U.S. DEPARTMENT of STATE

Turkey

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Turkey, with a population of approximately 70.5 million, is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber parliament, the Turkish Grand National Assembly. In an October 21 referendum that was deemed free and fair, voters approved a constitutional amendment that allows the president to be elected by popular vote for a maximum of two five-year terms. In the July 22 parliamentary elections, also considered free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one-party government. Two opposition parties entered parliament, and independent candidates representing four additional parties also entered parliament. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, serious problems remained in several areas. During the year human rights organizations documented a rise in cases of torture, beating, and abuse by security forces. Security forces committed unlawful killings; the number of arrests and prosecutions in these cases was low compared with the number of incidents, and convictions remained rare. Prison conditions remained poor, with problems of overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law. Some government and military officers at times undermined the judiciary's independence, and the overly close relationship of judges and prosecutors continued to hinder the right to a fair trial. Excessively long trials were a problem. The government limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the state, "Turkishness," or the institution and symbols of the republic. Limitations on freedom of expression expanded to the Internet, as Turkish courts on several occasions ordered telecommunications providers to block access to Web sites. Non-Muslim religious groups continued to face restrictions on practicing their religion openly, owning property, and training leaders. Violence against women, including honor killings and rape, continued to be a widespread problem. Child marriage was a problem. Police corruption contributed to trafficking in women and children to, from, and within the country for sexual exploitation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

On September 13, security forces shot and killed Ejder Demir, a Kurdish-origin Turkish citizen in the Asagi Kockiran village in southeastern Turkey. After an investigative visit to the town, a delegation consisting of members of the nongovernmental organizations (NGOs) Human Rights Association (HRA) and Mazlum-Der reported that eyewitnesses stated that soldiers shot Demir in the back without any warning. The soldiers had called for Demir to come out of his house; Demir exited and turned around, at which point the soldiers shot him. The delegation reported that neither the local prosecutor nor the Jandarma commander would meet with them. The Saray subprovincial subgovernor Ali Yilmaz told the delegation Demir was trying to flee when shot, and that an investigation was ongoing. The delegation called on the government and parliamentary human rights committee to take up the case. At year's end the government had not initiated an investigation or legal action.

The NGO Human Rights Foundation (HRF) reported that, in contrast to past years, security forces caused no fatalities in connection with raids on houses or control of demonstrations.

There continued to be reports of security forces fatally shooting civilians who refused to obey a warning to stop. According to the HRF, police and Jandarma killed the following persons in such circumstances: an unidentified Syrian citizen in Islahiye, Gaziantep; Emrah Dervizoglu (17) in Istanbul; Osman Akdemir (42) in Uzumlu, Erzincan; Mikhail Cetin in Dortyol, Hatay; Bulent Karatas (33) in Hozat; and Baran Tursun (20) in Istanbul. Human rights organizations stated that the government's failure to clearly delineate appropriate situations to use lethal force, in the revised Antiterror Law or other laws, contributed to cases of disproportionate use of force.

On September 28, security forces in the city of Hozat in Tunceli Province shot and killed 33-year-old Bulent Karatas and injured 31-year-old Riza Cicek, when the men did not obey a "stop" warning. The military's Web site described the incident as security forces rendering two terrorists ineffective. Hozat Mayor Cevdet Konak said the men were grazing livestock in fields when they were shot. On September 29-30, demonstrators gathered in Tunceli and Istanbul to protest the killings. HRA Tunceli representative Baris Yildirm said the killings epitomized an increase in the violation of civilians' rights occurring in the region.

On October 17, police shot and subsequently paralyzed 17-year old Ferhat Gercek in Yenibosna in Istanbul. Witnesses reported that police tried to arrest Gercek and other vendors who were selling the socialist magazine *Yuruyus*. When the vendors resisted, a short fight ensued and a police officer shot Gercek in the back. Gercek's family and friends complained that Gercek was not questioned in an effort to find the responsible officer. No officers were charged in connection with the case.

On November 21, in the Avcilar neighborhood of Istanbul, a police officer kicked the chest of 26-year-old Feyzullah Ete, who died of a heart attack following the blow. Ete and a friend had been drinking in a public park and passers-by complained to police that the pair were disturbing the peace. Witnesses said police warned the victim and his friend before the fatal skirmish ensured. In late November, police arrested one officer in connection with the case, and the Ministry of Interior also opened a disciplinary case against that officer. The police were investigating the officer's conduct at year's end.

In February 2005 demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist Kurdistan Workers Party (PKK). The HRA and HRF reported that the Mersin prosecutor was continuing a "secret" investigation at year's end.

The prosecutor's case against nine members of the now-dissolved pro-Kurdish Democratic People's Party (DEHAP) for their role in a statement protesting the shooting continued at year's end.

At year's end the military court of appeals had not ruled on whether a military court has jurisdiction in the case of army private Murat Polat, who died in July 2005 from wounds he received when he was allegedly beaten by fellow soldiers at Adana military prison. Although prosecutors initially indicted 29 soldiers for torture, both the civilian and military court concluded jurisdiction lay in the other court. One army private remained in custody at year's end.

On May 16, the Court of Appeals overturned the June 2006 conviction and sentence of 39 and one-half years of Jandarma officers Ali Kaya and Ozcan Ildeniz, in connection with the November 2005 bookstore bombing in Semdinli, Hakkari Province. The bombing, which killed Mehmet Zahir Korkmaz, sparked violent protests

against the alleged Jandarma role in the bombing, resulting in the deaths of two protestors. The appellate court ruled that the investigation was flawed and that the proper venue was a military court. The court also overturned the sentence of informant Veysel Ates, and ordered that the two cases be joined. The trial court subsequently transferred the joint case to a military court. On December 14, the military court released the suspects pending trial.

In a related case against Army Sergeant Tanju Cavus for using excessive force in the demonstrations following the bombing, the Hakkari prosecutor transferred the case for security reasons to the Malatya Heavy Penal Court in May 2006. At year's end the trial continued in the Malatya court.

In a connected case, the Van prosecutor charged bookstore owner Seferi Yilmaz with assisting and sheltering members of the terrorist organization PKK. In June 2006 authorities arrested Yilmaz and placed him in prison pending trial. On April 4, he was discharged from Van Prison while the case continued.

Also related to the Semdinli bombing, in March 2006, a Diyarbakir prosecutor opened a case against the senior military commander, General Yasar Buyukanit, for attempting to influence the legal process after Buyukanit publicly remarked that the Semdinli affair was an attempt to defame Turkey's armed forces. The High Council of Judges and Prosecutors barred the prosecutor from continuing to work as an attorney.

The trial against four defendants in the 2005 killing of Hikmet Fidan, a former DEHAP vice chairman, continued at year's end. Defendants Firat Karahan, Veysi Akgonul, Mustafa Kemal Ok, and Zeki Peker were accused of complicity in capturing Fidan and turning him over to PKK terrorists who allegedly carried out the murder. On March 22, the Diyarbakir Heavy Penal Court adjourned the case pending receipt of medical reports on the defendant Karahan.

The Hakkari court's acquittal of 12 defendants in November 2005, including former members of the security forces, who had been charged with extrajudicial killings, bombings, extortion, and other crimes was under appeal for the second consecutive year.

At year's end the military had not opened a case in the matter of 11 corpses discovered near the town of Kulp, Diyarbakir Province, in late 2004. In February 2006 the Forensic Medicine Institute used DNA matching to confirm that the corpses belonged to villagers who disappeared after detention in 1993.

On March 6, an Adana court acquitted the three police officers charged in connection with the shooting of suspected PKK member Siar Perincek in Adana in 2004. The court ruled that the officers acted in self-defense.

On April 18, the four police officers charged with the 2004 unlawful killing in Kiziltepe, Mardin Province, of Ahmet Kaymaz and his son Ugur were acquitted. The HRF reported that the four defendants were reassigned and back on duty. Prosecutors charged Tahir Elci, an attorney for the Kaymaz family, with attempting to influence a fair prosecution by making statements to the press during the trial. His trial began on June 14 and continued at year's end.

There was no new information available on the appeal of the 2005 conviction of Jandarma official Murat Sener on charges of using excessive force in the 2004 killing of Fevzi Can in Hakkari Province.

According to the government, four persons died while in police detention through November 5.

The HRF reported that six persons died in detention during the year. Three of the deceased reportedly hanged themselves: E.T. (26), in an Izmir police station; Hakki Canci, in an Istanbul police station; and Polish refugee Dariusz Witex, in a refugee shelter in Istanbul. In late August, Nigerian refugee Festus Okey died in a police station in Istanbul during interrogation by a policeman who was alleged to have had a gun. Police stated that Okey was arrested for drug dealing and that he was accidentally shot while trying to disarm a police officer. However, tape from the surveillance camera in the interrogation room was never made available to the public. Initially, an officer from the Beyoglu District was indicted for "negligent killing" and the case was referred to Beyoglu criminal court. On November 26, the court ruled the incident should be seen as "premeditated murder" and sent the matter to the Heavy Penal Court.

According to the government, 27 civilians were killed and 134 were injured, 139 members of the security forces were killed and 216 were injured, and 295 terrorists were killed and 193 were injured in armed clashes related to the struggle against the terrorist PKK organization during the year. Most of the clashes occurred in the southeast.

According to the HRF, landmines and unattended explosives killed three civilians and injured three, through October 4. Both security forces and the PKK used landmines.

On several occasions in December, Turkish air force planes struck sites in northern Iraq targeting PKK areas following the terrorist organization's attacks in Turkey. According to press reports, one civilian was killed.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons.

Human rights organizations reported a rise in cases of torture and abuse during the year. In a July 5 report, Amnesty International (AI) noted that a "culture of impunity" allowed police and Jandarma to escape accountability for torture and enabled courts to disregard medical evidence of torture and accept as evidence statements allegedly extracted under torture.

The Ministry of Justice reported that it opened 45 torture cases during the year, involving 298 suspects and a total of 178 victims. The suspects comprised 263 police, 15 Jandarma, and 20 other public servants. The justice ministry reported that it opened 34 excessive force cases during the year, involving 65 suspects and 49 victims. The suspects comprised 56 police, seven Jandarma, and two other public servants.

According to the HRA and Mazlum-Der, there were 451 incidents of torture in the first six months of the year. The HRF reported that during the year 452 persons applied to HRF's centers for assistance. Of these, 248 cases involved torture or abuse inflicted during the year; the rest involved incidents that occurred previously. HRF stated that there were 10,449 credible reports of torture or abuse from 1990 to 2005. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because they feared retaliation or believed that complaining was futile.

In a July 5 report, the NGO Societal Legal Research Foundation discussed the circumstances of 34 torture complaints it received between March 2006 and February 28. The victims comprised 23 men, 10 women, and one transsexual individual. Thirty-three victims said they were tortured for political reasons. Methods allegedly used by officers included burning skin with cigarettes, squeezing testicles, administering electrical charges, beating with batons, using tear gas, and withholding food and water. Police officers were charged but not convicted in four of the cases. Investigation into the remaining 30 cases was ongoing.

The Council of Europe's Committee for the Prevention of Torture (CPT) and domestic human rights observers reported that, because detention periods were reduced to 24 hours in 2005, with prosecutorial discretion to extend the period to 48 hours, security officials for the most part eliminated more severe methods of torture and abuse, such as use of electric shocks, high-pressure cold water hoses, rape, beatings on the soles of the feet and genitalia, hanging by the arms, and burns. Instead, security officials mainly used methods that did not leave physical signs, including repeated slapping, exposing detainees to cold, stripping and blindfolding detainees, food and sleep deprivation, threatening detainees or their family members, dripping water on detainees' heads, isolation, and mock executions.

Human rights activists, attorneys, and physicians who treated victims said that because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses such as speaking out against the government, although they were less likely to report abuse. Observers believed that security officials usually tortured political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured some suspects to obtain confessions.

On March 13, a Diyarbakir woman filed a criminal complaint alleging she was tortured at a police station. In the complaint, she alleged that police took her to an interrogation room when she went to see her husband who had been detained in the station for allegedly stealing a cellular telephone. The police asked her to admit that her husband stole the telephone, and demanded she return it. She alleged that one of the officers held her while the other beat her with a police baton for approximately one hour. The police at the station denied any mistreatment. At year's end the government had not opened an investigation into the incident.

The Istanbul branch of the Contemporary Lawyers' Association (CHD) documented several cases of prison guards beating inmates during the year. In one incident on June 13, prison guards beat prisoner Kemal Avci when he asked to be sent to a hospital for pain in his hands. In another, prisoner Hakan Ozek was made to stand even though he had a leg injury that required crutches. When Ozek could stand no longer and asked for a chair, guards beat him with clubs. The CHD documented alleged abuse of prisoners Muammer Simsek, Turan Ozen, Ilhan Iseri, Zeynel Erturk, Mesut Omur, and Bulent Pelit.

In mid-June, 24-year-old Mustafa Kurkcu died in detention due to alleged police torture. Police detained Kurkcu on June 14 and took him to the courthouse on June 15 after he and three friends allegedly stole several tires. Later that day, Kurkcu's family witnessed police dragging him, while his hands and feet were cuffed, into a judiciary building to meet with a prosecutor and his court-appointed attorney Abdulaziz Levent. According to *Radikal* newspaper, Levent later noted that Kurkcu looked to be in very bad condition during that meeting. On June 16, police transferred Kurkcu to Umraniye Prison. On June 17, Kurkcu's family was informed he was dead. Kurkcu's brother-in-law Oktay Ergocer used his cellular telephone to take pictures of Kurkcu's body in the morgue. The pictures showed markings that indicated Kurkcu had been seriously beaten. The Umraniye chief prosecutor initiated an investigation into the incident.

On July 6, *Hurriyet* newspaper published an expose by reporter Aydin Dogan regarding allegations that two boys, aged 17 and 18, were tortured early in the year by prison officials, while they were imprisoned for 10 days on allegations, later withdrawn, that the boys had committed rape in a boys' shelter. Both boys wrote letters to Dogan detailing how Jandarma officers and prison wardens beat their legs and soles with plastic pipes while laughing. Dogan urged the minister of justice and prime minister to open an investigation into the case. At year's end, HRF reported that no investigation had been opened.

On July 26, police in Istanbul beat Sinan Tekpetek, a leader of 52 Percent, a group that protests Turkey's university entrance exam system, and editor of *52 Percent Anger* magazine and *Ozgur Hayat* (Free Life) newspaper. In a July 28 press conference at HRA's Istanbul office, Tekpetek said that, as he drove home from a party on July 2, police pulled him over and asked for identification, then, together with several other officers from another car, sprayed him with tear gas and beat him. He stated the police drove him to a field and with approximately seven more officers continued to beat him before driving off with him and throwing him out of the moving car. At year's end human rights groups reported the government had not opened an investigation into the case.

On March 23, an Ankara court doubled the original sentence of four police officers to eight years, 10 months' imprisonment each for torturing and killing Hacattepe University student Birtan Altinbas in 1991 during a six-day interrogation over his membership in a left-wing organization. In 2001 a trial court had convicted the four defendants who were present during the interrogation but reduced the sentence for good behavior to four years and five months. Human rights observers frequently argued that the numerous legal delays in the case demonstrated Turkey's tolerance of torture. On October 23, the Court of Appeals upheld the March 23 verdict.

In November 2006 the Court of Cassation upheld the 2004 conviction of Mehmet Desde, Mehmet Bakir, Huseyin Habip Taskin, Maksut Karadag, Serafettin Parmak, Metin Ozgunay, Omer Guner, and Ergun Yildirim for being members of the Bolshevik Party of North Kurdistan Turkey Branch, based almost exclusively on evidence allegedly obtained by torture. The defendants received 30-month prison sentences.

In December 2006 an Izmir heavy penal court acquitted the four police officers charged with torturing Mehmet Desde in 2002 after detaining him for "being member of a Bolshevik Party of North Kurdistan." Amnesty International called the verdict "evidence of a continuing pattern of unfair trial proceedings which blights Turkey's criminal justice system." The HRF and other human rights groups also criticized the ruling.

Human rights organizations reported no developments in the 2005 police detention and alleged abuse in Konya of minors Habip A and Mehmet K for smuggling cigarettes.

A state hospital in Van Province issued reports in 2005 stating there were no signs of torture in the case of five men who had claimed they were tortured during detention in 2005. The men's attorney obtained a report from a private physician that stated one of the men, Abdulkadir Akgul, was tortured but that there were no longer marks of torture on the four others. The attorney filed a criminal complaint against the state doctors and local Jandarma; the local prosecutor decided not to pursue the case. The lawyer appealed to the Van Regional Administrative Court, where the case remained at year's end.

The criminal trial against 12 orphanage employees accused of abusing children at the Malatya State Orphanage in 2005 continued at year's end. The investigation into the matter began in 2005 when media aired footage of employees beating naked orphanage children. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. The defendants were transferred to another facility but not relieved of their duties.

Prosecutors did not open a case against police officers alleged to have tortured Orhan Kara, Velat Haci Ali, Idban Kaplan, Seref Inanc, and Nezir Ayan while in detention in Silopi, Sirnak Province in 2005.

At year's end, prosecutors had not opened a case regarding 2005 allegations that wardens at the Sincan Children's and Youth Prison beat five inmates between 19 and 21 years old on the soles, a practice known as "falaka." Following the allegations, the Ankara chief prosecutor and Forensic Medicine Institute confirmed the existence of bruises and wounds. Prosecutors had one of the five boys identify the perpetrators from a group of 45 wardens. Ozgur Karakaya, one of the youths, identified the six wardens but was not told their names. Human rights groups were unable to determine the status of the prosecutorial investigation at year's end.

Prison and Detention Center Conditions

Prison conditions generally improved during the year but facilities remained inadequate. Underfunding, overcrowding, and insufficient staff training were problems.

On September 17, attorneys Filiz Kalayci, Murat Vargun, and Ibrahim Vargun alleged that a team of guards at recently-opened Kirikkale "F-type" high security prison. Prison severely beat and maltreated their two clients after they were transferred to Kirikkale from Sincan Prison in mid-September. Speaking at HRA headquarters, Kalayci stated that the attorneys had observed the results of the beatings: one inmate could not stand up, one's teeth were broken, several had severe bruises, and one had difficulty breathing. Kalayci demanded that independent observers visit the prison. At year's end the government had not opened an investigation into the allegations.

At year's end, the Ministry of Justice reported that Turkey had 391 prisons with a capacity of 92,497 and with a total of 90,837 inmates. The inmates comprised 37,608 convicts and 53,229 arrestees awaiting trial.

On March 25, Ahmet Ersin, a member of parliament from Izmir and member of the parliament's Human Rights' Committee, complained to the press about overcrowding in Turkish prisons. Ersin gave the example of Izmir's Buca Prison, which had a capacity of 1,300 but housed 2,500 prisoners.

On January 22 the Ministry of Justice issued a circular that increased the amount of time prisoners could gather in common spaces in high-security "F-type" prisons, to 10 hours per week in groups no larger than 19. According to the circular, prisoners can participate in training, sports, and social and cultural activities. The new rules did not apply to prisoners sentenced to heavy life imprisonment or deemed dangerous.

According to the medical association, there were insufficient doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Observers reported that detainees and convicts occasionally were held together. Occasionally inmates convicted for nonviolent, speech−related offenses were held in high-security prisons.

The government has permitted prison visits by representatives of some international organizations, such as the European Committee to Prevent Torture and the CPT, though it was unclear at year's end the extent to which such visits occurred during the year. The CPT reported on its Web site that it performed an ad hoc visit in May to visit Imrali Island, where PKK leader Abdullah Ocalan was detained, and visited psychiatric facilities in 2006. Domestic NGOs did not have access to prisons. Domestic human rights organizations and activists reported that prison monitoring boards composed of government officials and private individuals were ineffective. The CPT last conducted a systematic visit to the country's prisons in 2004.

In July the Ministry of Justice issued a regulation that restricted the ability of members of parliament to visit inmates who were convicted of terrorism or violations against the constitution and state. According to government sources, officials adopted the regulation to prevent possible attempts by the pro-Kurdish Democratic Society Party (DTP) deputies to visit Abdullah Ocalan, the leader of the outlawed PKK. Human rights activists called the measure undemocratic and argued that reducing parliamentarians' access to prisons would diminish oversight of continuing problems, such as torture.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Turkish National Police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military has overall responsibility for border control.

In 2005 the government established judicial police, who were to take direction from prosecutors during investigations; however, human rights groups reported that in practice the judicial police continued to report to the Ministry of Interior.

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 were accused repeatedly of drug trafficking, corruption, theft, and rape and other human rights abuses. Inadequate oversight and compensation contributed to this problem, and in many cases Jandarma allegedly protected village guards from prosecution. Although the security forces were generally considered effective, the village guards, Jandarma, and police special forces were viewed as those most responsible for abuses. Corruption and impunity from prosecution remained serious problems.

On May 27, parliament passed a law overhauling the village guard system. The law limits the total number of village guards under normal circumstances to 40,000; provides that the Council of Ministers may increase this number by up to 50 percent; provides continued employment for current guards; establishes a mandatory 55-year retirement age; provides a partial salary for early retirement; provides for a pension to guards who served more than 15 years; and requires the Ministry of the Interior to establish procedures for hiring, firing, training and otherwise regulating the guard system. According to government officials, the law is intended to gradually phase out the system while providing social support for the 63,000 current village guards.

Human rights organizations maintained that developments in the 2005 Semdinli bombing trial demonstrated the serious obstacles to bringing to justice senior members of the security forces. The trial court had convicted Jandarma officers Ali Kaya and Ozcan Ildeniz for the bombing, and observed that the two men could not have acted without the knowledge and involvement of their superiors. The Court of Appeals overturned the conviction, ruling that the investigation was flawed and that the proper venue was a military court. On December 14, the military court released the suspects pending trial.

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in occasional cases, promoted them during their trials, which often took years.

On September 12, the European Court of Human Rights (ECHR) ruled that Turkey violated the European Convention on Human Rights by failing to implement the 1997 conviction of two Jandarma officers for torturing Cengiz Aksakal in 1980. The ECHR noted that the two officers were allowed to continue their military jobs until retirement.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. According to the government, the armed forces emphasized human rights in training for officers and noncommissioned officers.

The Ministry of Interior reported that through November 22, judicial cases were initiated against nine security personnel for excessive use of force. Administrative investigations were opened against three security personnel for use of torture; investigators concluded the statute of limitations had been reached in all three cases. Administrative investigations were opened against 65 security personnel for excessive use of force. One person received a reprimand, five cases were dismissed based on the statute of limitations, and 58 resulted in a determination of "no need to punish." No security personnel were fired for torture or excessive use of force.

The Ministry of Interior reported that 14 cases against security personnel for use of torture were concluded during the year. Eleven resulted in acquittal and three cases were dropped. Seventy-three cases for excessive use of force concluded during the year. Sixty-two resulted in acquittal, four were dropped, and 11 resulted in sentences ranging from five days to seven months' imprisonment. Nine cases opened prior to 2007 for excessive use of force continued at year's end.

Arrest and Detention

Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The government scaled back its law that allows for provision of a public attorney to indigent defendants in all criminal cases. The amended law requires the government to provide indigent detainees with a public attorney in criminal cases where the defendant faces a penalty of more than five years in prison.

Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees remained consistent with the previous year, and continued to vary widely across the country. Numerous bar association representatives and human rights organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural

areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney. The HRA observed no change in the percentage of detainees consulting with attorneys.

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. Provincial bar associations continued to face difficulties providing such attorneys because the government was behind on compensation payments for such work. In early March the Union of Bar Associations president Ozdemir Ozok recommended local bars institute a freeze on assigning such attorneys, stating that the government owed the union over $95 million (112 million lira) in back payments. Ozok also criticized the government's practice of having judges and prosecutors determine the amount to be paid to these assigned attorneys. The Ankara Bar Association instituted such a freeze but lifted it on October 11.

HRA claimed 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. Detainees were generally allowed prompt access to family members; however, human rights organizations reported that since 2005, they have been hindered from helping families find out whether a relative has been detained because the government began refusing to release such information to the organizations.

On February 6, parliament amended the Law on the Duties and Competencies of Police to significantly expand the authority of security forces to search and detain a suspect. Under the amended law, police and Jandarma may compel a citizen to declare his identity without any cause. In a June 5 press release, the HRA stated that the expanded authority was contrary to legal and civil rights. On June 22, the newspaper *Radikal* noted a rise in mistreatment and torture allegations in Istanbul following enactment of the law.

During the year police routinely detained demonstrators. Police detained several members of the former DEHAP party on various occasions. Police continued to detain and harass members of human rights organizations and monitors. Police continued to detain persons on suspicion of links to Turkish Hizballah.

Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years, without a trial. Slightly less than half of the prison inmates held during the year were convicts; the other inmates were either awaiting trial or held during trial proceedings.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption.

The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government on occasion launched formal investigations against judges who had spoken critically of the government or state structure. The government and several high-ranking military officers on several occasions issued announcements or directives about threats to the Turkish state, which could be interpreted as general directions to the judiciary.

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The justice minister serves as chairman of the seven-member High Council, and the Ministry of Justice undersecretary also serves on the council. The council's rules stipulate that one of these two officials must preside over meetings. The High Council selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The High Council is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the High Council controls the careers of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

In March the five non-ministry members of the High Council publicly complained that Justice Minister Cemil Cicek and Justice Undersecretary Fahri Kasirga prevented the council from convening to fill vacancies on the Supreme Court and Council of State by purposely failing to attend meetings. According to the five judges, Cicek blocked the meetings because he opposed appointing new judges while parliament worked to pass a law decreasing the number of appellate court judges. Cicek accused the five judges of pursuing their own political motives. On March 21, the Union of Turkish Bar Associations stated that the "tragicomic" situation demonstrated that the judiciary is not independent. On March 27, the stalemate ended when the justice minister and undersecretary attended a weekly meeting. On April 15, all members of the council convened to select judges to fill the vacant positions.

On March 29, the justice minister gave the Ankara Judicial Justice Committee permission to open an investigation against Ankara Kazan subprovincial judge Kemal Sahin for allegedly insulting the judiciary in an August 2006 newspaper article. Sahin wrote that the judiciary was losing credibility and objectivity because judges face the fear of being investigated by the High Council if they pursue certain crimes or cases. The investigation was ongoing at year's end. The Ministry of Justice did not guarantee the independence of the judiciary in numerous freedom of expression cases, according to the Turkish Publishers' Association (TPA). Prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting Turkishness or Ataturk, but ignored complaints that regarded many categories of human rights.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the High Council. Once appointed, they are housed together, frequently share the same office space, and often work in the same courtroom for over five years.

In December the government enacted a law that codified the practice of subjecting all judicial candidates to a written exam and an oral exam administered by the Ministry of Justice, and established a mechanism to allow private attorneys with five years' experience who are under age 35 to enter the judiciary's ranks. The Union of Turkish Bar Associations stated the oral exam provision would allow the Ministry of Justice to select candidates based on political considerations, and organized a December 9 rally in Ankara that drew thousands of lawyers to protest the new law. The government responded that the oral exam already existed, the new law merely codified prior practice, and the new law was necessary to fill thousands of vacant posts for judges.

The government devoted insufficient resources to public defense, according to several regional bar associations. These associations also noted that public defense attorneys underwent less rigorous training than prosecutorial counterparts and were not required to take an exam to demonstrate a minimum level of expertise.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation's highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases between government entities, and the Audit Court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In 2004 parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court's caseload and allow the judiciary to operate more efficiently. The Ministry of Justice reported that none of the regional appeals courts were operational at year's end and that the project has been postponed until 2010.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament.

Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel.

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

According to a September 2006 Amnesty International (AI) report, criminal defendants faced numerous violations of their right to a fair trial during courtroom proceedings. The report found that courts frequently refused to hear defense witnesses, despite a new law allowing the defense to call its own witnesses; courts and prosecutors often refused to consider new exculpatory evidence; pretrial and trial periods frequently lasted for many years due in part to a severe backlog of cases; often courts did not allow defendants to take part in pretrial hearings; and frequently courts failed to provide defendants with qualified interpreters.

According to the AI report, defendants in cases that were transferred from state security courts, abolished in 2004, to heavy penal courts often faced the same judges and prosecutors who presided over their cases when they were before the state security courts. The report also found that these judges frequently failed to investigate or take into account allegations that confessions were brought about by torture, and allegations of long periods of "unofficial" detention with no access to legal counsel. The report noted that defendants in these cases were being sentenced on the basis of evidence extracted under torture or other mistreatment.

Trial Procedures

There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court, and bar associations across the country did so in practice. 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 present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal.

International human rights organizations and the European Union (EU) stated that the courtroom structure and rules of criminal procedure gave 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 that is at the same level as that of the judge; the defense sits at floor level. During the trial, the prosecutor may himself call any witness desired, whereas the defense must request that the judge call a witness. Judges decide whether to ask and how to phrase defense counsel's questions, but ask all of the prosecution's questions in the exact form presented.

The law provides for the right to a speedy trial; however, at times trials lasted for years. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. In several cases such delays extended beyond the statute of limitations, causing the trial to end without a verdict.

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

Political Prisoners and Detainees

There were no reports of political detainees. The HRA asserted that there were several thousand political prisoners, including leftists, rightists, and Islamists. However, the government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, 2,232 convicts and 2,017 pretrial detainees were being held in prison on terrorism charges through September 30.

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

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.

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

The law prohibits such actions, and the government generally respected these provisions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in occasional cases. The government intimidated journalists into practicing self–censorship.

The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the state, "Turkishness," Ataturk, or the institutions and symbols of the republic. Other laws, such as the Antiterror Law and laws governing the press and elections, also restricted speech.

Individuals could not criticize the state or government publicly without fear of reprisal, and the government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. In some cases government officials prosecuted individuals who had displayed no intention of criticizing or insulting the government or Turkish state. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, the question of Turks of Kurdish and other ethnic or religious origins as "minorities," and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, persons who wrote or spoke out on such topics, particularly on the Armenian issue, risked prosecution. The TPA reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy.

The TPA reported that the most serious problem during the year remained the large number of complaints filed by ideologically motivated attorneys, subsequently accepted by the courts, on grounds such as insulting Turkishness or the memory of Ataturk. According to a November European Commission report, the number of persons prosecuted for the expression of non-violent opinions almost doubled in 2006 compared with 2005, and there was a further increase in the number of prosecutions during the year. More than half of the charges were brought under the Penal Code, and in particular under Article 301, which criminalizes insulting "Turkishness."

According to the government, there were no journalists held on speech violations during the year. The TPA reported, however, that there were 21 journalists in jail based on the content of their reporting.

In March the Ankara chief prosecutor initiated a case against seven youth members of the rock band "Deli", meaning crazy, for insulting the state and its employees in a five-year-old song that criticized the country's standardized high school exams. The song, "OSYM"–-which refers to the nation's Student Selection and Placement Center, a state institution that uses an annual exam to decide which students will go to universities–-came to the attention of prosecutors after a teenager posted it on the Internet in 2006. On September 26, Judge Erdal Isik ruled that the prosecution had not proven the elements of the crime, and dismissed the case.

On July 11, police detained for five days Gazi University students Durmus Sahin and two friends after Sahin criticized Health Minister Recep Akdag, who was making a campaign stop in Olum, Erzurum, by refusing to shake his hand and calling him a "traitor." Akdag filed a complaint with the local prosecutor, who brought charges under

penal code Article 301 for insulting "Turkishness." On July 16, the court released the youths, pending trial. The students face imprisonment of six months to two years if convicted. The case continued at year's end.

On October 4, an Izmir penal court acquitted popular Turkish singer Ferhat Tunc of making propaganda for a terrorist organization when he remarked during a July 2006 concert, "Just as every soldier who dies in this country is counted as a child of this country, so every guerrilla who is killed is a child of this country. My heart burns for every dead soldier; my heart bleeds for every dead guerilla."

In November Diyarbakir prosecutor investigated 14 children, ages 12 to 17, for "promulgating propaganda on behalf of an illegal organization" after they sang a Kurdish folk song also utilized as the anthem of Iraq's Kurdistan Regional Government at the San Francisco International Music Festival, held during the last week in October. At year's end the prosecutor had not formally indicted the participants.

On October 29, police took Tulga Hepis (35) into custody and questioned him for two hours for allegedly insulting Turkishness by dressing his dog in a shirt depicting the Turkish flag during an antiterrorism rally in the Aegean resort town of Bodrum. During the march, several demonstrators criticized Hepis, forcing him to take off the dog's shirt. Upon learning of the complaints, local administrator Abdullah Kalkan ordered the police to detain Hepis on charges of insulting Turkishness. Hepis told the police his aim was not to insult Turkishness but to show patriotism. The police released Hepis, and the local prosecutor charged him under Article 301. The case continued at year's end.

Throughout the year, law enforcement and the judiciary increased pressure on members of the pro-Kurdish DTP. The most common tactic used was investigation and prosecution of DTP leaders for speaking in the Kurdish language or for making statements critical of the government.

On February 23, police arrested DTP Diyarbakir provincial chairman Hilmi Aydogdu for "provoking hatred and animosity among people" after he made a statement that his party would consider an attack on Kirkuk to be an attack on Diyarbakir. He later clarified his remarks to mean that he was suggesting the government extend a hand of friendship to Kurds in northern Iraq. On February 28, an appellate court denied Aydogdu's appeal of his incarceration. On April 6, Aydogdu was released during trial, which continued at year's end.

On February 26, an Ankara court sentenced DTP cochairs Ahmet Turk and Aysel Tugluk to 18 months' imprisonment for violating the Political Parties Law by printing and delivering Kurdish-language handouts on the occasion of World Women's Day in March 2006. They were also convicted of violating a law prohibiting praising a crime or a criminal, for using phrases and honorific titles such as "sayin" (esteemed) that praised jailed PKK leader Abdullah Ocalan. Turk and Tugluk appealed the verdict to the Supreme Court. In March Turk was sentenced to six months' imprisonment, along with DTP member Sedat Yurttas, for using "sayin" in reference to Ocalan, and was investigated, along with former Kurdish parliamentarian Leyla Zana, for a third instance of using the title.

On March 8, a Kars court ordered police to seize Nevruz (Kurdish New Year) invitations and posters from DTP's Kars office because they used the letter "w", which occurs in Kurdish but not Turkish.

On March 19, a Van heavy penal court sentenced Hakkari DTP Mayor Metin Tekce to 10 months in prison for "making propaganda on behalf of a terror organization," for his comment in March 2006 after the Semdinli incident that the PKK was not a terrorist organization.

On June 14, a Council of State court, abiding by the Ministry of Interior request, decided to dissolve the Sur Municipality of Diyarbakir and dismiss its mayor, Adbullah Demirbas, after the municipality attempted to institute a program to offer multilingual services to its citizens, 72 percent of whom the municipality stated spoke Kurdish as a first language. On October 19, the Council of State's Grand Chamber upheld the decision and rejected defendants' objections to the June 14 decision.

Prosecutors opened 15 cases against Diyarbakir Mayor Osman Baydemir during the year, bringing the total number of cases against him to 24. Baydemir was acquitted in four cases during the year; he faces a total of 280 years' imprisonment if convicted on all charges in the remaining 20 cases. Since March 2004 prosecutors opened 75 investigations of Baydemir. On October 18, the Diyarbakir public prosecutor opened two cases against Baydemir, demanding sentences of five and four and one-half years, in connection with his references to the PKK as the "armed Kurdish opposition." In February, the Tarsus chief prosecutor filed an indictment seeking up to two years' imprisonment against Baydemir's wife, HRA Vice Chair Reyhan Yalcindag, for attempting to "influence those who are performing a judicial duty." Yalcindag had praised a Mersin court's decision to release six youths for attempting to burn a Turkish flag during Nevruz celebrations in 2005. The case was pending at year's end.

The prosecution continued at year's end against DTP mayor of Batman Huseyin Kalkan for his remarks on the PKK and Kurdish sentiments in the *Los Angeles Times* in May 2006, after two Turkish citizens filed a crime complaint.

Trial proceedings in the case against six juveniles charged with attempting to burn the national flag during celebrations of Nevruz in 2005 continued at year's end.

On February 14, an Ankara court sentenced 13 officials of the pro-Kurdish party Hak-Par for speaking Kurdish at, and distributing Kurdish-language invitations to, the 2004 party convention. The court issued two rulings based on the "intensity of the offense." The court sentenced five defendants to a one-year prison term, but reduced the sentence of one of those five to a $24,700 (29,200 lira) fine due to his advanced age. The court sentenced the remaining eight defendants to six months in prison but converted the term to a $1,680 (1,980 lira) fine. On February 28, the Constitutional Court ruled that Hak-Par dismiss the 13 convicts in order to be in compliance with the Political Parties Law.

There was no new information available regarding the appeal of the 2005 conviction of DEHAP official Ahmet Dagtekin for illegal speech for using Kurdish language and symbolism during a 2004 campaign event. During the year an appellate court overturned the 2005 conviction of DEHAP official Resit Yardimci for speaking Kurdish during a 2003 party convention.

Turkey had an active print media independent of state control. There were hundreds of private newspapers that spanned the political spectrum.

The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 213 local, 16 regional, and 23 national officially registered television stations and 952 local, 102 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used media as a tool to build pressure against government policies.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Police harassed and beat journalists during at least one demonstration. Authorities ordered raids of newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government.

In April an Istanbul court began investigating journalists Lale Sariibrahimoglu of *Today's Zaman* newspaper and Ahmet Sik of *Nokta* newsmagazine under Article 301, after Sik published a *Nokta* story in which Sariibrahimoglu expressed concern about the "mentality" of the military and its role in internal security. The court held its first hearing on November 12; the case continued at year's end.

On April 13, approximately 50 police officers from an antiterrorism unit searched the employees and office of *Nokta* weekly magazine with a search warrant issued by a prosecutor upon a complaint filed by the military prosecutor in the office of the chief of the general staff. The complaint came following *Nokta's* publication of an April 5

article that explored the relationship between unnamed civil society groups and the military, citing the diary of retired Naval Forces commander Admiral Ozden Ornek as its source. AI's April 17 statement on the case stated that state security denied *Nokta* staff access to their computers even though the warrant allowed only for files to be copied. The Turkish Journalists' Association, the Contemporary Journalists' Association, and other groups contended the raid was an illegal suppression of free expression. In April prosecutors indicted Alper Gormus, editor-in-chief of *Nokta* for slander, requesting a prison sentence of six years and eight months. The trial began in an Istanbul court on September 19, and was pending at year's end.

On May 1, police harassed and hit journalists who were attempting to cover May Day labor demonstrations as the police dispersed crowds using tear gas and force. The Turkish Journalists' Association reported that at least six journalists were harassed or struck by police. The International Federation of Journalists said the incident created a "very dangerous" situation for journalists that could quell freedom of the press by making it too dangerous for journalists to cover such events. The European Federation of Journalists released a statement condemning the attacks on journalists and calling on the government to allow the media to work freely and independently. The Istanbul governor acknowledged "various problems" but stated that the police do not have enmity toward journalists.

In July prosecutors began an investigation of journalist Umur Talu, after the military's general staff complained to the Ministry of Justice that Tulu's column discussing the inequalities faced by noncommissioned officers aimed to harm the hierarchy within the military. Talu maintained his reporting was accurate and well within the bounds of journalistic freedom to analyze problems within the government. The prosecutors concluded Talu acted within the bounds of freedom of expression, committed no crime, and dismissed the case.

On December 5, two individuals attacked and beat Andreas Rombopulos, editor-in-chief of the Greek-language newspaper *Iho*, outside the newspaper's office in Istanbul. Police made no arrests during the investigation, which continued at year's end.

The TPA observed in a June report that a legal change absolving publishers from responsibility for the books they publish resulted in a shift of liability from the publishers to translators. The TPA also noted that publishers continued to be held liable for books whose authors are foreigners or living abroad.

On January 19, Hrant Dink, a prominent human rights activist and editor-in-chief of the bilingual, Turkish-Armenian weekly newspaper *Agos*, was assassinated outside of his office building in Istanbul. A 17-year-old suspect, Ogun Samast, was arrested shortly after the incident and charged with the murder. Samast reportedly admitted during an October 1 session of the trial, which was ongoing at year's end, to shooting Dink. The investigation, which continued at year's end, resulted in the arrest and indictment of another 19 suspects, eight of whom remained in detention. The president, prime minister and other government officials condemned the killing, while a national debate ensued concerning ultra-nationalism and the true source of culpability. Dink had previously received a six-month suspended prison sentence in 2005 following his conviction for "insulting Turkishness" in an article he wrote on Turkish-Armenian relations.

On October 11, Arat Dink, Hrant Dink's son and a managing editor at *Agos*, and Serkis Seropyan, a colleague, received a one-year suspended jail sentence following their conviction for "insulting Turkishness." The related charges were filed in September 2006 after *Agos* reprinted a Reuters interview with Hrant Dink in which the senior Dink describes the events of 1915 as "genocide." On June 14, a court acquitted Arat Dink and Seropyan of separate charges filed in 2005, accusing the two of "attempting to influence the judiciary" by criticizing Hrant Dink's 2005 conviction.

In June 2006 an Istanbul court acquitted columnist Murat Belge for insulting the judiciary and trying to influence the judicial process for coverage of the court battle over the legality of holding a 2005 Istanbul conference on the 1915 massacre of Armenians in the Ottoman Empire.

There was no new information available about the 2005 convictions of writer Zulkuf Kisanak for "denigrating the Republic of Turkey" and journalist Aziz Ozer on similar charges.

The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. RTUK regulations limited minority-language news broadcasts to 45 minutes per day, with no time restrictions for minority-language cultural shows or films. RTUK regulations required non−Turkish-language radio programs be followed by the same program in Turkish and that non-Turkish-language television programs have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. The state-owned TRT broadcasting company provided limited national programming in Kurdish and three other minority languages.

On February 9, after a three-year legal battle, RTUK barred from broadcasting "Anatolia's Voice" radio station for "inciting hatred and enmity" among the people on the basis of three 2003 programs. At year's end the station remained banned but continued to broadcast on the Internet.

Officials at Radyo Imaj reported that they faced increasing pressure in the form of two continuing administrative closure case and efforts by unknown parties to "jam" the station's frequency, reportedly because the station played Kurdish music and conducted occasional Kurdish-language interviews. Government officials responded that Radyo Imaj never obtained legal rights to the frequency at issue and is only one of numerous stations waiting for a frequency to become available. Radyo Imaj continued to broadcast over the Internet.

The TPA reported that the banning and recall of books became very rare; however, writers, and publishers were still prosecuted on grounds of defamation, denigration, obscenity, separatism, subversion, fundamentalism, and blasphemy. Printing houses are required to submit books and periodicals to prosecutors at the time the materials are published. According to the TPA, prosecutors investigated and in several cases pressed charges against printing houses for late submission of materials deemed problematic. The TPA reported that publishers often avoided works with controversial content. According to the TPA, from June 2006 to June 2007, authorities opened court cases against 43 authors and 24 publishing houses for 43 books they had either written or published. These cases resulted in eight acquittals, 13 convictions, five dismissals, and 17 ongoing cases.

On May 22, a Fatih criminal court acquitted publisher Hamza Turkmen and sentenced author Mehmet Pamak to 15 months' imprisonment for his book *Kemalism, Secularism and Martyrdom*, for allegedly infringing penal code Article 216, which prohibits provoking the public to hatred, hostility, or denigration. The court postponed the execution of punishment.

On September 25, an Istanbul court acquitted publisher Fatih Tas and two translators in two cases for "insulting Turkishness" by publishing two books: a translation of the Noam Chomsky and Edward S. Herman book, *Manufacturing Consent: The Political Economy of Mass Media*; and a Turkish translation of the book, *Spoils of War: The Human Cost of America's Arms Trade*.

An Istanbul court acquitted Ragip Zarakolu, owner of Belge Publishing, in one of the two cases brought against him in 2005 for insulting the state by publishing translations of two books dealing with Turkish-Armenian relations. The court ruled that the translator, Atilla Tuygan, should be charged instead of Zarakolu. A case continued against Tuygan at year's end, in which Tuygan faces a six-year prison sentence. In the second case, Zarakolu faces seven and one-half years' imprisonment for publishing *The Truth Will Set Us Free*. On June 1, the book's author, George Jerjian, sent a letter to the court urging Zarakolu's acquittal. The case continued at year's end.

Authorities occasionally censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source at issue.

Judges effectively shut down *Ozgur Gundem*, a Kurdish-language paper generally considered to be pro-PKK, by ordering its closure for 15 to 30 days on five separate occasions during the year, confiscating copies of the paper, and barring access to its Web site. On July 18, an Istanbul court closed the Kurdish newspaper *Guncel* for 15 days because it had the same owner as *Ozgur Gundem*. *Guncel* editor-in-chief Mehmet Samur said the court applied flawed legal reasoning to silence the paper in what amounted to "election censorship" just prior to the July 22 parliamentary elections. An Istanbul heavy penal court closed Kurdish newspaper *Yedincigun* for 15 days beginning on November 12 and 30 days beginning on November 27 for allegedly spreading PKK propaganda.

There was no new information available on the May 2006 Ankara court conviction of Ismail Yildiz, president of the Political, Economic Social Research and Strategy Center for insulting Prime Minister Erdogan, Finance Minister Unakitan, and Transportation Minister Yildirim, by publishing Internet articles critical of them.

On April 18, an Ankara court dismissed the case Prime Minister Erdogan brought against political cartoonist Mehmet Cagcag for his cartoon in the 2005 edition of *Leman* magazine, which depicted Erdogan as a tick. The court reasoned that public officials should expect tough criticism.

After Prime Minister Erdogan filed a series of 2005 lawsuits alleging political cartoonists had insulted him, the satirical magazine *Penguen* responded to the lawsuits by publishing a front page with a series of drawings by different cartoonists depicting Erdogan as various animals. In 2005 Erdogan filed a lawsuit against *Penguen* seeking $31,912 (38,178 lira) in compensation; the court ruled in favor of the magazine. In April the Court of Appeals upheld the decision.

During the summer of 2006, the parliament placed further restrictions on the media by adopting amendments to the Antiterror Law. Under the amendments, editors at media organizations that disclose the identities of public personnel fighting terrorism may be fined, and a judge may order the closure for up to one month of a publication that "makes propaganda for terrorist organizations." Former president Ahmet Necdet Sezer challenged these amendments in the Constitutional Court, arguing that such restrictions violate the constitution. At year's end, the Constitutional Court had not ruled on the case, and the laws remained in suspension.

During the year cases against the press under the Antiterror Law continued. The TPA and human right's groups reported that the law contains an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The TPA reported that the Kurdish newspapers and radio stations were closed down periodically and in some cases were raided by security forces. According to TPA, the total cases against pro-Kurdish daily *Ozgur Gundem* under the Antiterror law reached 550, and its editor-in-chief Hasan Bayar was sentenced to a total of five years and 10 months' imprisonment.

Internet Freedom

The Internet was widely available in the country. It is used in schools, libraries, private internet cafes and other public locations, and the government encouraged its use. There were some restrictions on Internet access.

On May 4, the government adopted a new Internet law governing criminal and civil law violations. The law allows the government to ban a Web site if there is sufficient suspicion that one of eight crimes is being committed via the site: encouraging suicide; sexual abuse of children; facilitation of drug abuse; provision of dangerous substances for health care; obscenity; prostitution; gambling; or crimes regulated in Turkish Code 5816 (crimes against Ataturk). Upon receiving a complaint or as a result of personal observations, a prosecutor may file an application for a ban on access to the offending site, or in an urgent situation, the prosecutor or the Telecommunication Presidency may impose a ban. In either case, a judge must rule on the matter within 24 hours. Following a judicial ban order, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. The ISP may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows individuals who believe a Web site violates his or her personal rights to request the ISP to remove the offensive content.

On March 7, an Istanbul court banned access to the "YouTube" Web site to block a cartoon video that lampooned Turkey's founding father, Ataturk, as gay. The court ruled that the ban was necessary because "Ataturk and Turkey were insulted with swear words written in English on Ataturk's photos and to protect freedom of expression." On March 8, the court ruled in a new decision that it would lift its prior order if YouTube removed the offensive video. On March 9, after YouTube removed the video, the ban was lifted and users were again able to access the site.

On August 17, a court prohibited all postings on the wordpress.com Web site in response to a petition filed by lawyers for Adnan Oktar, a controversial Turkish Muslim author best known as an ardent antievolutionist who authored the book *Atlas of Creation*. Letters from Oktar's lawyers claimed that Edip Yuksel, a popular Turkish Muslim author who has defended evolution and criticized Oktar, posted offensive and illegal content on his wordpress sites. Oktar's lawyers initially applied to have only several postings blocked but later applied for a blanket prohibition after authors moved the allegedly defamatory content to other sites hosted on the wordpress.com domain. The government said that, pursuant to the court order, all wordpress sites were blocked because it did not possess the technology to block just one site. All wordpress sites remained blocked at year's end.

Earlier, on April 17, an Istanbul court granted Oktar's petition to block access to the electronic dictionary Web site *Eksi Sozluk* for allegedly insulting him; access to the site was restored one week later without the offensive links.

On September 17, a Sivas court issued an order to block access to YouTube after the court determined content on the site insulted Ataturk and the leaders of the government. Reporters Without Borders issued a statement calling the blocking of the entire Web site a disproportionate measure and urged the government to reverse the decision. YouTube removed the offensive content and the government did not block access.

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

Academic Freedom and Cultural Events

There generally were no government restrictions on academic freedom or cultural events; however, university authorities suspended one academic who publicly supported views contrary to the official state ideology and there was some self-censorship on sensitive topics.

On March 13, an Izmir public prosecutor opened a court case against Gazi University professor Atilla Yayla for violating the law prohibiting insulting Ataturk. Yayla would face up to three years in prison if convicted. In November 2006 Gazi University suspended Yayla after he stated at a 2006 AKP-organized conference that the one-party secular regime imposed by "this man" (Mustafa Kemal Ataturk) was not "progressive."

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

The HRF reported that, unlike 2006, there were no killings of participants in demonstrations during the year. There were reports that police beat, abused, detained, or harassed some demonstrators during the year.

The Ministry of Interior reported that police detained 2508 persons involved in demonstrations through November 22.

On January 10, police used excessive force to disperse approximately 80 members of the Rights and Freedom Association who had gathered in Istanbul's Taksim Square to protest problems in prisons. According to the HRF, police beat six demonstrators and broke the leg of Ibrahim Gokce, a member of the music group Grup Yorum.

Approximately 200 public events around the country celebrating the Nevruz holiday in March were generally peaceful despite widespread predictions that tensions over

the situation in the southeast would lead to serious violence; however, police detained 431 persons for displaying PKK flags and posters of jailed PKK leader Ocalan. Four demonstrators and seven police officers were injured during demonstrations.

On May 1, police used excessive force to disperse approximately 1,000 demonstrators who gathered without legal permission in Istanbul's Taksim Square to mark the 30th anniversary of "Bloody Labor Day," when over 30 persons were killed in Taksim Square after gun shots into the crowd from an unknown source prompted a stampede. Istanbul's governor denied permits for use of the square for this year's demonstrations, but unions associated with the Revolutionary Workers' Unions publicized their determination to hold them anyway. As marchers proceeded to the square, police used water canons and tear gas to disperse the crowd, including journalists covering the event. Seventy-five-year old Ibrahim Sevindik, who was sitting at a cafe in the square, died from exposure to the gas. Police detained more than 700 persons but released many the same evening. There were no reported trials resulting from the May 1 incident.

The trial of nine DEHAP officials for being members of an illegal organization continued at year's end. The nine officials were charged after they alleged that police shot and killed Umit Gonultas during a February protest in Mersin Province in support of Abdullah Ocalan, imprisoned leader of the PKK. According to the HRA, there was no evidence that demonstrators used weapons during the altercation. No one had been prosecuted for the death of Gonultas by year's end.

On October 16, a Diyarbakir heavy penal court sentenced Kurdish activists Ibrahim Guclu, Zeynel Abidin Ozalp, and Ahmet Sedat Ogur to one year in prison under the Antiterror Law for demonstrating against a possible Turkish military operation in southeastern Turkey and northern Iraq. The defendants had announced they planned to walk from Diyarbakir to the Iraqi border as a symbolic protest, but were apprehended as they left Diyarbakir.

The government initiated an investigation, which continued at year's end, into the 2005 death of Hasan Is, who relatives and other witnesses claimed was shot and killed by police during an altercation at a funeral ceremony for PKK militants in Batman Province.

In March 2006 the first session of a case against 54 police officers began for alleged use of excessive force during a March 2005 International Women's Day demonstration in Istanbul. The case was ongoing at year's end.

The six juveniles charged for allegedly burning the Turkish flag during Nevruz celebrations in Mersin in 2005 remained free while their trial continued at the heavy penal court at year's end.

During a 2005 rally in support of PKK leader Abdullah Ocalan in Siirt Province, police shot and killed demonstrator Abdullah Aydan and detained 39 other demonstrators. The trial court acquitted a police sergeant of the murder. The chief prosecutor of the court of appeals requested the court's penal department to overturn the acquittal. At year's end the penal department had not issued a ruling. The public prosecutor dismissed the demonstrators' complaint that alleged the police beat and harassed them. Prosecutors later charged the demonstrators for chanting illegal slogans and performing an illegal march. The trial continued in Diyarbakir Penal Court at year's end.

Freedom of Association

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

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

Members of the Judges and Prosecutors' Union (YarSav) faced legal pressure to close down the organization. The organization at various times criticized the Ministry of Justice for selecting employees based on their personal beliefs. On August 17, Ankara Governor Kemal Onal applied to the Ankara chief prosecutor and Council of State to dissolve the organization because it allegedly violated the constitution and the Law on Associations. The Council of State denied the request. At year's end the organization continued to operate.

Foreign associations wishing to conduct programs in the country were required to submit detailed reports to the government on each activity, despite the fact that local partners were required to report on the same projects.

According to the Third Sector Foundation of Turkey, an NGO advocacy organization, 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.

Unlike the previous year no organizations were closed by the government or courts.

c. Freedom of Religion

The constitution and laws provide for freedom of religion, and the government generally respected this right in practice; however, the government imposed significant restrictions on Muslim and other religious groups.

The constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights.

The government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet regulates the operation of the country's 77,777 registered mosques and employs local and provincial imams, who are civil servants. A few groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the government asserted that the Diyanet treated equally all who request services.

Academics estimated the Alevi population at 15 to 20 million, including ethnic Turks, Kurds, and Arabs. In general, Alevis follow a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The government considers Alevism a heterodox Muslim sect; however, some Alevis and absolutist Sunnis maintain that Alevis are not Muslims.

Alevi "cem houses" (places of gathering) have no legal status as places of worship. In May 2006 authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and promised not to interfere with the project; however, the municipality reportedly filed a case against the association after it proceeded with construction following the ban. The case was ongoing at year's end.

Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats) are officially prohibited; however, tarikats and cemaats remained active and widespread. Many prominent political and social leaders continued to associate with these religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations, regulates a few administratively critical activities of non−Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian,

Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Members ofJehovah's Witnesses reported continuing official harassment of their worship services because they are not members of an officially recognized religion. In 2006 the Witnesses reported that police arrested 25 year-old member Feti Demirtas and sent him to prison on nine occasions for conscientiously objecting to military service, as his religion requires. According to Jehovah's Witness officials, the harassment Demirtas received for his beliefs was not atypical; other cases have included arrests, court hearings, verbal abuse, physical mistreatment, sleep deprivation, strip searches, and psychiatric evaluations by police and local officials.

In 2005 the Jehovah's Witnesses appealed an administrative court decision that prohibited them from worshipping in their hall in Akcay in Bursa Province. In December 2006, after the court had taken no action on the case, the Jehovah's Witnesses filed a demand to expedite a hearing. For the second year in a row, there was no decision on that motion by year's end.

On July 31, the Istanbul Governorship Associations Directorate confirmed that the charter for the "Association for the Support of Jehovah's Witnesses" was registered and granted legal recognition. Despite the new legal status, local government officials cited obscure laws or zoning regulations as a way to deny members permission to worship at a particular site, rendering the new legal recognition of limited use. Following the killing of Hrant Dink, the Jehovah's Witnesses faced an increase in threats and harassment. In one case, after a local Fetiye newspaper published photographs and a negative article on the local Jehovah's Witnesses, unknown perpetrators defaced the houses and businesses of the members with graffiti.

Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha'i, are unable to state their religion on their cards because it is not included among the options; they have made their concerns known to the government. In April 2006 parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the government reportedly continued to restrict applicants' choice of religion; members of the Baha'i community stated that government officials had told them that, despite the new law, they would still not be able to list their religion on the cards.

Secularists in the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they labeled proponents of Islamic fundamentalism.These groups viewed religious fundamentalism as a threat to the secular state. The National Security Council categorized religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, a few government ministries have dismissed or barred from promotion civil servants suspected of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military periodically dismissed religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state.

According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and noncommissioned officers were periodically dismissed for ignoring repeated warnings from superior officers and maintaining ties to what the military considered to be Islamic fundamentalist organizations. In November the government reported 38 military dismissals of which they claimed seven were associated with religious extremism.

The government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's Greek Orthodox community. As a result, the government has long maintained that only citizens of the country could become patriarch, serve as members of the Greek Orthodox Holy Synod, and participate in patriarchal elections. Nevertheless, officials did not respond to the ecumenical patriarch's appointment of six non-Turkish metropolitans to the Holy Synod in 2004. Members of the Greek Orthodox community asserted that these restrictions threatened the survival of the patriarchate in Istanbul, because, with no more than 4,000 Greek Orthodox persons remaining in the country, the community was becoming too small to maintain the institution.

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

In August 2006 the Istanbul Protestant Church finalized the legal procedure for officially registering its building as a "place of worship." This was the first time that the government approved a request for such status in the zoning plan.

Many local officials continued to impose standards, such as minimum space requirements, on churches but not mosques.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The government closed the seminary in 1971, when the patriarchate chose not to fulfill a government requirement for all private institutions of higher learning to nationalize. The patriarchate found it impossible to comply with the order. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in a few cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature. Christians performing missionary work were occasionally beaten and insulted. Police officers sometimes reported students who met with Christian missionaries to their families or to university authorities.

Several foreigners who are practicing Christians and have lived with their families in various cities for many years reported increased governmental harassment during the year, including denial of residence and work permits that had been granted in previous years, monitoring by Jandarma, and threats to themselves and their families. These persons reported that they worshiped in their homes but did not proselytize by distributing bibles, going door-to-door, or undertaking similar activities.

Authorities continued to enforce a long-term ban on the wearing of headscarves at universities and by civil servants in public buildings. Women who wore headscarves and persons who actively showed support for those who defied the ban were disciplined or lost their jobs in the public sector. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class. Some wore wigs instead.

In 2005 the ECHR Grand Chamber upheld a 2004 ECHR ruling that the ban on Islamic headscarves in the country's universities was lawful.

In February 2006 the Council of State ruled in favor of a decision by education authorities to revoke the promotion of an Ankara teacher to a nursery school principal position on the grounds that the teacher regularly wore an Islamic headscarf outside of school. Numerous journalists and religious rights advocates asserted that the court's decision effectively expanded the headscarf ban into the private sphere. The court, however, maintained that the teacher had violated the principle of secularism in education by wearing the headscarf while traveling to and from school.

In May 2006 attorney Alparslan Arslan opened fire in the Council of State court responsible for the February ruling, killing Judge Mustafa Yucel Ozbilgin and wounding four other judges. His trial was ongoing at the end of the year.

The law establishes eight years of compulsory secular education for students. Subsequently students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance examination grades if they

applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enrolled their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams.

The constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities, such as Protestants, faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The government claimed that the religion courses covered the range of world religions; however, religious minorities asserted the courses reflected Sunni Islamic doctrine, which they maintained explains why non-Muslims are exempt.

Many Alevis alleged discrimination in the government's failure to include any of their doctrines or beliefs in the religion courses. On October 9, the ECHR ruled in favor of an Alevi parent who, in 2004, filed a suit claiming the mandatory religion courses violate religious freedom.

In April 2006 an Istanbul court ruled in favor of an Alevi father who requested that his son be exempt from the religion courses at school; however, the following month, a higher court overturned the lower court's ruling, and the case was pending in the Higher Court of Appeals at year's end.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. Such schools are required to appoint a Muslim as deputy principal; reportedly these deputies had more authority than their nominal supervisors. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Students who complete five years of primary school may enroll in Diyanet Koran classes on weekends and during summer vacation. Many Koran courses functioned unofficially. Only children 12 and older may legally register for official Koran courses, and Mazlum-Der reported that law enforcement authorities often raided illegal courses for younger children. According to Diyanet figures, there were nearly 5,000 official Koran courses throughout the country.

Numerous religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the government and continued to fight ongoing efforts by the government to expropriate properties. Many such properties were lost because the law allows the GDF to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The GDF also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members.

The law allows the 161 minority foundations recognized by the GDF to acquire property, and the GDF has approved 364 applications by non-Muslim foundations to acquire legal ownership of properties. However, the law does not allow the foundations to reclaim hundreds of properties expropriated by the state over the years. Foundations have also been unable to acquire legal ownership of properties registered under names of third parties, including properties registered under the names of saints or archangels, during periods when foundations could not own property in their own name.

Turkish law has no provisions to accommodate those who conscientiously object to military service.

The military failed to comply with a January 2006 ECHR decision ordering Turkey to pay $16,000 (11,000 euros) compensation to Osman Murat Ulke, for mistreatment he received when he conscientiously objected to military service. The court also pointed out the necessity to create a legal mechanism to allow conscientious objectors to perform nonmilitary public service. The Turkish Military Court of Appeals Grand Chamber claimed that the decisions of the ECHR on conscientious objectors were not binding. Eskisehir military prosecutors continued to demand a sentence of 17 months and 15 days' imprisonment of Ulke, who was first arrested in 1996 and tried several times since for "damaging the public image of the army," "disobeying orders," and "desertion." He served a total of 701 days in prison.

On March 15, a military court sentenced conscientious objector Halil Savda to one year and eight months' imprisonment. Halil refused to wear a military uniform and shave a beard he maintained for religious beliefs.

Societal Abuses and Discrimination

Attacks on those practicing Christian faiths continued. On June 19, the Ministry of Interior issued a circular to all governors that acknowledged an increase in individual criminal actions and attacks against non-Muslim citizens and their places of worship, and requested governors take all necessary measures to prevent future incidents against non-Muslims. The circular requested that governors ensure detailed investigation of such crimes and take protective measures to protect at-risk individuals, groups, or property. The circular also urged governors to undertake social and cultural activities that would increase social tolerance toward individuals of different religions and beliefs.

In January the building of the Agope Church Foundation in Samsun was attacked and its windows were broken.

In March a hand grenade was thrown into the courtyard of the house of the president of the Syriac Churches Foundation in Mardin's Midyat district. The police opened an investigation after the incident, but there were no reports of an arrest or a court case by year's end.

In April a group of youths murdered three members of a protestant church in Malatya, including a German citizen. The victims were found with their hands and legs bound and their throats slit in the office of a company that publishes books on Christianity. Four suspects were caught as they were trying to get out of the building, while another jumped out of the window and was hospitalized. A total of 11 suspects were charged in connection with the killings, five of whom remained in custody as the investigation continued. The trial began on November 23 and was ongoing at year's end. Five defendants faced multiple life sentences for murder and terrorist acts and another two were charged with assisting in the planning of the murders.

In November Ministry of Environment and Forestry officials damaged a Greek Orthodox church on Heybeli Island as it was being restored. The officials claimed the restoration was illegal; however an investigation conducted by island authorities later determined the ministry officials acted independently and without cause.

In November Syriac priest Edip Daniel Savci was kidnapped in Midyat and held for three days as his kidnappers demanded $438,000 (300,000 euros) in ransom. One of the kidnappers, reportedly overcome by guilt, released him unharmed, and seven suspects were later arrested for the crime.

In November two intoxicated suspects were arrested for breaking windows of the Greek Orthodox Holy Trinity Church in Istanbul's Kadikoy district.

In November security officials thwarted a planned attack on a priest at St. Paul's Church in Antalya. The officials had been investigating suspect Murat T for his ties to other crimes when they discovered a telephone conversation in which he declared his intent to kill the priest. He remained under arrest at year's end for his alleged involvement in five counts of arson, although by year's end, there were no reports of charges related to the planned attack on the priest.

In December a 19-year-old assailant stabbed 65-year old Italian priest Adiano Francini inside the St. Antoine church in Izmir. Police soon captured Ramazan Bay outside a mosque where he had allegedly gone to confess the crime to an imam. Francini survived the attack and stated he did not intend to press charges against Bay, whom he described as a mentally disturbed youth acting on his own volition.

In January 2006 five assailants severely beat Protestant church leader Kamil Kiroglu in Adana. One attacker with a knife threatened to kill Kiroglu unless he renounced

Christianity. The government did not investigate the incident or make any arrests for the second consecutive year.

In February 2006 an assailant shot and killed Catholic priest Andrea Santoro in a church in Trabzon. On October 4, an appeals court upheld the prison sentence of 18 years and 10 months rendered in October 2006 to the 16-year-old defendant charged with the murder.

In July 2006 a Catholic priest in Samsun was attacked and suffered knife wounds. Authorities announced that, prior to the attack, the assailant, who was later arrested, had filed complaints against the priest for "Christian propaganda." During the trial, which was ongoing at year's end, prosecutors requested the assailant be hospitalized after he reportedly was diagnosed with chronic schizophrenia.

Members of the Syriac community reported that Syriacs who were forced to leave their southeastern villages during PKK-related violence in the 1980s and 1990s faced fewer problems when attempting to return to their villages. Previously, local villagers, particularly village guards, often occupied the homes of Syriacs who fled and refused to leave when Syriacs attempted to return.

In 2005 a group of nationalists gathered outside the Dirilis Protestant Church in Istanbul and chanted slogans, vandalized the premises, and beat the landlord. The church has since shut down. There were no reports that a court case was opened against the perpetrators.

For the second consecutive year, no court cases were opened in several 2005 incidents of violence, threats, and vandalism against Christians and Christian places of worship.

For the second consecutive year, the government did not initiate an investigation into two 2005 incidents targeting Syriacs.

In September 2006 retired imam Bayram Ali Ozturk was stabbed to death following morning prayer in a mosque in Istanbul. Ozturk's attacker, Mustafa Erdal, was killed by others in the mosque. Ozturk was the primary candidate to succeed the head of the Nakshibendi tarikat. In October one of the two suspects under arrest was sentenced to four years and two months for "aiding and abetting," while the other remaining suspect was acquitted.

Many Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, religious minorities asserted that they were effectively blocked from careers in state institutions.

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

The Jewish community numbered approximately 23,000. During the year there were continued reports of anti-Semitic language in newspapers and Web sites, as well as of increased societal antagonism and discrimination, which peaked following the summer 2006 conflict involving Israel and Lebanon and remained high since then.

The popular television series *Valley of the Wolves* continued for a fourth season in May after briefly being taken off the air in February due to government pressure and viewer complaints over the show's violent content. Critics argued the show, and its 2005 spin-off movie of the same title, stoked nationalism and reinforced societal suspicion toward non-Muslims**.**

In February two of the 74 defendants charged in connection with the 2003 terrorist bombings of two synagogues, the British Consulate, and a bank were sentenced to heavy life imprisonment, and five others were sentenced to life terms. Authorities imprisoned 41 suspects for three to 18 years and acquitted 26.

Trial proceedings continued in the case of the 2004 bombing of an Istanbul Masonic lodge. It was widely believed in the country that Masons have Zionist and anti-Islamic tendencies; evidence gathered in the investigation indicated that anti-Semitism was at least a partial factor in the attack, which killed two persons and wounded seven.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the government limited these rights in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (e.g., military service), or criminal investigation or prosecution. The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints.

On June 7, the government declared a High Security Zone would be established from June 9 to September 9 in specific demarcated zones located in three southeastern provinces of Siirt, Sirnak, and Hakkari. Journalists attributed the measure to "part of an intensifying battle" between the military and the PKK. Prior to September 9, the government extended the termination date to December 10. Some villagers claimed the establishment of the security zones restricted their access to their fields and pastures.

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

Internally Displaced Persons (IDPs)

Various NGOs estimated that there were from one to three million IDPs in the country remaining from PKK conflict, which began in 1984, continued at a high level through the 1990s, and continued during the year. The government reported that 368,360 citizens from 62,448 households migrated from the southeast during the conflict, with many others departing before the fighting. In December 2006 Hacettepe University released the results of a study that was commissioned by the government, which concluded that an estimated 953,680 to 1,301,200 persons were displaced by conflict in the southeast between 1986 and 2005. The study found that the main reason for the large discrepancy between government and NGO figures was that the government only included persons evacuated by the security forces from settlements, and not those who were forced to flee because of general violence or for a combination of security and economic reasons. The study also noted that internal displacement in the country is part of a broader rural-to-urban migration by individuals seeking economic opportunity, exacerbated by the violence in the southeast, and has been affected by large-scale development projects, such as the Southeastern Anatolia Project, and natural disasters.

The law to compensate IDPs allows persons who suffered material losses during the conflict with the PKK to apply for compensation. On May 31, parliament extended the duration of the law so that applicants may apply for compensation until May 2008. Human Rights Watch (HRW) reported in December 2006 that the law was being implemented in a way contrary to the government's stated purpose and principles of fair and appropriate redress. According to HRW, rulings by provincial commissions charged with the law's implementation were inadequate and actually hindered those IDPs who would like to return to their preconflict homes. HRW also found that IDPs had no realistic avenue of appeal. These findings mirrored those of local NGOs and regional bar associations, which maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. A representative from the Ministry of Interior denied that the government has implemented the law unfairly.

The Ministry of Interior reported that the review commissions had received a total of 278,165 applications for compensation under the law through December. The commissions have processed 97,579, approving 66,563 and rejecting 31,016. The government paid total compensation in the amount of $294 million (351 million lira), an average of $13,400 (16,000 lira) per person.

According to the Turkish Economic and Social Studies Foundation (TESEV), the law only compensates losses suffered after 1987, leaving out victims who suffered losses between 1984, when the clashes started, and 1987. TESEV reported that many victims who fled the region because of the deteriorating economic and security situation have been unable to receive compensation because they could not demonstrate a direct link between their losses and the actions of either the PKK or the security forces. HRW reached the same conclusion in its December 2006 report, in which it noted that the government has unjustly refused to compensate those villagers in the southeast region displaced prior to 1987.

On June 26, Jandarma and village guards forced villagers to leave the Ceme Kare hamlet of Yapraktepe village of Siirt's Pervari district after the Turkish military proclaimed a "special security zone" in portions of Hakkari, Sirnak, and Siirt Provinces. The villagers, members of the nomadic Kican and Batuyan tribes, were evicted for security reasons in 1989 but repatriated to the area in 2003. When villagers protested security forces' orders to evacuate, the troops forcibly loaded their belongings onto trucks and took the belongings to the Pervari Jandarma station. Many villagers remained in Ceme Kare hamlet, although without provisions and with no access to their crops. The following day, after several villagers filed an administrative complaint, security forces blocked the main point of access to the village. Villagers alleged that the action prevented a couple from obtaining treatment for their sick infant, leading to the baby's death. On August 8, a villager filed an administrative complaint with the Siirt governorship. Jandarma officials took the applicant and 15 villagers into custody for questioning and released them the same evening.

Village guards occupied homes abandoned by IDPs and have attacked or intimidated IDPs attempting to return to their homes with official permission. For example, village guards reportedly threatened and beat Hayrettin Yildirim on several occasions since he returned to the village of Kasyayla in Batman Province three years ago. On April 10, village guards opposed to Yildirim and other returnees' attempts to resettle the land beat him to the point where he required medical attention, according to the HRA and an April 23 report in *Radikal* newspaper.

Voluntary and assisted resettlements were ongoing. In a few cases, persons could return to their former homes; in other cases, centralized villages were constructed. The government reported that as of September 7, its "Return to Village and Rehabilitation Project" had facilitated 151,469 persons from 25,001 households returning to their villages.

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

Protection of Refugees

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees (recognized as such with certain geographical limitations), returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern.

An administrative regulation provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, Turkey ratified the 1967 protocol subject to a geographic limitation, and therefore accepts its obligations only with respect to refugees from Europe. The government has not established a formal system or legislation for providing protection to refugees. The UNHCR conducted refugee status determination for applicants from non−European countries and facilitated the resettlement of those recognized as refugees.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, including individuals of non-European origin. According to the Ministry of Interior, during the year the government provided temporary protection to 12,249 foreigners referred by UNHCR for resettlement to a third country. Refugees were not authorized to work in the country and needed permission from Ministry of Interior authorities to travel to Istanbul or Ankara, including for meetings with UNHCR or resettlement agencies.

In practice, in nearly all cases the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. However, during the year the government deported 20 recognized refugees to Iraq. One of these was an Iraqi citizen, while three were members of an Iranian family who entered Turkey from Iraq in 2002. The others included five Iranians deported as a group in August and 11 Iranians deported as a group on December 30.

On August 22, Pejman Piran, brother of jailed Iranian activist Peyman Piran, was deported to Iraq along with four other Iranian refugees who had been living in Van. Piran entered Turkey from Iran in 2005 and registered with UNHCR immediately; UNHCR recognized him as a refugee in October 2006 and referred him for resettlement to a third country. He was denied permission to travel from Van to Istanbul for resettlement interviews with third country officials three times between November 2006 and May 2007. Authorities denied Piran's lawyer access to him before his deportation. The ECHR issued a decision to stop the deportation on August 26, but Piran and the other four refugees had already been taken to Iraq. An ECHR case against Turkey was ongoing at year's end. Turkey's statement to the court claimed that this deportation did not violate the European Convention on Human Rights because the individuals' asylum claims had been rejected by competent Turkish authorities, and because they were deported to Iraq and not returned to Iran.

Iraqi citizens were generally able to obtain tourist visas upon arrival at airports in Turkey. However, some foreigners, including Iraqis, transiting Turkey on their way to Europe were returned to their countries of origin when immigration authorities determined they might seek asylum in Europe. According to UNHCR, a group of 500 persons from the Middle East and Asia were detained in Izmir in July as they tried to exit Turkey for Europe. Authorities returned 135 Iraqi citizens in this group, including some who had tried to claim asylum, to Iraq.

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

In January 2006 the government introduced amendments to the 1994 Asylum Regulation that eliminate a time limit for asylum seekers, as well as the requirement to present a valid identity document. Despite this, the International Organization for Migration (IOM) reported that during the year some refugees were charged fines for late registration before being authorized to travel to Istanbul in order to leave Turkey for their countries of resettlement. In June 2006 the government also issued an implementation directive that provided detailed guidance on the refugee status determination procedure and established a framework for the provision of assistance to asylum-seekers and refugees.

The UNHCR reported that it was able to successfully intervene in most cases where asylum seekers arrive in the country after transiting through one or more other countries. However, UNHCR access to persons in detention who wish to apply for asylum, as well as to persons trying to seek asylum while they are at the international areas of the country's airports, remained problematic.

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 a few political parties and leaders.

Elections and Political Parties

The 2007 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for

democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties criticized the 10 percent threshold as unduly high, and the OSCE noted that Turkey's 10 percent threshold remained the highest in the OSCE region.

The OSCE also noted in its observation report following the 2007 elections that, despite a comprehensive legal framework for elections, political campaigning and, in a broader context, freedom of expression were constrained by a number of laws which created the potential for uncertainty and scope for arbitrary interpretation. The OSCE also noted the positive efforts made to enhance the participation of Turkish citizens of Kurdish origin in political life. Legislation, however, continued to prohibit the use of languages other than Turkish in the election campaign.

In a polarized political climate leading up to presidential and parliamentary elections during the year, the military issued three statements that human rights groups characterized as attempts to exert pressure on the democratic process. On April 12, April 27, and June 8, in speeches and on its Web site, the military emphasized what it regarded as the deep threats posed by religious fundamentalism and terrorism and asserted the military's role as the ultimate defender of secularism. As the presidential election process proceeded, on April 27, the Turkish General Staff published a memorandum on its Web site expressing concern at the alleged weakening of secularism in the country. Human rights observers labeled the action a "coup by e-memorandum" and maintained the political intervention contributed to a later Constitutional Court decision that halted the April presidential election process and led to early parliamentary elections. The June 8 statement referred to human rights defenders and others critical of state authorities as synonymous with supporters of terrorist organizations. In a July 22 briefing paper, Human Rights Watch called the statements "veiled threats" against the ruling AKP party. Freedom House stated that these statements were suggestive that the "the army still retains disproportional influence over the political process."

Political parties and candidates could freely declare their candidacy and stand for election. The high court of appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court.

DEHAP reconstituted itself as the Democratic Society Party (DTP) in 2006; nonetheless the Constitutional Court deliberations in the legal case seeking DEHAP's closure on charges of separatism were ongoing at year's end. DTP officials speculated that the court was deliberately delaying its decision because the case deals with controversial political issues.

In the retrial of former members of parliament Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak for supporting the PKK, the court sentenced the defendants each to terms of seven years and six months, but ruled that each defendant had already fulfilled the sentence by having served 10 years following the initial trial at which they were sentenced to 15 years.

During the year police raided dozens of DTP offices, particularly in the southeast, and detained hundreds of DTP officials and members. During the year prosecutors opened scores of investigations and trials against DTP members. Police raids on DTP offices in Van and Siirt Provinces resulted in the detention of approximately 50 DTP members during the year.

Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism.

Following October 21 PKK terrorist attacks in Hakkari Province, some Turks attacked DTP offices throughout the country, setting DTP office buildings and furniture on fire, throwing rocks, breaking windows, and shouting obscenities. Some DTP politicians and Turkish citizens of Kurdish origin considered such violence to be inflamed by government policies and alleged that security forces did not take proper measures to prevent such incidents.

There were no developments during the year regarding the appeal of Aydin Budak, the DTP mayor of Cizre. In June 2006 Budak was sentenced to one year and three months in prison for stating in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something "provocative."

DTP Erzurum provincial chairman Bedri Firat continued his appeal of a July 2006 conviction. Firat was sentenced to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations in which he stated that Kurds were subject to genocide and praised Abdullah Ocalan.

There were no updates during the year in the 25 open cases against DTP member Tuncer Bekirhan.

On February 14, an Ankara court sentenced 13 Hak-Par administrators to imprisonment terms from six months to one year for distributing Kurdish-language invitations to a 2005 convention and speaking Kurdish during that convention. The court later converted nine of the sentences into monetary fines. The remaining four defendants received one year sentences. The defendants maintained that speaking in Kurdish is legal under the constitution and the European Convention on Human Rights.

There were 49 women in the 550-seat parliament. There was one female minister in the 25-member cabinet.

Although the number was unknown, some minority groups were active in political affairs. Many members of parliament and senior government officials were Kurds. PM Erdogan stated during the year that there were five Kurdish-origin ministers in his cabinet and 75 Kurdish-origin MPs in AKP's parliamentary group.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The World Bank Worldwide Governance Indicators reflected that corruption was a problem.

On May 10, a Turkish military court sentenced General Erdem Erdagi to 11 months and 25 days in prison for misusing his authority by accepting a bribe for the award of a military construction tender during his command in 2002-04 of the 8th Corps in Elazig. The sentence, the first for an active-duty officer, was five days short of the 12-month sentence that would trigger dismissal from the military. General Erdagi was charged together with a number of lower-ranking officers during a crackdown on corruption in 2003 and 2004 that led to the 2006 conviction of former naval admirals Ilhami Erdil and Aydin Gurul. Both officers filed appeals. In July 2006 the military court of appeals approved the verdict on Erdil but, based on health reasons, execution of the punishment was postponed. However, on July 3, authorities imprisoned Erdil.

On June 21, a military court convicted private contractor Ali Osman Ozmen to 45 years and nine months in prison for his complicity in a 2004 corruption scandal related to bidding and construction process for a special forces headquarters in the Golbasi region of Ankara. The court fined Ozmen $9.44 million (11.3 million lira) and banned him from working in the construction sector and voting in elections. Also connected to the scandal, the court expelled five officers from the military and sentenced them to the following prison terms: Col Mustafa Ozer, five years; (Ret) Col. Recep Yilmaz, three years, 10 months and 20 days; Captain Huseyin Ceylan, 16 years; and Captain Gokhan Bayri, one year and 15 days. The court convicted two additional civilians: military employee Huseyin Ozcan, one year and 15 days; and contractor Mehmet Bahadir Gulse, six years and 10 days. The court acquitted 17 suspects.

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

Government officials are required by law to declare their property every five years.

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. HRF reported that four of its five requests for information from the Ministries of Justice and Interior and the Statistics Institute were denied.

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

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally uncooperative and unresponsive to their views.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRA reported that prosecutors opened dozens of cases against HRA branches during the year. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul−based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum−Der.

At the November 27 opening of the Adana chapter of the Civil Society Development Center (STGM), Adana Governor Ilhan Atis verbally rebuked STGM coordinator Sunay Demircan for suggesting civil society is necessary to fill social, political, and economic gaps where government falls short. Atis claimed civil society should supplement ongoing government work, move in harmony with it, and should be supported only if its work upholds the principles of the Turkish constitution and runs in accordance with state goals.

In January the Istanbul governor's office, with no prior notice, froze three of the bank accounts of Amnesty International's (AI's) Turkey branch, worth approximately $62,600 (75,000 lira). In May AI filed civil cases against two local government authorities, the Beyoglu district governor's office and the Istanbul governor's office, for failing to respond to AI's administrative queries related to the seizure. On May 30, the Beyoglu district governor's office issued a decision that AI had participated in "unauthorized fund raising." The decision did not specify what AI actions violated the law. In a June 22 public statement, AI stated that it does not seek or accept money from governments or political parties for its work but that its funding depends on the contributions of its worldwide membership and fundraising activities, including street fundraising or "face-to-face" activities. The statement noted AI feared the incident could have been "a tactic of government harassment intended to impede legitimate fundraising activities." At year's end AI had not received an official explanation as to what activities violated the law, and the civil case continued.

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

A Human Rights Presidency (HRP) under the Prime Ministry was authorized to monitor the implementation of legislation relating to human rights and coordinate the work of various government agencies in the field of human rights. Despite lacking a budget and sufficient resources, the HRP carried out a number of projects with the European Commission and Council of Europe.

During the year the HRP promoted human rights by showing 10 different short films on diverse topics such as freedom of expression, discrimination, children's rights, and torture, among others. The films were shown in 145 theaters across Turkey prior to the screening of main attractions. The HRP established a free, emergency human rights hotline called "Alo 150," where individuals could report information on human rights violations for transmission to the appropriate government body. The HRP also trained 1,000 members of local human rights boards from across the country during the year.

There are provincial human rights councils under the Human Rights Presidency in all 81 provinces and 850 subprovinces. These bodies were established to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. They have authority to investigate complaints and refer them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that they lacked authority and independence.

The HRP reported that it received complaints of human rights violations from 206 persons through the end of June. The boards received 496 complaints of violations during the same period. These complaints were regarding health services and patient rights (115), property rights (84), and general human rights complaints (79).

On September 13, the Court of Appeals penal department overturned the May 2006 acquittal of Ibrahim Kaboglu and Baskin Oran, former chair and subchair of the Human Rights Advisory Board (HRAB), an advising body established to link government bodies and NGOs on human rights issues and provide advice. Kaboglu and Oran were charged in 2005 with "inciting people to hatred" and "openly belittling judicial organs," because of language they included on minorities and cultural rights in an HRAB report. The defendants resigned from HRAB in protest and the HRAB has remained inoperative. The appellate court reasoned that the report language was contrary to the Turkish legal principle that there are no minorities in Turkey, only "non-Muslim citizens." The Court of Appeals chief prosecutor objected to the decision; at year's end the decision was pending in the Grand Chamber of the Court of Appeals.

Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; and a Human Rights Consultation Board (HRCB), established to serve as a forum for the exchange of ideas between the government and NGOs. NGOs found these bodies to have little to no effectiveness. In March 2006 six NGOs withdrew from the HRCB because of government interference with the body.

The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections. Human rights organizations reported that the purely advisory role limited its efficacy. On October 2, the committee sent a multiparty delegation to Sirnak Province in southeastern Turkey to investigate the September 29 attack on a minibus that resulted in the deaths of 12 Turkish citizens. The government had claimed PKK terrorists were responsible, but the DTP questioned that immediate assumption. On October 19, the committee adopted the delegation's conclusion that the PKK carried out the attack. DTP MP Akin Birdal expressed reservations about the conclusion.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, problems in implementation of these laws existed. The government and NGOs focused on eliminating societal violence and discrimination against women and minorities, as well as trafficking, but problems continued in these areas.

Women

The law prohibits rape, including spousal rape; however, the government did not effectively enforce the law. Victims often waited days or weeks to report incidents for fear of embarrassment or reprisals, which hindered the possibility of effective prosecution of assailants. Experts worked during the year to convince the government to accept psychiatric victim reports as alternative forms of evidence. Cases of rape were underreported.

Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse. The government did not effectively enforce the law. Domestic human rights organizations reported that these measures were partially effective; more women called the police

emergency hotline to report domestic violence and went to police stations to file abuse reports. On October 15, the Istanbul governor and the Foundation to Support Contemporary Life, backed by EU funds, launched a domestic violence hot line staffed by operators who screen calls and then forward legitimate calls to police, attorneys, or psychologists. In the first ten days of the program, approximately 150 calls were received.

Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001 and 2005. The government continued to show slow progress on implementing a 2004 law stipulating the need for shelters for women victims of domestic violence in towns with a population of more than 50,000. According to the government, its Institution for Social Services and Orphanages operated 23 shelters for female victims of domestic violence and rape with a total capacity of 405. The government reported that provincial government offices, municipalities, and NGOs operated 18 shelters, and that one private foundation operated a shelter.

KA-MER, the leading women's organization in the southeast, reported that from 2003-2007 a total of 198 women from eastern and southeastern Anatolia contacted KA-MER to report that their family had threatened them with honor killings. Of these cases, three of the women died from injuries sustained in the attacks, one committed suicide, and 27 were pressured to commit suicide. The father or husband decided the fate of the woman in the vast majority of the cases. The report observed that 76 of these "decision makers" were illiterate, while 47 had no education beyond junior high school. Increased education levels correlated with a drop in the rate of such crimes. "Disobediance" was determined to be the most common reason given to justify honor killings. Disobediance was variously defined as refusing to marry the person the family had chosen, refusing to have sex with a brother-in-law or father, not agreeing to prostitute oneself, not fulfilling the demands of husbands, fathers, brothers, or other elders, and interrupting man-to-man conversations.

The government reported that there were 37 victims of honor killings during the year and 1,806 honor killings between 2001 and 2006. During the same period, 5,375 women committed suicide. After the government increased penalties for honor killings in 2005, family members increasingly pressured girls to kill themselves in order to preserve the family's honor, according to women's rights groups. Government officials worked with advocacy groups such as KA-MER to hold town hall meetings and set up rescue teams and hot lines for endangered women and girls. Under the law, honor killings require punishment of life imprisonment. Women's rights groups reported that there remained dozens of such killings every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

On June 4, an Istanbul court sentenced Omer Rencber to life imprisonment for stabbing and killing his sister Arzu Kaya. Rencber had been pressed by his family to kill 28-year-old Kaya when, after a time of family economic turmoil, she left her husband in Erzurum and fled to Istanbul with an alleged lover. Rencber told the court he did not regret his actions.

On June 22, a Diyarbakir Heavy Penal Court convicted numerous family members for the March 2006 murder of 23-year-old Gulistan Gumus. Gumus's husband from an arranged marriage, Omer Tas, conspired with relatives from his family and Gumus's family to murder her after she tried to divorce him and move to Istanbul. The court sentenced Tas and brother-in-law Mehmet Sah Tas to aggravated life imprisonment; father Bahattin Gumus and father-in-law Hamdullah Tas to 18 years for complicity in the murder; and two other relatives and one family friend to 15 years for complicity. The court added on three years to the sentences of Mehmet Sah, Hamdullah Tas, Izzettin Tas, Bahattin Gumus and Abdurrahim Gumus for breaking and entering.

On November 13, an Istanbul court ordered the first life sentence for an honor killing case, in the case of the murder of 22-year-old Guldunya Toren by her two brothers, Irfan and Ferit Toren. The court sentenced Irfan to life and Ferit (a minor at the time of the murder) to 23 years for killing their sister after Guldunya refused to become the second wife of a cousin who had raped her. Following the birth of the child that resulted from the rape, Guldunya fled her home in Bitlis and took refuge at an Istanbul police station. The police sent her back to live with her uncle, where her brothers then beat her. As she recovered from her wounds in a state hospital, the brothers shot her twice in the head.

In October 2006 the press reported that 15-year-old Naile Erdas from the southeastern city of Van was killed by her family when she gave birth to a child conceived during a rape. The girl, who hid her pregnancy, reportedly begged doctors at a state hospital where she gave birth not to return her to her family, fearing that she would be killed in accordance with the local tradition demanding her family's honor be cleansed. Doctors informed state authorities, but the prosecutor nevertheless handed the young woman over to her family. At year's end, Erdas's brother, father, and uncles were under arrest for the murder.

The Bursa Gunyuzu Women's Solidarity Cooperative and local prosecutor decided not to pursue the cooperative's December 2006 criminal complaint against the Bursa Greater Municipality and the Osmangazi district for failing to properly implement laws requiring municipalities with a population greater than 50,000 to open a shelter for abused women.

On April 25, a Diyarbakir penal court sentenced the three brothers-in-law of Rojda Gezginci to 15 months' imprisonment for cutting off the fifteen-year old Gezginci's nose in 2005, after she attempted to leave the family's household where she had been forced to marry her husband, Abahattin Gezginci, in a religious ceremony. Proseuctors initially charged the entire family upon Gezginci's complaint, but later dropped charges against the husband, father-in-law, and mother-in-law after Gezginci, under duress, withdrew the complaint.

At year's end, there was no action to alter the March 2006 conviction of a 14-year-old who murdered his mother in 2005, allegedly for disgracing the family when she discussed being beaten by her husband on a television show. The court sentenced him to 10 years in prison and acquitted the father and stepson of involvement in the crime. In November 2006 the chief prosecutor urged the court of appeals penal department to annul the decision acquitting the husband and father-in-law. The motion remained pending at year's end.

Prostitution is legal.

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 that both of the laws were rarely enforced.

Under the law, women enjoy the same rights as men; however, societal and official discrimination were widespread.

The Directorate General on the Status and Problems of Women, under the State Ministry in Charge of Family Affairs, is responsible for promoting equal rights and raising awareness of discrimination against women.

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

Children

The government was committed to furthering children's welfare and worked to expand opportunities in education and health.

Government-provided education through age 14 or the eighth grade was free, universal, and compulsory. Turkey Statistical Institute and World Bank figures showed that gross enrollment for grades one to eight was 96 percent, while net enrollment for those grades was 90 percent. The maximum age to which public schooling was provided was 18. Only 40 percent of children have a high-school diploma, according to the Organization for Economic Cooperation and Development. One in 10 girls does not attend compulsory primary school.

On December 1, the government enacted a new law on children that includes language implementing the Hague Convention on International Child Abduction.

The government operated 113 orphanages, including 48 for girls and 65 for boys, serving a total of 6,116 children during the year. The government operated 43 children and youth centers and eight surveillance homes that provided daycare services and temporary boarding.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives. In 2005 police arrested over a dozen nurses, caretakers, and other employees of the Malatya state orphanage in connection with an investigation into the alleged torture and abuse of children at the institution. On December 26, a Malatya penal court sentenced nine suspects to one year's imprisonment for negligence and misuse of authority. A second case against five other employees continued at year's end.

Child marriage occurred, particularly in rural, poverty-stricken regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years**.**

Children as young as 12 were at times married in unofficial religious ceremonies. Families in rare instances engaged in "cradle arrangements," agreeing that their newborn children would marry at a later date, well before reaching the legal age.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports of trafficking in women and children to the country for the purpose of sexual exploitation. There were allegations that official corruption contributed to the trafficking problem.

Turkey was a destination and transit country for women and children trafficked primarily for the purpose of commercial sexual exploitation. Women and girls were trafficked from Moldova, Russia, Ukraine, and other countries in Eastern Europe and the Former Soviet Union, as well as from Kenya, Nigeria, and the Philippines. Law enforcement officials identified 148 trafficking victims during the year. Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, were at the greatest risk of being trafficked into the country. Most foreign victims were trafficked for sexual exploitation to Istanbul, Ankara, and Antalya, although victims were identified in cities throughout the country.

The Dogan News Agency reported on June 5 that Samsun police raided hotels and residences, freeing 20 foreign women forced into prostitution. The police detained 29 persons for human trafficking, facilitating prostitution, carrying unregistered arms, and drug trafficking. The women, lured by phony job offers, were from Georgia, Azerbaijan, and Ukraine.

Hurriyet and *Milliyet* reported on July 19 that a Turkish citizen was detained in Antalya for torturing a 27-year-old Kyrgyz citizen and forcing her into prostitution. Jandarma searched the suspect's house and found a catalogue of girls she was marketing. Jandarma detained the suspect and four of her relatives. Jandarma placed the victim in a temporary shelter and then returned her to her country.

Typically, small networks of foreign nationals and Turkish citizens, relying on referrals and recruitment from friends and family members in the source country, trafficked foreign victims to the country. Some victims answered newspaper advertisements or enlisted the help of job agencies in the source country. The victims often did not know where they were going or which airlines they were using. Many victims reportedly arrived in the country knowing that they would work in the sex industry; however, others arrived believing they would work as models, waitresses, dancers, domestic servants, or in other regular employment. Traffickers confiscated victims' documents, then confined, raped, beat, starved, and intimidated them by threatening their families and ultimately forced them into prostitution.

Some trafficking cases involved children, sometimes for forced labor. On August 7, *Sabah* newspaper ran a report which stated that Istanbul police raided a house in Fikirtepe and detained a 32-year-old Turkish citizen for bringing children aged nine to 14 from Mardin and forcing them to work as vendors on the streets of Istanbul. The Kadikoy court ordered him arrested for human trafficking and forcing children to work. The suspect was renting the children from their parents, reportedly paying $167-$334 (200-400 lira) for each child. Authorities placed eight of the children under state protection after a child forced into labor tipped off the police. Some of the children said that they worked 12 hours a day. On August 8, *Hurriyet* quoted the authorities as saying that legal action would be taken against the families who gave their children to the suspect.

The law punishes trafficking with prison terms ranging from eight to 12 years' imprisonment in addition to heavy fines. In 2005 the president signed into law two amendments to the penal code that removed forced prostitution from the article regulating prostitution and added it explicitly to the antitrafficking article, thus directing prosecutors to pursue the more severe penalty for trafficking. However, in order to gain speedier and more certain prosecutions, suspected traffickers were often still prosecuted under the penal code that criminalizes facilitating prostitution.

According to the Ministry of Foreign Affairs, Turkish National Police apprehended 308 traffickers during the year. In 2006, the latest year for which statistics were available, there were 422 investigations into trafficking cases, with 192 prosecutions and 36 convictions. Several cases were ongoing at year's end.

Allegations that government officials, police and Jandarma officers participated in human trafficking continued during the year. The courts initiated cases against a number of such officials, several of which were ongoing at year's end.

The government processed some trafficking cases as voluntary prostitution and illegal migration. This sometimes occurred when the victim did not self-identify as a trafficked person.

An ambassador-level Ministry of Foreign Affairs official serves as national coordinator for the government's Task Force on Human Trafficking, which is composed of representatives from the Ministries of Health, Interior, Justice, Finance, and Labor, and includes NGO and IOM representatives. The government actively participated in international antitrafficking investigations and met regularly with neighboring countries and regional groups promoting regional antitrafficking law enforcement cooperation. The government signed bilateral antitrafficking cooperation MOUs and protocols with neighboring source countries, including Belarus (2004), Georgia (2005), Azerbaijan (2005), Ukraine (2005), Moldova (2006), and Kyrgyzstan (2006).

There were two NGO-operated shelters for trafficking victims in the country. The shelters, located in Ankara and Istanbul, received free rent from the municipalities, and the Ministry of Health provided free medical care to victims sent to the shelters. Nevertheless, government financial support for these protection mechanisms was inconsistent. The lack of a guaranteed and consistent government funding stream threatened their continued operation. During the year the Ankara shelter assisted 47 government-identified trafficking victims, and the Istanbul shelter assisted 64 victims.

The government encouraged victims to participate in trafficking investigations and prosecutions; however, most chose to return to their countries. The Ministry of Justice, through local bar associations, provided free legal services to foreign victims choosing to remain in the country and testify against traffickers. Foreign victims identified by Turkish authorities may apply for humanitarian visas and remain in Turkey for up to six months**.** The government did not have a formal repatriation program for victims, although IOM and shelter administrators assisted identified victims returning to their countries. IOM reported that it assisted 118 trafficking victims who departed voluntarily.

IOM operated a toll-free hot line for victims in Turkey. The helpline was answered in Russian, Romanian, English and Turkish. In April the helpline became operational for international calls. A total of 28 victims were rescued from trafficking situations through the assistance of the hotline during the year. Posters and billboards in major airports and seaports, information at passport control booths for the targeted group of women, and a brochure distributed by consulates advertising the hot line in Turkish, Romanian, Russian, and English helped raise awareness. The Jandarma published a guidebook on the fight against trafficking in persons to educate its officers on detecting human trafficking crimes and has published a number of public awareness and training materials and brochures to be used at the nearly 2,000 Jandarma outposts.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for Disabled People, under the Prime Ministry, is responsible for protecting the rights of persons with disabilities.

The Ministry of Health operated eight mental health hospitals in seven different provinces. There were two private mental health hospitals in Istanbul. The government reported that it operated 45 boarding care centers and 22 daycare centers that provided services to physically and mentally challenged individuals.

The NGO Mental Disability Rights International (MDRI) announced that use of electroconvulsive or "shock" treatment without anesthesia was not practiced but that there remains no legal ban on the treatment method. In 2005 MDRI released a report stating that persons with mental disabilities in the country were subject to treatment "tantamount to torture." Following a two-year study, MDRI claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in "prison-like incarceration."

In February a public prosecutor opened an investigation into reports of abuse at the Ekrem Tok Mental Hospital in Adana. The Ministry of Health and Adana Provincial Health Directorate also began investigations. The investigations were opened after Star TV aired a program that showed patients at the hospital complaining about electro-shock treatment, beatings, and abuse. According to the program, patients were subject to beatings and violence for performing religious prayers, for not eating, or for not cleaning their plates after a meal. *Hurriyet* reported that a patient died of a drug overdose in the facility in August 2006. Police arrested two staff members, Huseyin Hatipogul and Nusret Er, for mistreating patients.

National/Racial/Ethnic Minorities

The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution.

The NGO Minority Rights Group International reported on December 11 that millions who belonged to ethnic, linguistic and religious minorities remained unrecognized by the Turkish state, faced discrimination, and were increasingly under threat as a result of a growing wave of violent nationalism. The report noted that the law protects only three officially recognized minorities-–Armenian Orthodox Christians, Jews, and Greek Orthodox Christians-–and not the vast number of other ethnic and religious minorities, including Alevis, Ezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma. The report stated that these "excluded minorities" were prohibited from fully exercising their linguistic, religious, and cultural rights.

The government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications.

The Roma continued to face persistent discrimination and problems with access to education, healthcare, and housing. The government took no apparent steps during the year to assist the Roma community. A number of NGOs undertook activities to address problems faced by the Roma community. The European Roma Rights Center, Helsinki Citizens Assembly, and Edirne Roma Culture Research and Solidarity Association conducted a program to train the Roma community on civil society organization and activism. In December the Roma Culture and Solidarity Association of Izmir began literacy courses for Roma women in the region.

The law states that "nomadic Gypsies" are among the four categories of persons not admissible as immigrants.

Other Societal Abuses and Discrimination

While the law does not explicitly discriminate against homosexuals, gay and lesbian rights organizations Lambda Istanbul and Kaos GL claimed that vague references in the law relating to "the morals of society" and "unnatural sexual behavior" were sometimes used as a basis for discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." This article has been applied in attempts to shut down or limit the activities of NGOs working on gay and lesbian issues.

In July 2006 the Istanbul governor's office petitioned the Beyoglu chief public prosecutor to initiate a case to close the organization Lambda Istanbul, alleging that it violated the civil code by being an organization contrary to laws and morals. On March 13, the prosecutor rejected the complaint. The governor's office then applied to the Istanbul Penal Court, which accepted the complaint and held the first hearing on July 19. At year's end the case remained pending, and Lambda Istanbul was still operating.

On February 24, Bilgi University students established the country's first gay and lesbian university club. Approximately 15 parents lodged complaints with the university administration, and the Turkish Higher Education Council opened an inquiry into the university. Bilgi's dean of students, Professor Halit Kakinc, responded that closing down the club would violate human rights. The club was operating normally at the end of the year.

On February 28, a court acquitted Umut Guner, the editor of *Kaos* magazine, of charges of disseminating pornographic material. Guner was charged in connection with a July 2006 issue of the magazine, which authorities confiscated because of an article that explored societal conceptions of "intimacy" and "pornography" and contained a drawing featuring nude figures. The judge ruled there was no offense because the confiscated magazine was never put on sale. The court stated the magazine should have been sold in opaque packaging, in which adult publications are usually sold in the country to protect minors. Although subsequent issues of the magazine were not subject to any allegations of impropriety, members of Kaos GL reported that many distributors of the magazine kept it behind the counter or stopped selling it altogether.

Access to the Web sites of Kaos GL, Pembe Hayat, and Lambda Istanbul is blocked from all the computers on the campus of Anadolu University in Eskisehir.

On May 15, members of the groups Pembe Hayat and Kaos GL protested at the Esat Police Station in Ankara. Protestors claimed that transsexuals and transvestites had been unjustly taken into custody and faced mistreatment during their detention. Police officers on duty prevented the protestors from making a press statement during the demonstration.

Section 6 Worker Rights

a. The Right of Association

The law provides most but not all workers with the right to associate and form unions subject to diverse restrictions; most workers exercised this right in practice. The government maintained a few restrictions on the right of association. Unions may be established by a minimum of seven persons without prior permission. There are no restrictions on membership or participation of individuals or unions in regional, national, or international labor organizations, but such participation must be reported to the government. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols on any union or confederation publications. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their conventions and record the proceedings; these requirements were usually enforced. Although official government statistics indicated that 56 percent of the labor force was unionized, union officials noted that figure included retirees and others no longer on the active list of unionized employees. Most labor experts in the country estimated that approximately 20 percent of the wage and salary workers in the labor force were unionized.

The appeal of the government's closure of the teachers' union Egitim-Sen on grounds that the union's bylaws violated the constitution by advocating the right of individuals to receive education in their "mother tongue" remained pending with ECHR at year's end; however, Egitim-Sen removed the controversial article from its bylaws in 2005 and the domestic court case was subsequently dropped, allowing the union to remain open.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. If a court rules that a worker has been unfairly dismissed and should either be reinstated or compensated, the employer generally pays compensation to the employee along with a fine.

b. The Right to Organize and Bargain Collectively

The law and diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Industrial workers and some public sector employees, excluding white-collar civil servants and state security personnel, have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. The International Trade Union Confederation claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general (involving multiple unions over a large geographical area) strikes or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

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

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

c. Prohibition of Forced or Compulsory Labor

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

Some parents forced their children to work on the streets and to beg.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement these laws. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At age 15 children may engage in light work provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the government prohibits children from working at night or in areas such as underground mining. The law prohibits school-aged children from working more than two hours per day or 10 hours per week.

The Ministry of Labor and Social Security effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including small-scale agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.

Nonetheless, child labor was widespread. In a child labor survey conducted in the last quarter of 2006 and released in April, the State Statistical Institute reported that the number of child laborers between the ages of six and 17 was 960,000, or 5.9 percent of a total of 16,264,000 in that age group. These figures represented a decrease over previous years. The study found that 84.7 percent of children aged six to 17 attended school, and 31.5 percent of the children in that age group who were employed were also attending school at least part of the time.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, with a total of 52.4 percent of employed children working in rural areas, compared to 47.6 percent working in urban areas. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy. To combat this ongoing problem, the Ministry of National Education conducted a program in cooperation with the UN Children's Fund called "Let Us Send Girls to School," which was designed to provide primary education for at-risk girls. By year's end the program benefited nearly 250,000 school-age girls.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education training center, they were required to go to the center once a week for training, and the centers were obliged by law to inspect their workplaces. According to data provided by the ministry, there were 300 centers located in 81 cities; these centers provided apprenticeship training in 133 occupations. The government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers.

Children were trafficked for sexual exploitation.

There were no reliable statistics for the number of children working on the streets nationwide. The government's Social Services and Child Protection Institution operated 44 centers to assist such children.

e. Acceptable Conditions of Work

The national minimum wage of approximately $495 (585 lira) per month did not provide a decent standard of living for a worker and family. 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 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 flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, although reports of them doing so were rare. Authorities effectively enforced this right.

BACK TO TOP

Published by the U.S. Department of State Website at http://www.state.gov maintained by the Bureau of Public Affairs.