" flotilla incident in May 2010, government leaders at all levels emphasized through public speeches that Turkish Jews were distinct from both Israeli citizens and the Israeli government and asserted that the country's Jews should be protected. Jewish community leaders noted that after the event they received extra police protection, which prevented a few acts of vandalism against community property.

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution permits positive discrimination for persons with disabilities and the law prohibits discrimination against persons with disabilities in employment,

education, access to health care, and in the provision of other state services. The government did not always enforce the law effectively. The law requires all responsible institutions to make necessary arrangements for easy access for the disabled in open areas and on mass transportation by July 2012, but little progress had taken place by the end of the year. In June a new entity responsible for protecting disabled persons, the Disabled and Senior Citizens Directorate General, was formed under the Family and Social Policies Ministry. During the year the government's domestic violence hotline received 11,003 calls from individuals with disabilities and 1,401 from the elderly.

In 2010 (with arrangements in the FY 2010 budget) the state employed an estimated 7,500 citizens with disabilities. On February 13, a law was passed introducing a central examination to facilitate employment of the disabled by the state. The law, which went into effect on October 3, also tasks employers not to give certain assignments, such as night shifts, to personnel with disabilities and to ensure them flexible working hours.

On April 7, the Disabled and Senior Citizens Directorate General inaugurated a program aimed at mobilizing governors in selected provinces in Central Anatolia and the eastern Black Sea regions to implement awareness programs, include disabled citizens in social life, and train caretakers for the disabled.

The law mandates access to buildings and public transportation for persons with disabilities, but access in most cities was extremely limited, and there is no clear system of fines or other punishment for noncompliance. On April 26, the Ministry of Interior issued a circular directing that municipality buses be upgraded to accommodate disabled citizens.

During the June 12 parliamentary elections, for the first time, the Supreme Election Board automatically assigned citizens registered with disabilities to vote at polling sites with easy access for disabled persons.

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

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

The country's law is interpreted to recognize only three religious and ethnic minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other ethnic or religious minorities, such as Alevis, Assyrians, Protestants, Roman Catholics, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, or Laz, are prohibited from fully exercising their linguistic, religious, and cultural rights, and continued to face varying levels of pressure to assimilate.

Citizens of Kurdish origin constituted a large ethnic and linguistic group. More than 15 million of the country's citizens identified themselves as of Kurdish origin and spoke Kurdish dialects. Kurds who publicly or politically asserted their Kurdish identity or promoted using Kurdish in the public domain risked censure, harassment, or prosecution. In practice children whose first language is Kurdish could not be taught in Kurdish in either private or public schools.

Restrictions remain on use of languages other than Turkish in political and public sector spheres. On March 17, the Constitutional Court rejected the request of a Turkish citizen to use a Syriac surname, stressing that the law regulating surnames was vital for national unity.

Some parents were allowed to register the birth of their children under names derived from the Kurdish language, although the letters W, X, and Q could not be used because they do not exist in the Turkish alphabet.

Some progress occurred on preserving cultural rights. In July Mardin Artuklu University began offering Syriac language courses in addition to Kurdish literature and culture courses added in 2010 under its "Living Languages Institute." In October 2010 the university began classes for its inaugural undergraduate Kurdish Language and Literature Department degree program, the country's first such undergraduate program.

There is no firm estimate of the number of Roma in the country. Roma continued to face problems with access to education, health care, and housing. In January the parliament approved removing the word "gypsy" from a discriminatory clause in the law on the movement and residence of aliens which authorized the Ministry of Interior to "expel stateless and non-Turkish gypsies and aliens that are not bound to the Turkish culture." The EU Commission's October progress report noted steps to address long-standing problems regarding the Roma but stated a comprehensive policy to address the needs of the Roma was still missing.

In July the government employment agency (Is-Kur) started implementing three- to six-month vocational training programs for Roma in 15 provinces. The European Roma Rights Center, the Helsinki Citizens Assembly, and the Edirne Roma Culture Research and Solidarity Association conducted a program during the year to train the Romani community on civil society organization and activism. Literacy courses for Romani women offered by the Roma Culture and Solidarity Association of Izmir continued. Numerous associations celebrated International Roma Day in Ankara.

In the Sulukule neighborhood of Istanbul, redeveloped housing continued to sell for four to five times the amount that the original, mostly Romani occupants received as compensation for leaving the area. Most former residents declined the government's offer of new housing on the outskirts of the city. In Edirne many members of the Romani community also declined the government's offer of new apartment-style housing on the grounds that it did not meet their needs.

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

While the law does not explicitly discriminate against LGBT individuals, organizations working with LGBT persons stated that references in the law relating to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters.

In March RTUK started legal proceedings to fine Digiturk Channel 2 for airing the film *Sex and the City 2* on February 18 due to scenes in the film depicting gay marriage that the RTUK claimed "violated national and spiritual values and Turkish family structure."

Police provided protection to some "pride" events in Istanbul and other cities, and no incidents of violence were reported.

There were active LGBT organizations in at least six cities in the country: Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and on university campuses. All groups complained of harassment by police and government authorities. Most had problems registering as an official organization or maintaining their registration once granted. Many university

groups complained that they had tried to organize but had been denied permission by the rector. Local governors' offices attempted to close LGBT groups through civil law cases on the grounds that the associations violate Turkish morals.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. LGBT groups claimed police harassed and practiced arbitrary arrest against transgender individuals during the year. Human rights organizations reported many prosecutions for "offending public morals." The law on misdemeanors was often used to impose fines on transgender persons when they frequented stores or walked on city streets. Police claimed they were acting on complaints they had received.

According to the Pink Life (Pembe Hayat) LGBT organization, the Antalya TNP announced that, through the end of August, it had fined transgender individuals a total of 226,000 lira (\$122,000) in 1,400 administrative actions.

On October 25, an Ankara court convicted three transgender persons (who were also human rights defenders) from the LGBT organization Pembe Hayat with crimes including resisting police and gave them sentences of between five months and one year, with two sentences postponed. The charges related to a June 2010 incident in which police stopped the car with the three inside and insisted they come to the police station. When asked why, they were told "Because you are transvestites." The police then allegedly violently forced them to the station. The three filed complaints against the police officers for mistreatment, but there was no public investigation by year's end.

During the year at least six transgender persons were killed. On October 6, the brother of a transgender woman shot and killed her in a Gaziantep hospital. The woman was in the hospital for injuries after she allegedly accidentally fell down stairs on October 4. The brother allegedly went to the police in the hospital and stated, "I killed my brother...he was a transvestite. I cleaned my honor." The case was ongoing at year's end.

The Black Pink Triangle (Siyah Pembe Ucgen) LGBT NGO alleged there were more than 100 incidents of violence against LGBT individuals in Izmir alone during the year.

In November an Antalya Heavy Penal Court sentenced Nihat Altug to life imprisonment for the premeditated murder of transgender woman Hayati Yilmaz. Altug stabbed Yilmaz 28 times in her bed in February 2010 in Antalya.

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

### **Other Societal Violence or Discrimination**

The Ministry of Health reported 301 accounts of HIV/AIDS in the first six months of the year compared with 627 during 2010. The Positive Life Association (PLA) and other NGOs complained that the media and medical professionals often did not respect the privacy of individuals with HIV/AIDS and often reported their names in the media. Many people living with HIV/AIDS reported discrimination in housing, public services and benefits, and health care. The PLA conducted programs during the year for people living with HIV/AIDS but faced ongoing funding difficulties.

## **Section 7. Worker Rights**

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

The law provides most but not all workers with the right to form and join unions of their choice, to conduct their activities without interference, and to bargain collectively. Certain public employees, such as the military and police, cannot form unions. There are no restrictions on membership or participation of people or unions in regional, national, or international labor organizations, but such participation must be certified by a notary public and reported to the government. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their conventions and record the proceedings. Public sector employees are not allowed to bargain collectively. The law provides for the right to strike but prohibits strikes by white collar civil servants; public workers engaged in safeguarding life and property; and workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education. Workers in the coal mining, petroleum, sanitation services, national defense,

banking, and education sectors were required to resolve disputes through binding arbitration. The law prohibits antiunion discrimination. The government reported that 363,544 workers were covered by collective bargaining agreements in 1,623 workplaces.

The 2010 constitutional amendments provide for the recognition of many new labor rights, such as allowing a person to be a member of more than one union in the same work branch, allowing a person to participate in solidarity strikes, and providing public sector workers the right to collective bargaining. However, as of year's end, the government had not adopted legislation to implement these amendments.

The government maintained a number of restrictions on the right of association. A minimum of seven workers are required to establish a new trade union without prior approval. By law, to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols in any union or confederation publications.

In practice, despite restrictions, workers exercised their rights of association and collective bargaining. The Ministry of Labor reported that, through September 30, there were nine private sector strikes involving 26 workplaces. There were no public sector strikes. However, on December 21, the Public Workers Unions Confederation organized a strike to protest the government's economic policies and human rights practices. Public workers, including those from the field of education, participated in the strike. An Education Union lawyer reported that domestic laws prohibit certain civil servants, including educators, from striking, although the country is a signatory to ILO conventions and the European Human Rights Charter that allow such actions, while the constitution gives supremacy to international obligations over domestic legislation. However, the government did not recognize the right to strike in practice and initiated disciplinary investigation against those who participated in the strike. In practice government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Police were frequently present at union meetings and conventions.

Antiunion discrimination occurred occasionally. If a court ruled that a worker was unfairly dismissed and should either be reinstated or compensated, the employer generally paid compensation to the employee along with a fine. Service sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity.

Threats, violence, and systemic lay-offs were common responses to unionized work places. In April all 110 Birlesik Metal-Is union members at the MAS DAF company's Makina Sanayi operations were fired without explanation after protracted negotiations with management after the illegal firing in 2010 of 22 unionized workers. In February Turkish workers for United Parcel Service, Inc. who were laid off were allowed to return to work after a year-long process filled with threats, shootings, firings, and general intimidation.

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

The law prohibits forced or compulsory labor, including by children; however, there were reports that adults and minors were trafficked for commercial sexual exploitation and labor exploitation.

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

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

The law protects children from exploitation in the workplace, and the government effectively implemented the law with some exceptions. The use of child labor was found in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales, although the incidence was thought to be low and difficult to detect. Some parents forced their children to work on the streets selling tissues or food, shining shoes, or begging.

The law prohibits the employment of children younger than 15 and prohibits children under 16 from performing arduous or dangerous work. The government prohibits children under 18 from working in certain professions or under hazardous conditions, such as working at night or in underground mining. The Ministry of Labor and Social Security effectively enforced these restrictions in most workplaces.

While all places of business are subject to labor inspections, resource limitations meant many workplaces that employed children did not receive routine inspections, including farms employing 300 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons. These workplaces could still be inspected based on complaints submitted to the Ministry of Labor and Social Security.

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

Employment of young boys and young girls was not uncommon. Girls were rarely seen working in public, but many were kept out of school to work in handicrafts or light assembly at home, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, as 52.4 percent of employed children worked in rural areas.

To reduce the employment of children, the Ministry of Education conducted several programs from 2005-07 in cooperation with UNICEF designed to increase enrolment of children at school, improve the quality of education, and improve access to primary education for children, particularly at-risk girls. During the year the Ministry of Labor and Social Security also continued to implement a project to improve the work and social lives of seasonal mobile agricultural workers in 28 provinces.

Children legally employed at small enterprises and registered with a Ministry of Education training “Lifelong Learning Center” were required to go to the center once a week for training. The centers were obligated by law to inspect their workplaces.

The government identified the worst forms of child labor as working in the streets, in the informal urban economy, seasonal commercial agriculture, and domestic service workers. A credible 2010 report on the worst forms of child labor indicated that 8,298 children worked on the streets in 2009.

The Social Services and Child Protection Institution operated 37 centers in 29 provinces to assist such children. The Social Services and Child Protection

Institution operated a hotline for reporting child exploitation and negligence, and with TNP cooperation, street children spotted in the streets and who were at risk were directed to child centers for care and reintegration into the educational system.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage was 837 lira (\$452) per month. The official poverty level is 3,063 lira (\$1,656) per month according to unions. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board. The Organization for Economic Cooperation and Development indicated that 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 and limits overtime to three hours per day for up to 270 hours a year. Premium pay for overtime is mandated, but the law allows for employers and employees to agree to a flexible time schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in other sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime.

While the law mandates occupational health and safety regulations, in practice the Ministry of Labor Inspection Board did not carry out sufficient inspection and enforcement programs. During the year the number of labor inspectors increased to 851. The board began a program during the year to conduct preliminary observations in workplaces and counsel the employers on violations that would be fined later if no action was taken. The program resulted in an increase in awareness and enforcement of labor laws and a reduction in fines. In 2010, 62,903 workplace accidents occurred, causing 1,444 deaths persons and 1,976 injuries.