

# **TURKEY 2016 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Turkey is a constitutional republic with a multiparty parliamentary system and a president. A unicameral parliament (the Grand National Assembly) exercises legislative authority. Binali Yildirim succeeded Ahmet Davutoglu as prime minister in May.

Civilians at times did not maintain effective control over security forces. On July 15, elements of the military staged an unsuccessful coup attempt that killed more than 240 citizens and injured more than 2,100. The government asserted that cleric Fethullah Gulen and his supporters masterminded the coup attempt and engaged in a pattern of subversion of the judiciary and state institutions.

The Kurdistan Workers' Party (PKK) and groups linked to it declared autonomy in some cities in the Southeast and undertook attacks on security forces, sparking government responses. Clashes resulted in the death of more than 600 security forces, at least 200 civilians, and an unknown number of PKK terrorists. The violent conflict displaced an estimated 300,000 persons, many of whom remained displaced at year's end. The PKK, its subgroups, and Da'esh also conducted terror attacks throughout the country, resulting in hundreds of civilian casualties.

The most significant human rights problems during the year were:

**Inconsistent access to due process:** Following the July 15 coup attempt, the government on July 20 declared a three-month state of emergency, which was renewed in October, that allowed suspension of some due process protections for those accused of ties to terrorist groups. The government ascribed responsibility for the attempt to the Fethullah Gulen movement, which it defined as a terrorist organization. Courts imprisoned tens of thousands of persons accused of supporting the coup or terrorist groups, in many cases with little clarity on the charges and evidence against them. Government decrees issued under the state of emergency restricted suspects' access to legal assistance, allowed suspects to be held without charge for up to a month, and in some cases froze the assets of suspended or fired civil servants or their family members. Human rights groups documented some cases in which family members were held or subjected to restrictions on their freedom of movement in lieu of suspects who remained at large. The government suspended and dismissed tens of thousands of civil

servants, who generally had little access to legal recourse or appeal, and closed thousands of businesses, schools, and associations.

Government interference with freedom of expression: The government restricted freedom of expression, media, and the internet, intensifying pressure on the media following the failed coup attempt. Authorities arrested at least 140 journalists, most accused of affiliation with the Gulen movement or connections with the PKK. The government also exerted pressure on media, closing media outlets and publishing associations; conducting raids on media companies; confiscating publications with allegedly objectionable material; instigating criminal investigations of journalists and editors for alleged support of terrorist groups; banning books; instigating gag orders on terrorism-related stories; and blocking internet sites. Self-censorship was widespread amid fear that criticizing the government could prompt reprisals. The closure of nearly all Kurdish-language media outlets reduced vulnerable populations' access to information and alternative viewpoints. The government impeded access by international media and observers to conflict areas, limiting independent reporting about conditions.

Inadequate protection of civilians: In fighting the terrorist PKK, government security forces failed to take sufficient measures to protect civilians. Hundreds of thousands of residents of the Southeast were forced to flee their homes and most remained internally displaced at year's end. Upwards of 200 civilians were killed in the fighting. Human rights groups reported that security forces killed and injured persons who attempted to cross illegally from Syria into Turkey and documented reports of torture and abuse of prisoners following the coup attempt.

Other human rights problems included prison overcrowding compounded by the influx of tens of thousands of new prisoners after the coup attempt. The government fired more than 3,000 members of the judiciary, creating an atmosphere of fear that further limited judicial independence and complicated or delayed court proceedings. Many refugees lacked access to schools, work, and social assistance. Authorities failed to protect women and children adequately, including by failing to prevent early marriage. Minority groups, including Alevis, Christians, and lesbian, gay, bisexual, transgender, intersex (LGBTI) individuals, continued to face threats, discrimination, and violence and reported that the government took insufficient steps to protect them. The worst forms of child labor, especially among the refugee population, persisted. Progovernment media used anti-LGBTI, anti-Armenian, anti-Alevi, and anti-Semitic rhetoric.

Impunity was a problem as the government took limited steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses. A new law approved in July rendered the prosecution of security officers involved in the fight against terror more difficult.

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

### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were credible allegations that the government or its agents committed arbitrary or unlawful killings in connection with the violent clashes between government security forces and the terrorist PKK organization in the Southeast (see section 1.g.).

A coup attempt on July 15 resulted in the death of more than 240 individuals and the injury of more than 2,100, most of them civilians who took to the streets to defend their democratically elected government. The government attributed the coup attempt to the Fethullah Gulen movement, which it formally designated as the “Fethullah Gulen Terrorist Organization.” On July 16, angry mobs beat soldiers surrendering following the attempted coup as they tried to leave Istanbul’s Bosphorus Bridge, killing at least one.

The PKK continued its nationwide campaign of deadly attacks on government security forces and, in some cases, civilians during the year. According to the government, 208 civilians died and 1,259 were injured in clashes between security forces and the PKK in the first eight months of the year. The government noted that 451 security personnel were killed in the same period, with 2,810 injured.

The Human Rights Association (HRA), a domestic nongovernmental organization (NGO), attributed more than 300 civilian deaths during the first eight months of the year to the security forces, most of them in the fighting with the PKK. Human rights groups alleged that the government took insufficient measures to protect civilian lives in its fight with the PKK in the Southeast (section 1.g.).

A range of groups criticized the government’s slow-moving investigation of the suspicious death of Diyarbakir Bar Association president, Tahir Elci, who was shot and killed at a press gathering in Diyarbakir in November 2015 under unclear circumstances. The investigation continued as of year’s end.

During the year the government tightened control of its border with Syria in response to requests from foreign governments to restrict the entry of Da'esh fighters who were moving through Turkey to commit terrorist acts elsewhere. This border tightening restricted humanitarian access to Turkey for those fleeing the conflict in Syria. Turkey allowed access only to those needing immediate medical assistance. Some Syrians attempting to cross the border illegally were injured or killed during border crossings (see section 2.d.).

Human rights groups documented several suspicious deaths of detainees in official custody following the coup attempt and noted 16 to 23 reported suicides of detainees as of November. On September 16, Seyfettin Yigit in Bursa allegedly committed suicide after being detained for Gulen-related connections. His family claimed he was a victim of police violence. Yigit had been heavily involved in developing the case announced in 2013, alleging high-level official corruption that implicated members of then-prime minister Erdogan's family and close circle, including four ministers.

Security officers reacted with force to some protests and demonstrations. Human rights groups claimed the use of force might have contributed to civilian deaths during certain protests in the Southeast. Human rights organizations continued to assert that the government's failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests (see section 2.b.).

In addition to the violence resulting from the coup attempt and attacks perpetrated by the PKK (see section 1.g.), citizens were also affected by five terrorist attacks attributed to Da'esh. On January 7, a suicide bomber in Istanbul's Sultanahmet Square killed 12 persons and injured 14. On March 19, another suicide bomber targeted tourists in Istanbul's Istiklal Street, killing five persons and injuring 36. On May 1, a vehicle-borne suicide bomb killed three police officers and injured 21 persons. On June 28, three men attacked Istanbul's Ataturk Airport, killing 45 persons and injuring more than 200. On August 20, a child suicide bomber killed 54 persons and injured 69 at a wedding in Gaziantep.

## **b. Disappearance**

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

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but there were reports that some government officials employed these tactics. Human rights groups alleged that, although torture and mistreatment in police custody decreased following installation of closed-circuit cameras in 2012, police continued to abuse detainees outside police stations. The Ministry of Justice reported there were 457 investigations into allegations of mistreatment in prison or detention centers through October 20. In 39 cases the investigations resulted in fines, and in two cases the suspects were found guilty and sentenced to imprisonment. There was one allegation of rape or sexual abuse in prison during the year, which was forwarded to prosecutors.

The HRA reported receiving hundreds of requests for assistance in connection with allegations of torture and inhuman treatment both in detention centers and outside police stations during the year, adding that intimidation and shaming of detainees by police were common. The HRA reported that victims hesitated to report abuse due to fear of reprisal. Following the coup attempt in July, detainees regularly reported problems including prison overcrowding and lack of access to legal representation and medical treatment.

Thousands of detainees taken into custody in the initial aftermath of the July 15 coup attempt were held in stadiums, meeting rooms, and other sites without cameras, where some were allegedly subject to mistreatment or abuse. Amnesty International (AI) alleged some detainees in Ankara and Istanbul were tortured and reported widespread use of stress positions, denial of food and water, detention in unsanitary conditions, in addition to beatings and rapes. On July 25, AI reported that an anonymous witness at the Ankara police headquarters gym described the following: "...650-800 male soldiers were being held in the Ankara police headquarters sports hall. At least 300 of the detainees showed signs of having been beaten. Some detainees had visible bruises, cuts, or broken bones. Around 40 were so badly injured they could not walk. Two were unable to stand. One woman who was also detained in a separate facility there had bruising on her face and torso." Bar Association representatives corroborated the allegations; in some cases before-and-after photos appeared to show evidence of beatings by security forces. Authorities restricted lawyers' access to the detainees as allowed under decrees passed during the state of emergency.

The UN special rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Nils Melzer, reported following his visit (November 27-December 2) that the government's changes to due process implemented in response to the July coup attempt created an environment conducive to torture. He interviewed many inmates who reported experiencing torture either in connection with detentions in the immediate aftermath of the coup attempt, or in connection with alleged PKK support in the Southeast. He concluded that in the days and weeks following the failed coup, torture and other forms of ill-treatment were widespread in the initial detention and interrogation phases. Melzer noted that very few of those who reported torture had made any official complaint due to fear of reprisals or mistrust of the institutions meant to prevent torture. Intimidation and distrust prevented not just inmates, but also other sectors of society such as lawyers, doctors, and NGOs, from initiating actions that might be perceived as critical of the government, including complaints about torture.

Two journalists detained on August 16 in connection with the closure of pro-Kurdish news media outlet *Ozgur Gundem* reported being beaten and threatened with rape by police officers.

On October 25, Human Rights Watch (HRW) reported that the government's decrees under the state of emergency facilitated torture by removing safeguards that protected detainees from mistreatment. The report described a pattern of denial of access to legal aid and detainees' medical reports, which it claimed prevented substantiation of allegations of physical abuse. A provision in the emergency decrees absolved government officials of any responsibility for abuses in connection with duties carried out in the context of the decrees.

The government claimed witness reports described in the AI and HRW reports described above were a smear campaign on the part of Gulenists.

The TNP reported 24 criminal investigations into allegations of torture during the year, all of which led to decisions not to prosecute the officials involved. There were three disciplinary investigations related to torture; all three continued at year's end.

The newly organized National Human Rights and Equality Institution (NHREI), parliament's Human Rights Commission (HRC), and the Ombudsman Institution are administratively responsible for investigating reports of human rights violations, including allegations of torture, excessive use of force, or extrajudicial killings (see section 5).

Police harassment of LGBTI persons, particularly transgender sex workers, remained common.

According to the NGO Soldiers' Rights Platform, some military conscripts endured severe hazing, physical abuse, and torture that sometimes resulted in suicide. The NGO reported that at least five soldiers had committed suicide as of September 27 but claimed the actual number was at least double. The Human Rights Joint Platform (HRJP), a domestic NGO, alleged that hate crimes, sexual orientation, and discrimination based on ethnicity played a role in military suicides and suspicious deaths, but it noted an absence of empirical data because the military did not recognize ethnic minorities or collect data on sexual orientation.

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

Prison facilities generally met international standards for physical conditions in many respects, with certain exceptions. Overcrowding, particularly in the wake of wide-scale arrests following the July 15 coup attempt, and lack of access to adequate health care remained problems.

Physical Conditions: In August, Justice Minister Bozdag reported the prison population was 215,000. As of October 20, the Ministry of Justice reported there were 372 prisons in the country with a capacity of 189,269 inmates. As of October 20, the prisons were occupied by 196,415 prisoners. Of these, 66,644 were in pretrial detention while 129,771 were convicted of a crime. Some 80 percent of the pretrial detainees had been in prison for less than a year. Pretrial detainees were held in the same facilities with convicted prisoners.

The government reported it used separate prisons for children where such facilities were available; otherwise, children were held in separate sections within adult prisons.

Human rights organizations asserted that prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting. According to the HRA, prisoners sometimes complained about food quantity and quality.

Through October 17, the Justice Ministry reported 283 inmate deaths from natural causes as well as 48 suicides and 16 deaths from other causes. It reported that 181 seriously ill prisoners had been released during the year.

Although the government asserted that doctors were assigned to each prison, according to Ministry of Justice statistics, 11 doctors served prisons in the country as of March 4, or one doctor for every 33 prisons and 16,839 inmates. Human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. As of September the HRA reported that 926 inmates were sick, including 331 in critical condition, and that three inmates had been released for health reasons during the year.

Chief prosecutors have discretion, particularly under the wide-reaching antiterror law, to keep in prison inmates whom they deem dangerous to public security, regardless of medical reports documenting serious illness.

In August, the Istanbul Prison Monitoring Commission of the Istanbul branch of the Progressive Lawyers Association reported that the state of emergency had negatively affected prison conditions. The report, based on information acquired through complaints received and interviews conducted by the association's lawyers, identified several alleged violations of prisoners' rights, including prisoners injured during prison transfers, restrictions on telephone calls and family visits, restricted access to information and reading material, recording of attorney-client meetings, and abuse of sick prisoners.

The HRA reported that political prisoners typically were held in higher-security prisons and only received one to two hours per week of recreational time. The law normally allows prisoners 10 hours of recreational time per week, a provision restricted by government decree following the coup attempt.

Administration: Authorities at times investigated credible allegations of inhuman conditions but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. The Ministry of Justice reported 457 investigations (both criminal and administrative) of alleged prison violence or mistreatment through October 20. The ministry did not supply prison monitoring boards reports for the year but stated that in 2015 monitoring boards made 1,302 visits to 358 prisons throughout the country.

The NHREI and the Ombudsman Institution were established to function as a human rights check for prisons as well as for broader human rights and personnel issues. Parliament's HRC and the Ombudsman Institution had authorization to visit and observe prisons, including military prisons, without advance permission. During the year the HRC issued one report--on prison conditions in Tekirdag.



Independent Monitoring: The government reported it allowed prison visits by some international delegations, the EU, the Council of Europe’s Committee for the Prevention of Torture (CPT), and UN bodies. A CPT delegation visited the country in April and carried out an ad hoc visit in August-September. The government postponed a visit in September requested by the UN special rapporteur on torture, citing limited government resources to support such a visit, which subsequently took place in late November.

The government did not allow NGOs to monitor prisons. The HRA reported it had received numerous complaints of inhuman treatment and torture by prison wardens or other inmates.

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

The law prohibits arbitrary arrest and detention, but numerous credible reports, especially in the wake of the failed July 15 coup attempt, indicated the government did not always observe these prohibitions. For example, in the three months following the coup attempt, police detained more than 75,000 individuals and formally arrested more than 41,000. The vast majority were accused of ties to the Gulen movement, as opposed to direct participation in the coup attempt itself. Under the state of emergency, detainees could be held without charge for up to 30 days. There were numerous accounts of persons waiting beyond 30 days to be formally charged. Bar associations reported that detainees had difficulty gaining access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons--especially those not provided by the state, such as legal aid lawyers--and because many lawyers were reluctant to defend individuals suspected of ties to the coup attempt. A variety of sources reported instances of individuals wrongfully detained for ties to the coup based on poison-pen allegations driven by personal or other rivalries.

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

The Turkish National Police (TNP), under the control of the Ministry of Interior, was responsible for security in large urban areas. The Jandarma, a paramilitary force previously under the joint control of the Ministry of Interior and the military, was moved to strictly civilian control by decree on July 27. It was responsible for rural areas and specific border sectors where smuggling was common, although the military has overall responsibility for border control and overall external security. The Jandarma supervised the “village guards,” a civilian militia historically

involved in human rights abuses that provided additional local security in the Southeast, largely in response to the terrorist threat from the PKK. Village guards were renamed “security guards” in an October 29 decree.

Government mechanisms to investigate and punish alleged abuse and corruption by state officials remained inadequate, and impunity remained a problem. National Intelligence Organization members have had legal immunity from prosecution since 2014. On July 14, a new law granted additional, retroactive immunity to security officials fighting terror. The law gave expansive powers to the military and made it harder to investigate human rights abuses by requiring permission from both military and civilian leadership to pursue prosecution.

The Ombudsman Institution, the NHREI, and parliament’s HRC are authorized to investigate reports of security force killings, torture or mistreatment, excessive use of force, and other abuses, but military and civil courts remained the main recourse to prevent impunity.

The Jandarma reported that the Jandarma Human Rights Inquiry and Evaluation Center received 19 complaints of human rights violations during the first eight months of the year. Of those the center found no fault with Jandarma personnel in 16 cases; three cases continued as of year’s end. The TNP reported that, during the same period, 60 personnel were the subjects of internal disciplinary investigations for excessive use of force. As of year’s end, 57 of the investigations continued while three had concluded without finding fault by TNP personnel. There were also 83 TNP criminal cases related to excessive use of force. One case concluded with an acquittal while 82 resulted in decisions not to prosecute.

Prosecutors filed more than 6,000 criminal cases against civilians accused of perpetrating violence against the state during the 2013 Gezi Park protests. Only nine security officials have faced charges for their role in protesters’ deaths. In three cases, courts found police criminally responsible for deaths. In one case an Anatolian court in December concluded a retrial of police officer Ahmet Sahbaz, finding him guilty of involuntary manslaughter in the 2013 shooting death of Gezi Park protester Ethem Sarisuluk. The court sentenced Sahbaz to 16 months in prison, converted to a fine of 10,100 lira (\$2,900), a significant sentence reduction compared with the outcome in 2014 of the original trial that was overturned on procedural grounds, which found Sahbaz guilty of first-degree murder and sentenced him to more than seven years in jail. The retrial in one of the other two cases concluded, reaching the same guilty verdict as initially rendered and ruling

for the release of the guilty parties after ruling they had served sufficient prison time. In the third case, the appeal remained pending as of year's end.

Istanbul prosecutors announced on March 3 that they had identified a police officer responsible for firing the tear gas canister that killed 14-year-old Berkan Elvan. Prosecutors indicted the suspect, known only as F.D., on December 7. Prosecutors had not filed charges at year's end in the case of protester Ahmet Atakan, killed when shot in the head with a tear gas canister in Hatay in 2013. On November 8, a Diyarbakir court acquitted Adem Ciftci, an army private accused of shooting Medeni Yildirim as he allegedly watched a group of protesters throwing stones and Molotov cocktails at soldiers guarding a new police station in Lice district in 2013.

Officials employed the tactic of counterfiling lawsuits against individuals who alleged abuse. Mustafa Yıldız, the father of a nine-year-old with Down syndrome, was fined more than 7,000 lira (about \$2,000) on July 11 after his son's behavior bothered an unnamed police officer at a sporting match in Konya in January. The father filed a complaint against the officer for insulting him and his son, prompting the police officer to counterfile, alleging the man called him "ill-mannered." A court dismissed the father's complaint for lack of evidence but found in favor of the police officer, levying a suspended fine against Yildiz.

During the first eight months of the year, the Jandarma reported that more than 2,000 personnel were trained on human rights topics. The TNP reported that more than 8,000 personnel received some human rights training through September.

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

The law requires warrants issued by a prosecutor for arrests, unless the suspect is detained while committing a crime. Under ordinary circumstances individuals may be detained for up to 24 hours, after which a prosecutor may authorize extending the period to 48 hours, excluding transportation time, before arraigning them with a prosecutor's warrant before a judge. A chief prosecutor may apply to extend this period of custody up to four days before arraignment under certain circumstances, including cases with multiple suspects and charges. Formal arrest is a later step, separate from detention, and means a suspect will be held in jail until and unless released by a subsequent court order. Authorities must notify suspects of the charges against them within 24 hours, although human rights activists claimed that authorities did not always inform suspects of the basis of a given charge. For crimes that carry sentences of fewer than three years in prison, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as

bail. For more serious crimes, the judge can either release the defendant on his or her own recognizance or hold the defendant in custody (arrest) prior to trial if there are specific facts indicating that the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney at any time, laws enacted in 2015 allow prosecutors to deny such access for up to 24 hours. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence is more than five years or where the defendant is a child or is disabled, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases, authorities provided an attorney where a defendant could not afford one. Judges also may limit a lawyer's access to the investigation file, should the judge decide the case is confidential. Defense lawyers' access to their clients' court files for a specific catalogue of crimes (including crimes against state security, organized crime, and sexual assault against children) may be restricted until the client is indicted.

The state of emergency declared following the July 15 coup attempt provided the government with expanded authorities to detain individuals for up to 30 days without charge and deny access to counsel for up to five days. Decrees gave prosecutors the right to suspend lawyer-client privilege, observe and record conversations between the accused and their legal counsel, and intervene in the selection of defendants' legal counsel. In October the government used a state-of-emergency decree to reestablish a 24-hour limit for which detainees could be held without access to legal counsel, but legal contacts asserted at year's end that the five-day rule was still being applied. Following the extension of the state of emergency in October, these provisions remained in place.

Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. Prior to the July 15 coup attempt, human rights groups alleged that authorities frequently denied detainees access to an attorney in terrorism-related cases until security forces had interrogated the suspect.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions, especially following the July 15 coup attempt. Human rights groups alleged that in areas under curfew or in "special security zones," security forces

detained citizens without official record, leaving detainees at greater risk of arbitrary abuse.

Pretrial Detention: Changes to the law in 2014 reduced from 10 years to five the maximum time that a detainee could be held pending conviction, including for organized crime and terrorism-related offenses. For other major criminal offenses tried by high criminal courts, the maximum detention period is two years plus three one-year extensions, for a total of five years.

The trial system does not provide for access to a speedy trial, and hearings in a case may be months apart. In 2007 police apprehended five individuals for killing three Christians in Malatya, also known as the Zirve Publishing House massacre. The trial concluded at its 115th hearing on September 28 when a court found seven defendants guilty and acquitted 14 others. Emre Gunaydin, Cuma Ozdemir, Hamit Ceker, Salih Gurler, and Abuzer Yildirim were convicted of the 2007 torture and murder of two Turkish converts to Christianity (Necati Aydin and Ugur Yuksel) and a German citizen (Tilman Geske). The convicts recorded the torture on their cell phones and murdered their victims after police arrived. While the lengthy trial was ongoing, all the suspects were released from pretrial detention in 2014 because they had reached the five-year maximum allowable time in pretrial detention, although the court had discretion to make exceptions for violent crimes.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees' lawyers may appeal pretrial detention, although the state of emergency imposed limits on this ability. Changes to the country's judicial process in 2015 introduced a system of lateral appeals for the Criminal Courts of Peace, substituting appeal to a higher court with appeal to a lateral court. Lawyers criticized the move, which rendered ambiguous the authority of conflicting rulings rendered by horizontally equal courts.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal case is proceeding. On February 25, the Constitutional Court ruled for the release of opposition daily *Cumhuriyet* editor in chief, Can Dundar, together with Ankara bureau chief, Erdem Gul, on the grounds that their pretrial detention (on charges of revealing state secrets and seeking the violent overthrow of the government) was a violation of their right to liberty and freedom of expression.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: The Directorate General of Migration Management (DGMM) reported that it operated

18 readmission and removal centers with a capacity of 6,670. The DGMM reported that as of September 18, there were 3,781 individuals in these facilities. The DGMM stated that facilities had shortcomings, largely because they had not been designed to serve as readmission and removal centers. NGOs reported that some detainees were held for extended periods, although many were released within days.

The Office of the UN High Commissioner for Refugees (UNHCR) noted that detention center conditions varied and were often challenging due to limited physical capacity and increased referrals--some of them related to the country's March agreement with the EU to accept migrant returns from Greece in return for the resettlement of refugees in Turkey to Europe. Refugee-focused human rights groups alleged that migrants placed in detention and return centers were prevented by authorities from communicating with the outside world, including their family members or lawyers, creating a situation of impunity.

Amnesty: To alleviate prison overcrowding, an August 17 government decree under the state of emergency provided for the release of persons convicted of a selected catalogue of nonviolent crimes, who had less than two years remaining on their sentence and at least half of their sentence completed. Justice Minister Bekir Bozdag announced in September that this provision had allowed the release of approximately 34,000 persons from prison, making space for some of the more than 41,000 arrested after the failed coup attempt.

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

The law provides for an independent judiciary, but the judiciary remained subject to influence, particularly from the executive branch. Parliament in early July approved legislation restructuring two of the country's high courts, the Court of Appeals and the Council of State. Among other actions the legislation reduced the number of judges on each court and imposed 12-year term limits on newly appointed judges. The government claimed the reform would streamline the judiciary constructively. Critics charged that the move increased executive influence over the judiciary.

Although the constitution provides tenure for judges, the Supreme Board of Judges and Prosecutors (HSYK) controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges, challenges the requirement to remain impartial,

and the judges' inclination to protect the state over the individual contributed to inconsistent application of criminal laws.

The suspension, detention, firing, and freezing of personal assets of more than 3,000 members of the judiciary after the July 15 coup attempt (representing about 22 percent of the total) accused of affiliation with the Gulen movement had a chilling effect on judicial independence. The government alleged some obtained their positions through collusion with officials or after cheating on professional entrance exams prior to the dissolution of the partnership between the ruling Justice and Development Party (AKP) and the Gulen movement. The government in many cases presented little evidence and had not allowed the accused to see or respond to the claims against them. By September most of those who had initially been suspended were fired, in many cases without adequate due process. On October 13, in response to an appeal, the HSYK reinstated 198 judges and prosecutors who had previously been suspended. As of September 2, the government hired 956 new judges and prosecutors.

The country has an inquisitorial criminal justice system.

The country's system for educating and assigning judges and prosecutors created close connections between them; observers (including the European Commission) claimed this process led to the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges studied together at the country's Justice Academy before being assigned to their first official posts by the HSYK; after appointment they often lodged together, shared the same office space, worked in the same courtroom for many years, and even swapped positions over their careers. Prosecutors entered courtrooms through doors reserved for judicial officials and sat next to judges throughout court proceedings. Human rights and bar associations noted that defense attorneys generally underwent less rigorous training than their prosecutorial counterparts and were not required to pass an examination to demonstrate a minimum level of expertise.

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

## **Trial Procedures**

The constitution provides for the right to a fair public trial. Increasing executive interference over the judiciary and actions taken by the government under the state of emergency jeopardized this right.

Under the law defendants enjoy a presumption of innocence and the right to be present at their trial. Judges can restrict lawyers' access to defendants' files during the prosecution phase. Defendants and their attorneys generally have access to government-held evidence relevant to their cases, although the state increasingly made use of a clause allowing cases to be sealed for national security reasons. The European Commission's current year progress report and other observers noted that indictments often lacked logical reasoning or evidentiary support.

Courtroom proceedings were generally public for all cases except those involving minors as defendants. The state increasingly used a clause allowing closed courtrooms for hearings and trials related to security matters, such as those related to "crimes against the state." Court files, which contain indictments, case summaries, judgments, and other court pleadings, were closed to everyone other than the parties to a case, making it difficult to obtain information on the progress or results of court cases.

A single judge or a panel of judges decides all cases.

Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants have the right to legal representation in criminal cases and, if indigent, to have representation provided at public expense. Defendants or their attorneys could question witnesses for the prosecution although questions must usually be presented to the judges who will then ask the questions on behalf of counsel. Defendants or their attorneys could, within limits, present witnesses and evidence on their own behalf. Secret witnesses were frequently used, particularly in cases related to state security. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for free interpretation to all parties in a case when needed. The HRA alleged that free interpretation was not always provided, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

Trials sometimes took years to begin, and appeals could take years to reach conclusion. The courts were capable of moving more quickly in certain cases. In March a 54-year-old teacher employed by the Ensar Foundation, an education-focused body associated with the AKP, was implicated in a sexual assault case in Karaman, where he was accused of systematically assaulting at least 10 male



students between the ages of nine and 12, who lived in dorms operated by the foundation. The accused perpetrator stood a one-day trial six weeks after the crime was reported (April 20). Although the court found the perpetrator guilty and gave a record 500-year prison sentence, critics charged the speed of the trial and the court's refusal to expand the investigation to dozens of other potential victims constituted political protection for the AKP-favored foundation.

In April the Supreme Court of Appeals overturned the convictions of all defendants in the Ergenekon case, a large-scale trial that began in 2008 and eventually involved 275 defendants accused of plotting to overthrow the government. A lower court had ruled against most of the suspects in 2013, but most were released from prison in 2014 after the Constitutional Court ruled that their rights were violated on the grounds that the detailed explanation of the judgment against them was not issued within the legal timeframe, precluding appeal. The decision to overturn the convictions was based on lack of concrete evidence proving the existence of the alleged Ergenekon terrorist organization, irregularities in evidence and procedure, and violation of due process. As of year's end, the case was scheduled to be retried in a lower court.

### **Political Prisoners and Detainees**

The number of political prisoners was not a matter of public record and remained the subject of debate at year's end. In March media reported that 6,592 prison inmates were alleged members of the PKK, while 518 were alleged members of Da'esh and 366 were alleged members of the Gulen movement. Some observers assessed that many imprisoned after the failed coup attempt could be considered political prisoners, a charge disputed by the government. The Justice Ministry reported that, as of October 20, there were 47,512 prisoners in detention on terror-related charges.

Despite limits placed on the use of the antiterror law during 2013 and 2014 by the Fourth and Fifth Judicial Packages, prosecutors continued to use a broad definition of terrorism and threats to national security to launch criminal charges against a broad range of defendants, including more than 140 journalists and hundreds of mostly pro-Kurdish politicians, party officers, and supporters. Notable detentions and arrests during the year included Peoples' Democratic Party (HDP) cochairs Selahattin Demirtas and Figen Yuksekdog, and other HDP parliamentarians in November, as well as several Democratic Regions Party (DBP) local mayors in the months following the coup attempt. At year's end approximately 70 mayors had been removed from office, detained, or arrested for allegedly supporting terrorism

(section 1.g.). Antiterror laws were broadly used against Kurds, suspected PKK sympathizers, and alleged members of the Gulen movement. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to weaken the pro-Kurdish HDP and DBP or to silence critical voices. Authorities used both the antiterror laws and increased powers accorded to the government under the state of emergency to detain individuals and seize assets, including those of media companies, charities, and businesses, of pro-Kurdish groups accused of supporting the PKK, and of individuals alleged to be associated with the Gulen movement.

Credible media reports claimed that some persons jailed on terror charges were subject to a variety of abuses, including long solitary confinements, severe limitations on outdoor exercise and out-of-cell activity, inability to engage in professional work, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media also alleged that visitors to prisoners accused of terror-related crimes faced abuse, including limited access to loved ones, strip searches, and degrading treatment by prison guards.

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

The constitution provides for an independent and impartial judiciary in civil matters, although this differed in practice. Citizens have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. A 2015 law established new regional appeals courts to act as first-level appellate courts, which became operational in September. The Supreme Court of Appeals (Yargıtay) remained the initial appellate body for redress until the regional appeals courts were functional. The law also allows individuals to appeal their cases directly to the Constitutional Court on constitutional and human rights issues, theoretically allowing for faster and logistically easier high-level review of human rights violations within contested court decisions, although the Constitutional Court experienced a backlog that slowed access to justice. The right of citizens to apply directly to the Constitutional Court for redress of human rights issues led to a decrease in recent years in the number of applications made to the European Court of Human Rights (ECHR) against the country, as applicants to the ECHR must first exhaust all domestic remedies available to them. An ECHR spokesperson in November reported a substantial increase in applications from Turkey in connection with the government's response to the coup attempt.

### **Property Restitution**

Cabinet decrees in March and April expropriated properties in several districts of Diyarbakir, Sirnak, Hakkari, and Mardin Provinces for the purposes of facilitating government reconstruction of areas damaged in clashes between the government and the PKK. The expropriation decrees provided minimal information about restitution and compensation for property owners. In April the Diyarbakir Bar Association and 750 individual citizens filed applications in court against the expropriation decisions, including by arguing that property owners were not given adequate means to contest decisions. As of year's end, the courts had not ruled on these cases, but the government had moved forward with the destruction and reconstruction of expropriated properties (see section 1.g.).

After the July 15 coup attempt, the government seized hundreds of businesses and an estimated 15 billion lira (\$4 billion) in assets from alleged members of the Gulen movement. In December the Istanbul 11th Criminal Court of Peace authorized the government to seize all personal assets of 54 journalists due their alleged links to the Gulen movement, although they had not been convicted of a crime. Under the state of emergency, these businesses and individuals generally had limited legal recourse to appeal government actions as of year's end.

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

While the constitution provides for the “secrecy of private life” and states that individuals have the right to demand protection and correction of their personal information and data, the law provides the National Intelligence Organization (MIT) the power to collect information while seriously limiting the ability of the public or journalists to expose abuses. The MIT may collect data from any entity without a warrant or other judicial process for approval. At the same time, the law establishes criminal penalties for interfering with MIT activities, including MIT data collection, for obtaining information about the MIT, or for publishing information about the MIT. Additionally, the law gives the MIT and its employees immunity from prosecution. Only the Prime Minister's Office has oversight of the MIT and the ability to investigate MIT activities. The Constitutional Court partially revoked the law in 2015 but did not rule on the controversial articles expanding the powers of the institution.

The law gives police and the Jandarma authority without cause to compel citizens to identify themselves, a power expanded by the state of emergency.

The 2015 Internal Security Package of laws provides broader police powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission to follow within 24 hours. Individuals subjected to such searches have the right to lodge complaints, but judicial permission occurring after a search has already taken place failed to serve as a check against abuse.

Security forces can conduct wiretaps for up to 48 hours without a judge's approval. As a check against abuse of this power, the Prime Ministry's Inspection Board can conduct annual inspections and present its reports for review to parliament's Security and Intelligence Commission. Human rights groups noted that wiretapping without a court order circumvented judicial control and potentially limited citizens' right to privacy.

After the coup attempt, the government targeted family members to exert pressure on some wanted suspects. Under the state of emergency, the government cancelled the passports of family members of civil servants suspended from work as well as of those who had fled authorities. In some cases the government cancelled or refused to issue passports for the minor children of accused Gulenists who were outside the country, forcing family separation. In August police detained the wife of editor in chief Bulent Korucu of the now-closed Gulenist daily *Zaman* and its successor publication, *Yarina Bakis*. Authorities reportedly detained former AKP parliamentarian Hakan Sukur's 75-year-old father, Sermet Sukur, on August 12 in lieu of his son. On November 26, the father was reportedly released under house arrest. His son, who was reportedly out of the country at year's end, was accused of Gulenist ties.

On April 7, parliament approved the Law on the Protection of Personal Data. The legislation stipulates that personal data--information about race, ethnicity, political thought, philosophical beliefs, religious affiliation, appearance, membership in organizations, health, sexual life, and criminal record, as well as security-related information and biometric/genetic data--cannot be processed or transferred abroad without the individual's explicit consent. Under the law personal data can only be transferred to a foreign country if there is adequate protection in the receiving country, a written assurance of adequate protection, and permission of the country's newly created data-protection authority. Some legal experts asserted that the law fails to protect personal data adequately, particularly because it introduces a series of exceptions that could give the state flexibility in collecting and using private data.

The European Commission's current year progress report on Turkey noted the April 7 Law on the Protection of Personal Data was not aligned with EU standards.

Government seizure and closure of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information. An Istanbul fertility center owned by Aret Kamar, who was accused of Gulenist affiliations, was closed by government decree following the July 15 coup attempt. The government seized personal files of 40,000 patients, and all embryos were transferred to Koc University laboratories, leaving couples in a state of uncertainty about the potential violation of their right to privacy.

Many citizens believed authorities tapped their telephones and accessed their e-mail messages or social media accounts, which led to widespread self-censorship, especially following the coup attempt. Human rights groups assessed that self-censorship due to fear of official reprisal accounted, in part, for the relatively low number of complaints they received regarding allegations of torture or mistreatment.

#### **g. Abuses in Internal Conflict**

In addition to conducting deadly terror attacks throughout the year, the PKK and affiliates declared autonomy and dug trenches in some cities in the Southeast. The government responded with active security operations in the country's Southeast. The government issued curfews in dozens of urban neighborhoods throughout the Southeast, usually giving residents of these areas only hours to abandon their homes prior to the launch of counter-PKK security operations. Those who remained faced 24-hour curfews, sometimes for weeks or even months at a time, as well as extremely difficult living conditions while government-PKK clashes took place, at times involving heavy artillery. Medical services were sometimes unable to reach persons in distress. Human rights groups reported that hundreds of civilians were killed, while thousands were rendered homeless. Multiple sources, including the government, asserted that the PKK forced noncombatants to act as human shields, exacerbating civilian casualties.

Killings: Estimates of casualty tolls from renewed government-PKK fighting varied considerably and remained a topic of debate.

The government reported that, in the first eight months of the year, 208 civilians died and 1,259 civilians were injured by PKK-related violence. According to data from security institutions and media reports, as of year's end, PKK-related

incidents and operations resulted in the deaths of 637 security personnel, including 398 soldiers, 187 police, and 52 village guards (renamed “security guards” by decree in October). PKK tactics included assault with conventional weapons, vehicle-borne bombs, suicide bombing attacks, and improvised explosive devices (IEDs). At times IEDs or unexploded ordinance, usually attributed to the PKK, killed or maimed civilians. The HRA reported that, in the first nine months of the year, IEDs generally attributed to the PKK killed two adults and eight children, and injured 29, including 21 children.

On June 18, President Erdogan claimed that more than 7,600 PKK terrorists were “neutralized” in nationwide and cross-border operations since July 2015, a figure disputed by some experts.

The HRA maintained that security officers killed 317 civilians and injured 130 in arbitrary killings throughout the country in the first nine months of the year, including at government checkpoints, deaths in government-PKK violence (for example, the Cizre basement incident described below), and excessive use of force in crowd control. The HRA linked the majority of these deaths to the government’s fight against the PKK in the Southeast.

In two cases, human rights groups alleged that government security forces killed dozens of civilians, including women and children, who had pled for days for safe passage out of besieged basements in districts under curfew in Cizre in Sirnak Province and in Sur in Diyarbakir Province. Witnesses told HRW that, in February in the Cizre district of Sirnak Province, security forces surrounded three buildings and deliberately killed at least 130 persons who had sheltered in the basements, among them unarmed civilians. The Human Rights Foundation of Turkey (HRF) reported that, during the 79-day-long curfew in Cizre, approximately 200 persons were killed, most of them in the basements referred to by HRW. The Ankara-based HRA reported that 171 bodies, the majority belonging to unarmed civilians, were retrieved from three basements in Cizre after February 5. The HRA’s president alleged to media that the government used the time between the end of security operations in Cizre and the lifting of the curfew in the area to destroy the basements and, with them, any evidence of wrong-doing. The HRA’s claims were based on the testimony of witnesses and victims’ family members, as well as the discovery by HRA volunteers of body parts at the site. Separately, the HRA alleged that seven persons were killed in the Sur basement in question in February. The president of the HRF, Sebnem Korur Fincanci, recorded finding a human jawbone in the remains of a Sur basement she was allowed to visit on March 3.

The government responded that such allegations were a baseless smear campaign, that it had taken necessary precautions to protect civilians, and the PKK was responsible for any deaths. The government stated that the PKK had prevented civilians from exiting the besieged basements to protect its injured fighters, assigning responsibility to the terrorist group for the alleged civilian deaths. The government declined to allow independent media or international observers to investigate. The government also reported at year's end that the Cizre prosecutor's office was undertaking an investigation of security force actions.

In several cases during the year, human rights groups alleged the government failed to take adequate steps to protect civilians caught in the conflict between security forces and the PKK. HRW established, through interviews with residents and witnesses, that while many civilian deaths occurred in neighborhoods where the PKK had erected barricades and dug trenches, there were also civilian deaths in areas removed from direct clashes.

PKK-related attacks also claimed the lives of police officers and civilians in Ankara, Istanbul, and other cities throughout the year. On March 13, a vehicle-borne bomb in central Ankara claimed 37 lives and injured 125. On December 10, a double suicide bombing attack in Istanbul killed 44 and injured more than 150 outside Istanbul's Vodafone Stadium at the conclusion of a soccer match. The Kurdistan Freedom Falcons, a PKK affiliate, claimed responsibility for these attacks and several more throughout the year.

PKK attacks also targeted political figures. On August 25, a PKK attack on a convoy belonging to the leadership of the opposition Republican People's Party (CHP) in Artvin killed one soldier and injured two others. On September 11, the PKK announced it intended to target government-appointed trustees installed to replace elected mayors removed for alleged ties or providing support to the PKK. Between September 11 and November 11, the PKK carried out at least six attacks on political targets, killing two and injuring dozens. On September 12, a PKK car bomb attack targeting local AKP offices and the provincial governorship in Van injured 48 persons.

Abductions: The PKK continued to abduct both officials and civilians throughout the year. The government reported that through September, the PKK kidnapped 74 civilians and six village security guards. The HRA alleged as of December 23, the PKK was holding 31 soldiers and police officers hostage.

Physical Abuse, Punishment, and Torture: In January an alternative media IMC TV cameraman, Refik Tekin, was injured when the 10-person delegation with which he was traveling, which included an HDP lawmaker, attempted to retrieve bodies and injured persons from a besieged house in Cizre and came under fire from unidentified perpetrators. Tekin reported he was kicked and beaten as he was detained by police; after an hours-long delay, he was sent to Mardin for treatment of his gunshot injury, where police denied him access to visitors. After receiving medical treatment, he was arrested and charged with being a terrorist. Two members of the delegation injured in the attack, Cizre municipal assembly members, Hamit Pocal and Selman Erdogan, subsequently died.

Human rights groups alleged that police, government security forces, and the PKK abused some residents of the Southeast. AI reported that, on May 26, days after clashes between security forces and the PKK ended, 42 persons (including 10 children) were detained in Nusaybin; all reported being mistreated, including being hooded, while some were reportedly beaten; one was denied medical treatment for a serious injury. There was no indication of an official investigation of the report.

The government alleged that pro-Kurdish residents of the Southeast abused security force members, including by sometimes withholding medical services from security force members injured in the fighting with the PKK.

Child Soldiers: The government alleged the PKK continued to recruit and forcibly abduct children for conscription purposes. An April 24 government report claimed that the PKK abducted children from urban areas of the Southeast, estimating that 40 percent of the group's rural or mountain divisions were underage, with almost 10 percent under age 15. The government alleged the PKK had used children as suicide bombers.

Other Conflict-related Abuse: Prior to commencing counter-PKK military operations, the government commonly declared curfews with just a day's notice, leaving residents only hours to decide whether to evacuate or shelter in place. Human rights observers noted that about 80 percent of the inhabitants of neighborhoods placed under curfew elected to leave their homes, most of them sheltering with friends or extended family. Those who remained faced hardship, including cuts to water and electricity services. Human rights observers reported that both the PKK and the government destroyed critical infrastructure, adding that government security forces targeted air conditioners and water tanks, making life uncomfortable for those who decided to stay. Medical personnel sometimes could



not reach residents in distress. Curfews and government-PKK clashes lasted days and in some cases months, leaving residents in a state of siege.

The PKK's use of asymmetric warfare and security forces' use of heavy artillery in urban environments led to extensive damage in some urban areas in the Southeast. Large sections of Diyarbakir's historic Sur district, Cizre, Nusaybin, and Yuksekova were heavily damaged. The government subsequently bulldozed many of the damaged buildings without collecting evidence that might have otherwise helped clarify the source of the damage and casualties.

On March 25 and again on April 5, a cabinet decision allowed the expropriation of certain properties in specific districts of Cizre, Idil, and Silopi (Sirnak); Sur, Baglar, and Kayapinar (Diyarbakir); and Cukurca and Yuksekova (Hakkari); Kızıltepe (Mardin). The land expropriated by the government included properties belonging to residents, businesses, public institutions, local governments, and NGOs, as well as historic places of worship and cultural heritage. The 500-year-old Kursunlu Mosque, the historic Hasirli Mosque, the Surup Giragos Church, and the Chaldean Church were among the sites affected.

The cabinet decision gave the Ministry of Interior the right to take immediate possession of all property in these specified districts to facilitate postconflict reconstruction efforts. The expropriation decrees stated that the expropriations was temporary and that the government would return property to the owners, but were unclear on restitution/compensation for property owners and did not provide a clear means for owners to contest decisions. Many affected homeowners lacked property titles and, therefore, faced uncertainty. As of year's end, many property owners remained unsure about how to pursue compensation or regain possession of their properties. While some owners had reported receiving compensation payments for household goods destroyed by the fighting, few had received offers of compensation for immovable properties.

The government and adverse security conditions limited journalists' and international observers' access to the affected areas, which made monitoring and assessing the conflict difficult. The government deferred a request by the UN High Commissioner for Human Rights for an official observation visit, although it stated that UN representatives could visit the areas in their capacity as UN staff.

On September 11, the government used a decree issued under the state of emergency to replace 28 elected local mayors with trustees in Silvan and Sur (Diyarbakir); four municipalities in Mardin, Van, and Batman, Hakkari; two

municipalities in Sirnak; Adana; Erzurum; Giresun; and Konya. The government claimed that 24 of the removed mayors were linked to the PKK, while it linked the remaining four to the Gulen movement. At year's end the government had placed at least 47 municipalities under trusteeship, and arrested an additional seven mayors without installing trustees. At year's end 70 elected officials had been removed from office, detained, or arrested for allegedly supporting terrorism.

The women's democracy NGO Ka-Der noted that women were disproportionately affected by the clashes in the Southeast. Women suffered more than men when security measures forced them to depart their homes, denying them their rights to shelter and education for themselves or their children. Women were also disproportionately displaced by government removals of elected officials, as local political parties had maintained a 50 percent quota for women candidates, which the government did not honor in naming male trustees to run affected municipalities.

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

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

Multiple articles in the penal code directly restrict press freedom and free speech (for example, through provisions prohibiting praising a crime or criminals or inciting the population to enmity, hatred, or denigration; and by protecting public order and criminalizing insult). The law provides for punishment of up to three years in prison for "hate speech" or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law for not including protections based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.

During the year hundreds of individuals, including journalists and minors, were indicted for insulting the president or prime minister and insulting institutions of the state. On July 29, President Erdogan announced a one-time forgiveness of insults against him, although he and his legal team began filing insult charges again shortly after. Experts estimated there were nearly 4,000 insult-related cases in process as of the end of July.

More than 140 journalists were detained for alleged ties to the PKK or the Gulen movement. Hundreds more lost their jobs as the government closed media outlets allegedly affiliated with the Gulen movement or the PKK.

Freedom of Speech and Expression: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints. Many who wrote or spoke on sensitive topics involving the ruling party risked investigation.

On January 8, a caller to a popular television talk program, *The Beyaz Show*, pled for viewers to “show more sensitivity as human beings” toward citizens in the country’s Southeast, many of whom were displaced and facing violence. The talk show host, Beyazit Ozturk, solicited applause after the call for solidarity, but a national backlash immediately ensued. Ozturk issued an apology the next day, accusing the caller, teacher Ayse Celik, of “provocation” and of misleading call screeners to get on the air. Prosecutors charged her with “praising terrorism and a terrorist organization.” Celik’s case and that of 38 codefendants continued at year’s end.

Within the first several weeks after the failed July 15 coup, human rights activists reported increasing restrictions on freedom of expression as the government arrested dozens of journalists for alleged Gulen or PKK links and closed more than 130 media institutions. Numerous journalists and others described a dwindling independent media under escalating official pressure. By the end of the year, the government had closed nearly 200 media institutions and jailed more than 140 journalists.

Press and Media Freedoms: Print media was privately owned and active. Conglomerates or holding companies, many of which had interests before the government on a range of business matters, owned an increasing share of media outlets. Only a fraction of these companies’ profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate. Private newspapers published in numerous languages, including Armenian, Arabic, English, and Farsi, although most had low circulations. In the months after the failed coup attempt, authorities closed most Kurdish-language newspapers, television channels, and radio stations, citing national security grounds.

The government used its authorities under the state of emergency to close more than 195 media outlets critical of the government as of mid-December. Authorities linked most to either the Gulen movement or PKK. The government issued arrest warrants for more than 200 journalists and blocked dozens of online news media

sites. On September 15, a representative of the Committee to Protect Journalists (CPJ) reported that, in the first two months after the July 15 coup attempt, authorities stripped more than 600 members of the press of their credentials. The government also detained family members of journalists and others who fled the country and initiated criminal investigations against journalists for reports written before the coup attempt. These pressures contributed to an atmosphere of self-censorship in which media reporting increasingly standardized along progovernment lines.

On December 13, the CPJ reported there were 81 journalists in jail. The CPJ said dozens more journalists were jailed in Turkey, but it could not confirm a direct link between their work and their imprisonment. The Turkish NGO Platform for Independent Journalism (P24) reported that as of December 30, the number of journalists, editors, or media managers in jail stood at 145. According to P24, 117 of these were arrested as part of a coup-attempt-related probe, while 32 were in jail before the coup attempt.

While the law does not ban particular books or publications, publishing houses were required to submit books and periodicals to prosecutors for screening at the time of publication. The Turkish Publishers Association (TPA) reported that, as a means of censorship, the Ministry of Culture sometimes denied approval of a barcode required for all publications. Police conducted raids and confiscated books on some stands at annual book fairs and also stopped book-delivery trucks at times in the Southeast, confiscating their contents. Local courts banned books without regard to limits in the law that allow banning by the court only in the locality where the book was published. After the coup attempt, 29 Gulen-affiliated publishing companies were closed, and schools avoided the titles they published although the titles were not technically criminalized. The Ministry of National Education undertook to rewrite 58 textbooks after the failed coup attempt to remove alleged “subliminal messages” allegedly inserted by the Gulen movement. Primary, secondary, high schools, and universities became increasingly cautious about the books they allowed students to read.

The TPA reported that publishers often exercised self-censorship, avoiding works with controversial content (including government criticism, erotic content, or pro-Kurdish content) that might draw legal action. The TPA reported that publishers faced publication bans and heavy fines if they failed to comply in cases where a court ordered the correction of offensive content. Publishers were also subjected to book promotion restrictions.

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

Prosecutors considered the possession of pro-Kurdish and Gulenist books credible evidence of membership in a banned organization. In one case police intercepted and detained Esar Dogan Ozturk in Duzce for attempting to eliminate Gulenist literature in his possession by burning it in July. (The AKP and Gulenists were close partners until roughly 2013. Owning Gulenist literature had not previously been criminalized.)

The government restricted access to the internet and regularly blocked selected online content, including online newspapers and journals (see Internet Freedom).

Violence and Harassment: Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack. President Erdogan and AKP members sometimes verbally attacked journalists by name in response to critical reporting. A study by the International Press Institute, covering the first several months of the year, found that government supporters and Turkish nationalists systematically targeted journalists online for verbal abuse, apparently intending to incite actions against them, damage their credibility, or shame them. Approximately one-third of the abusive messages were sexual in nature. An NGO tracking journalism issues in the country reported there were seven physical attacks against journalists in June, four in July, and three in August.

Prior to the failed coup attempt, the government also regularly filed criminal charges against journalists, prosecuting them on insult and terror-related charges. Human rights groups noted that filing terrorism-related charges was a common tool the government used to target journalists reporting on sensitive issues, particularly PKK terrorism (also see National Security).

On January 28, prosecutors indicted *Cumhuriyet* editor in chief, Can Dundar, and his Ankara bureau chief, Erdem Gul, (who had been in jail since November 2015) for releasing state secrets and threatening to overthrow the state. The Istanbul prosecutor's office sought aggravated life imprisonment and a separate life sentence plus 30 years for each. On March 25, the court ruled at their hearing that the remainder of their trial would be closed to the public. On April 25, an Istanbul court found Dundar guilty of separate insult charges, sentencing him to 955 days in

jail, commuted to a 28,650 lira (\$8,200) fine, for insulting officials in a series of articles. On May 6, the court found Dunder and Gul guilty of releasing state secrets and sentenced them to five years and 10 months' imprisonment each. As of year's end, the two remained free pending appeal and continued to face other indictments in connection with separate pending cases. Dunder left the country in June and remained abroad at year's end. The government reportedly cancelled his wife's passport following the July 15 coup attempt.

In November authorities detained or arrested more than 10 executives and journalists at *Cumhuriyet*, for purportedly supporting the activities of the Gulen movement and/or PKK. Editor in chief Murat Sabuncu, who succeeded Can Dunder, and nine colleagues remained in prison as of year's end.

Persons accused of attacking journalists or independent media institutions often received minimal penalties. At a break in his hearing on May 6, Dunder was attacked by a gunman. Dunder was unhurt but a camera operator was injured. On August 25, the gunman appeared in court, charged with attempted murder. On September 28, an Istanbul criminal court downgraded the charges to attempted injury and threat with a weapon, and on October 21, the gunman was released from pretrial detention.

Journalists reported that media outlets fired some individuals for being too controversial or adversarial with the government out of fear of jeopardizing other business interests. On January 13, the progovernment newspaper *Aksam* reportedly fired columnist Gulay Gokturk after she used her column to question the AKP's call for a change to a presidential system. An organization tracking pressure against journalists found that 395 journalists were fired in July and 11 were forced to resign. During the month of August, this organization counted 2,308 journalists who were fired or lost their jobs and three who were forced to resign in the wake of the post-coup-attempt media closures and arrests.

Pro-Kurdish journalists faced significant government pressure, with more than 40 in jail pending trial as of September 5. On June 20, police arrested three temporary editors of the pro-Kurdish daily *Ozgur Gundem*, while an investigation into 37 others for their support of the publication continued. Human Rights Foundation of Turkey president, Sebnem Korur Fincanci; Reporters Without Borders-Turkey representative, Erol Onderoglu; and journalist/author, Ahmet Nesin, were arrested on charges of creating "propaganda for a terrorist organization" after serving brief tours as "duty" editors of the publication. Fincanci and Onderoglu were released on June 30 and Nesin on July 1. On October 19, Can Dunder was indicted in his

absence on charges of “printing and publishing terrorist organizations’ statements” in connection with his service for a day as volunteer editor in chief of the since-closed newspaper. These trials continued at year’s end.

Authorities detained dozens of journalists working for pro-Kurdish DIHA, *Azadiya Welat*, Jin News Agency (JINHA), and *Ozgur Gundem* throughout the year. As of September 26, the CPJ reported that 12 DIHA staff were in prison, with at least 19 others facing charges of creating propaganda for a terrorist organization. DIHA, *Azadiya Welat*, and JINHA were among 15--mostly Kurdish--media outlets closed by government decree on October 29. The government closed most additional Kurdish-language media during November.

Special operations police reportedly detained Nedim Oruc, a DIHA journalist who had extensively covered the violence in the Southeast, at his home in Silopi in Sirnak Province on the morning of January 5, along with 36 other persons. Oruc’s contacts reported they were unable to receive any information about his whereabouts for several days until a social media campaign resulted in an announcement from the Silopi Security Directorate that Oruc was in custody. On June 10, he was released pending trial on charges of making propaganda for a terrorist organization. His case remained underway as of year’s end.

The government also pressured journalists by employing an otherwise rarely used statute that allows courts to strip parental rights from those found guilty of criminal offenses. On May 18, an Istanbul court found journalist Arzu Yildiz guilty of breaching the confidentiality of a court case (a charge related to her coverage of the 2014 scandal where the government’s intelligence branch appeared to have covertly supplied arms to Syrian rebels) and sentenced her to 20 months in jail. The court also stripped Yildiz of her legal rights over her children. Her lawyer characterized the decision as an act of revenge and noted Yildiz would not be able to register her two children in school, open bank accounts for them, or take them abroad alone.

In addition to criminal charges and arrests, journalists faced verbal harassment, tax investigations, and fines. On March 22, Istanbul prosecutors filed an indictment accusing Aydin Dogan, founder and honorary chairman of Dogan Holding AS, and Ersin Ozince, chairman of the country’s largest publicly traded bank, *Turkiye Is Bankasi*, of involvement in a criminal scheme to evade taxes on fuel imports. Observers considered the charges linked to political considerations. Dogan’s company, Dogan Holding, was the owner of *Hurriyet*, CNN Turk, and other media outlets. In 2015 the company was banned from participating in state tenders and

became the subject of two criminal investigations after President Erdogan accused Dogan of being a “coup lover,” alleging his involvement in a 1997 coup plot.

Government officials withheld press accreditation and denied entry to several journalists from Germany, the Netherlands, Greece, Russia, Norway, Syria, and the United States. Eleven international journalists reported government interference in their ability to report within Turkey in the first four months of the year. Several international writers and at least one Turkey-based correspondent for an international media organization faced criminal charges during the year, accused either of insulting Turkish officials or of creating propaganda for a terrorist organization.

Extremists have also targeted Syrian journalists who had fled to Turkey. On June 12, two gunmen attacked Syrian journalist, Ahmed Abd al-Qader, outside his home in Sanliurfa. Al-Qader, who survived the attack, was presumably targeted because he founded the exiled Syrian news outlet *Eye on the Homeland*. On April 10, Syrian journalist, Muhammed Zahir al-Sherkat, was shot in the head on a street in Gaziantep’s Degirmicem neighborhood by Da’esh attackers; he died a day later. Da’esh claimed responsibility for killing three other Syrian journalists in the country since October 2015. Investigations into the cases continued at year’s end.

Censorship or Content Restrictions: Government and political leaders occasionally resorted to direct censorship of news media. During the year the government added several events to the list of topics on which media coverage was restricted, including the Ensar child abuse case, accusations of sexual assault of children in Syrian refugee camps, terror attacks, Da’esh shelling of Turkey’s border town Kilis, precoup investigation of the Gulen movement, and others. The government declared media bans on terror attacks or other sensitive issues, although many media outlets disregarded these bans, which were often not enforced.

On September 15, a representative of the CPJ reported that, in the two months after the July 15 coup attempt, authorities censored at least 30 news websites. According to an NGO tracking journalism issues in the country, the government sharply increased its media interference as a consequence of the July 15 coup attempt. The government initiated approximately 200 blocking actions each in March, April, and May, blocking news websites, prohibiting hard-copy news publishing, or blocking television broadcasting. The number of blocking actions increased to 429 in June and 497 in July. After the coup attempt, the number of blocking actions rose to 783 in August.



Progovernment media appeared to coordinate editorial decisions, at times running similar headlines. On September 23, a *Red Hack* leak of purported e-mails between President Erdogan's son-in-law (and energy minister) Berat Albayrak and the CEO of the Dogan Media group, Mehmet Ali Yalcindag, showed alleged collusion on the headlines planned for the next day's *Hurriyet* newspaper. On September 28, an Ankara criminal court confirmed the hack of Albayrak's e-mail, although Albayrak denied that the publicized e-mails were legitimate. Despite the seriousness of the allegation of official interference in media, progovernment media did not cover it. The websites and Twitter accounts of those independent media that did cover it were blocked.

On January 26, Istanbul prosecutors initiated an investigation into CNN Turk (owned by Dogan Media) for running a caption connected to President Erdogan's image reading "Dictator on trial." The caption appeared in CNN Turk reporting on a criminal case filed against the leader of the opposition Republican People's Party, Kemal Kilicdaroglu, who called Erdogan a "dictator" at the party's January 17 convention. At year's end the investigation had not led to charges, and the Radio and Television Supreme Council (RTUK) decided not to fine the station, but it issued directions on how CNN Turk might use different wording in the future.

The RTUK continued a practice of fining broadcasters whose content it considered "contrary to the national and moral values of society."

Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism. The law provides that persons who insult the president of the republic can face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by the press or media.

Citizens, including children, were charged with insulting Turkish leaders and denigrating Turkishness. On March 1, Justice Minister Bozdog told parliament that since Erdogan became president in 2014, his ministry had allowed the prosecution of 1,845 criminal cases based on alleged insult of the president (the Ministry of Justice must approve criminal prosecution of insult cases against Turkish leaders). In August news media reported there were about 4,000 criminal insult cases underway based on violations, including "denigrating Turkishness" or insulting public leaders.

On February 2, prosecutors demanded a nearly five-year prison sentence against journalist Ozgur Mumcu for insulting President Erdogan in a May 2015 editorial.

The item in the opposition daily *Cumhuriyet* commented on Erdogan's response to the mother of a Gezi victim, calling Erdogan "a tyrant who oppresses his people, treating them without mercy."

The government encouraged citizens to report incidents of insult. In one example, in April the Turkish embassy in the Netherlands sent a communication to Turkish citizens in the country asking them to report incidents of insult against Turkish leaders. On April 25, a Dutch/Turkish dual citizen, journalist Ebru Umar, was detained while vacationing in Turkey for sending a tweet critical of the Turkish embassy's communication. She was eventually allowed to depart Turkey, although her trial on insult charges continued.

Despite enjoying parliamentary immunity against most criminal charges, lawmakers were also the subject of insult-related civil cases. On July 14, an Ankara civil court ordered Republican People's Party (CHP) Chairman Kemal Kilicdaroglu to pay President Erdogan 50,000 lira (\$14,300) for calling him a "sham dictator." Erdogan's lawyers argued that the comment constituted "extraordinarily weighty insults" with the intent of attacking Erdogan's image. In another civil insult case in September 2015, a court ordered Kilicdaroglu to pay 20,000 lira (\$5,700).

While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the law was not applied equally. On February 29, President Erdogan's spouse described the Turkish nation as a "90-year-old-wreck," but she was not charged with any crime.

On July 29, President Erdogan announced he would forgive most insult cases his legal team had filed. On September 6, Erdogan's lawyer told media that the team had filed a petition to withdraw complaints against thousands of defendants. As a result, 10 persons were released from prison and prosecutors dropped 16 cases against opposition CHP leader, Kemal Kilicdaroglu, and one case against Nationalist Movement Party leader, Devlet Bahceli. Prosecutors subsequently filed new insult charges against politicians and citizens.

The laws also allow prosecution for insulting religion or religious values. On April 28, *Cumhuriyet* journalists, Ceyda Karan and Hikmet Cetinkaya, were each sentenced to two years in prison on charges of "insulting people's religious values" for reprinting the caricature of the Islamic prophet after the January 2015 attacks on *Charlie Hebdo* in Paris that killed 12 persons. *Cumhuriyet* faced security threats after it became one of five international publications that, in a show of

solidarity with the *Charlie Hebdo* victims, printed excerpts from the edition published after the attacks.

National Security: Authorities regularly used the antiterror law and the penal code to limit free expression on grounds of national security. Organizations including the CPJ and Freedom House reported authorities increasingly used the antiterror law and criminal code to prosecute journalists, writers, editors, publishers, translators, rights activists, lawyers, elected officials, and students accused of supporting the PKK. Before the July 15 coup attempt, at least 28 pro-Kurdish and five other journalists whose reporting was generally critical of the government were in jail pending trial. According to the television station T24, another 13 pro-Kurdish journalists and 66 journalists accused of links to the Gulen movement were jailed in the period between the July 15 coup attempt and September 5, bringing the total number of journalists in detention pending trial to 112. Another 54 were under detention but not formally arrested. As of November 15, the International Press Institute estimated that 160 journalists were in jail in Turkey. By year's end the journalism-focused NGO P24 estimated there were 145 journalists in jail.

Nongovernmental Impact: The PKK used a variety of pressure tactics that limited freedom of speech and other constitutional rights in the Southeast. During the 2015 elections and also in the aftermath of curfews enacted in the spring in response to PKK violence, some residents of the Southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces.

## **Internet Freedom**

The government restricted access to the internet and regularly blocked selected online content. The government at times blocked access to “cloud”-based services and to virtual private networks. There was evidence that the government monitored private online communications using nontransparent legal authority.

During the year internet freedom continued to worsen in the country, partly in response to ongoing security challenges, particularly in the Southeast. Internet law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any of a number of crimes, including insulting the founder of the Turkish Republic, Mustafa Kemal Atatürk; encouraging suicide, the sexual abuse of children, or the use of drugs and stimulants; providing substances dangerous to health; engaging in obscenity or prostitution; providing

means for gambling; threatening life or property. Sites may also be blocked to protect national security and public order. In June the internet governing body updated regulations to make it easier to censor internet content.

On August 15, the government issued a decree under the state of emergency dismantling the Turkish Telecommunications Authority (TIB) due to its alleged role in the coup attempt and folding its authorities into the existing Information and Communication Technologies Authority (BTK). The BTK is now empowered, as the TIB was previously, to demand that internet service providers (ISPs) remove content or block websites with four hours' notice. The regulatory body must refer the matter within 24 hours to a judge, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months' to two years' imprisonment or fines ranging from 50,000 to 500,000 lira (\$14,300 to \$143,000) for failing to comply with a judicial order.

The law also allows persons who believe a website has violated their personal rights to request the regulatory body to order the ISP to remove the offensive content. Government ministers can also order websites blocked, and the regulatory authority is legally compelled to comply within four hours, followed by a court order within 24 hours.

The declaration of a state of emergency expanded the government's powers to restrict internet freedom with reduced parliamentary and judicial oversight. Critics charged that the elimination of the TIB and empowerment of the BTK limited oversight of internet surveillance and censorship.

The BTK reported 200,634 complaints regarding offensive internet content through September 22. The institution did not describe how many of the complaints resulted in blocking orders.

The law provides that government authorities may access internet user records to "protect national security, public order, health, and decency" or to prevent a crime. The law also establishes an ISP union of all internet providers that is responsible for implementing website takedown orders. The BTK is not obligated to inform content providers about ordered blocks or to explain why a block was imposed. Content providers, including Twitter and Facebook, were required to obtain an operating certificate for the country.

Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals accused of insulting them.

According to the internet freedom NGO Engelliweb, as of November 16, 115,315 websites had been blocked during the year, an increase from 106,198 in 2015 and 58,635 in 2014. Approximately 93 percent of the sites were blocked via a TIB/BTK decision and 2.6 percent were blocked by a court order.

Internet access providers, including internet cafes, are required to use filtering tools approved by the BTK. Additional internet restrictions operated in government and university buildings.

The NGO monitoring project Turkey Blocks reported that the government greatly increased its use of “throttling” during the year, slowing access to specific websites in the aftermath of terror attacks or other sensitive events to the point where they were essentially unusable. This practice restricted information access during crises.

According to Twitter’s internal transparency report, the company received 2,493 court orders and other legal requests from Turkish authorities to remove content in the first half of the year. According to digital news source the *Daily Dot*, on July 23 and again on July 25, Twitter blocked at least 12 journalists’ and three media outlets’ accounts. As of the end of September, Twitter had blocked 26 media-related accounts in the country at the government’s request. Twitter reported that it received more requests to block or remove content from the government of Turkey than from any other government.

### **Academic Freedom and Cultural Events**

During the year the government increasingly limited academic freedom, restricted freedom of speech in academic institutions, and censored cultural events.

After the failed July 15 coup attempt, the Ministry of Education suspended 15,000 staff and revoked the licenses of 21,000 teachers at private primary and secondary education institutions. By mid-August the number of suspended teachers rose to 33,000 and revoked licenses to 27,000, representing about 6 percent of the education sector. Just before school resumed in mid-September, an additional 11,000 teachers were summarily purged. On November 25, the Ministry of National Education announced it had reinstated 6,007 of the suspended teachers.

University education was also affected by the postcoup purges. On July 19, the Higher Education Board (YOK) announced that all university deans were asked to resign; on July 20, YOK announced a ban on all academic travel. A decree issued on July 27 closed 15 universities affecting 64,533 students and 2,808 academics. As of December some sources estimated as many as 6,000 academics had been suspended or fired on allegations of terror links. On October 29, a decree issued under the state of emergency changed the process by which university heads (rectors) are named. The decree eliminated the possibility of faculty elections and put both public and foundation universities under a system where the YOK will choose three nominees to present to the president for his choice. If the president rejects all three candidates and if a month elapses with no new nominees, the president may appoint a qualified rector entirely of his own choosing.

Some academics and event organizers stated their work was monitored and that they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-censorship. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board that limited the autonomy of universities in staffing, teaching, research policies, and practice.

On January 11, a group of 1,128 academics from 89 Turkish universities, along with more than 300 international academics, released a petition calling on the state to “put an end to violence inflicted against its citizens.” The so-called Academics for Peace accused the government of conducting “torture, ill-treatment, and massacres” in the Southeast. A nationalistic backlash ensued, with President Erdogan calling the academics “traitors” and the YOK initiating investigations against the signers. Many faced threats of violence or experienced vandalism of their property. Progovernment media published their photos and personal contact information, leading many to fear for their safety. On September 2, a decree issued under the state of emergency led to the dismissal of many academics, including some of the “Academics for Peace.” On December 22, the president of YOK said 4,797 academics had been dismissed since the coup attempt, with 3,025 suspended, and another 1,079 reinstated. More than 100 “Academics for Peace” signers had been dismissed.

The government’s response to the July 15 coup attempt also affected the arts community. On August 3, Istanbul Municipal City Theaters suspended four actors and two directors for alleged Gulen connections. On August 11, singer Sila Gencoglu was criticized after she described an August 7 rally commemorating

Turkish democracy and those lost in the coup attempt as a “show.” Following her remarks, the Istanbul Metropolitan Municipality cancelled two concerts, and three other cities followed suit.

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

### **Freedom of Assembly**

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The 2015 Internal Security Package increased penalties for protesters carrying items that might be construed as weapons, prohibited the use of symbols linked to illegal organizations (including chanting slogans), and criminalized covering one’s face during a protest. The law permits police to use tinted water in water cannons potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into “protective custody” without a prosecutor’s authorization, if there is reasonable suspicion that they are a threat to themselves or to public order.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often using excessive force. At times, the government used its authority to detain persons before protests were held on the premise that they might cause civil disruption. The government selectively restricted meetings to designated sites or dates, particularly limiting access to Istanbul’s Taksim Square and Ankara’s Kizilay Square, and set up roadblocks to prevent protesters from gathering there. The government banned many demonstrations outright if they touched sensitive issues.

Security forces regularly responded with excessive force to protests, resulting in dozens of injuries, detentions, arrests, and even deaths. The government generally supported security forces’ actions.

Human rights organizations remained critical of the violent police response to demonstrations and police use of tear gas. The current year European Commission’s progress report on Turkey noted widespread use of excessive force by authorities against peaceful protesters.

During events commemorating the Kurdish new year holiday of Newroz in March, there were clashes reported between celebrants and police in Batman, Adana, Mardin, Sirnak, Sanliurfa, Mersin, and Bursa. Media reported that at least 160 persons were detained by police nationwide during the celebrations and that police

used tear gas and water cannons to disperse celebrants in some cities. Gatherings of as many as a million participants in Diyarbakir and 75,000 in Istanbul were peaceful.

Pro-Kurdish demonstrations of many kinds faced violent police responses throughout the year. On January 9 in Izmir, a group of women protesting in favor of peace in the Southeast were disrupted by police. Police detained 13 members of the group calling itself Women for Peace, including pro-Kurdish *Evrensel* reporter Eda Aktas, on the grounds that protesters' press statements insulted the Turkish nation or its institutions. On February 2 in Adana, police allegedly shot and killed 20-year-old Murat Daskan during a protest against the curfews in the Southeast. Eyewitnesses reported police shot Daskan, took his body away, returned later to collect bullet shells, and then reported they "found" his body in the neighborhood. Another 20-year-old, Kadir Caliskan, was injured in the same protest. Police said the PKK shot the protesters. On February 9 in Diyarbakir, 16-year-old Mahmut Bulak was shot in the head while participating in a protest against curfews for Cizre and Sur.

On May 1 (Labor Day), the government took extraordinary security measures in Istanbul, with Taksim Square closed to the traditional annual demonstrations. Police intervened against crowds in Istanbul using tear gas and water cannons and reportedly detained more than 200 protesters. Nail Mavus was killed in Istanbul after being hit by a police water-cannon vehicle, apparently accidentally. After the government announced that Taksim square would be closed, the unions decided to hold their official demonstration in Bakirkoy, another neighborhood, where the event was peaceful. In the Southeast the governors of Adana, Gaziantep, and Sanliurfa cancelled May Day demonstrations, citing security concerns.

On June 19, police dispersed crowds using tear gas when activists attempted to hold a "trans pride" parade. Citing security concerns, the Istanbul Governor's Office also banned the LGBTI community's annual pride parade, which had been planned for June 26. Police actively prevented both those who nonetheless gathered for the pride parade and an anti-LGBTI group that had gathered the same day to protest parade participants (see section 6: Acts of Violence).

On September 20, an Ankara court found 45 students of Middle East Technical University guilty of violating the law on meetings and protests, resisting public officers, and obstructing the latter from doing their jobs. The charges related to a 2012 student protest against then prime minister Erdogan while he was visiting their campus. Police used tear gas and water cannons against the peacefully



protesting students, injuring some of them. In the scuffle that ensued, several students were detained. Each of the 45 students was sentenced to 10 months in prison.

On November 6, a police officer was killed when PKK supporters threw Molotov cocktails at security forces during an unauthorized demonstration in southern Adana province.

Decrees issued under the state of emergency after July 15 increased the discretion of individual governors to limit citizens' ability to demonstrate. For example, the government prevented teachers' groups from demonstrating to protest the suspension and dismissal of tens of thousands of educators after the July 15 coup attempt. On September 23 in Diyarbakir, a group of suspended teachers staged a protest in front of the Ministry of National Education provincial office. Police intervened to stop the protest and detained 17.

On October 18, the Ankara governor's office banned all demonstrations through November. Several times in November, the municipality allowed demonstrations against EU countries accused of supporting the PKK. Crowds of as many as 500 protesters staged outside of related embassies, with some contacts alleging the government had bused supporters to the demonstrations.

### **Freedom of Association**

While the law provides for freedom of association, the government increasingly restricted this right during the year.

In the aftermath of the July 15 coup attempt, the government used its expanded powers under the state of emergency powers to close 1,694 associations and foundations for alleged threats to national security. The Ministry of Interior reported at year's end that 1,390 had alleged links to the Gulen movement, about 240 to the PKK, 38 to DHKP/C or other leftist groups, and 12 to Da'esh. Many sources reported that the appeals process was opaque and ineffective. Decrees permitted the reopening of nearly 200 shuttered associations/foundations on November 22, although overall numbers of reopened institutions remained unclear at year's end.

Under the law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must

provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. Human rights and civil society organizations, LGBTI, and women's groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. Bar association representatives reported that police sometimes attended civil society organizational meetings and sometimes recorded them, likely as a means of intimidation.

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

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

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government limited these rights. The government restricted foreign travel for more than 100,000 citizens accused of links to the Gulen movement or the failed July 15 coup attempt. The government also limited freedom of movement for the 2.75 million persons from Syria as well as for the almost 300,000 persons from Iraq, Afghanistan, and other countries present in Turkey.

Abuse of Migrants, Refugees, and Stateless Persons: Multiple sources reported that authorities denied entry to undocumented Iraqis and Syrians during the year. In late 2015 the government effectively closed its borders to all but extreme humanitarian cases. There were multiple reports during the year of Syrians who were turned back while attempting to enter the country as well as some reports of shootings and beating deaths by Turkish border guards. On May 10, HRW reported that, during March and April, border guards used violence against Syrian asylum seekers and smugglers, killing five persons, including a child, and seriously injuring 14 others, according to victims, witnesses, and Syrian locals interviewed by the organization. According to the HRA, during the first nine months of the year, security forces killed 41 persons and injured 37 at the country's borders. UNHCR followed up on individual cases in collaboration with the Turkish authorities when it became aware of shooting incidents at the border, noting that it had dealt with five such incidents that had resulted in death of two persons during the year.

While incidents of societal violence directed against refugees and persons in refugee-like conditions remained rare, many refugees faced workplace exploitation. Forced prostitution, bride selling, and child labor also remained significant problems among refugees. Human rights groups alleged conditions in detention and removal centers sometimes limited migrants' rights to communication with and access to family members and lawyers (also see Refoulement).

As of November UNHCR and its partner organization, the Association for Solidarity with Asylum Seekers and Migrants, reported conducting 12 monitoring visits with government permission to removal centers during the year. Additionally, UNHCR conducted regular visits to the temporary reception center in Duzici/Osmaniye, where migrants readmitted from Greece were referred on temporary basis. UNHCR noted that physical conditions in the removal centers were consistent with international standards.

UNHCR reported more than 1,000 LGBTI asylum seekers and conditional refugees lived in the country, most of them from Iran. According to human rights groups, these refugees faced discrimination and hostility due to their status as members of the LGBTI community. On July 25, Mohammed Wisam Sankari, a gay Syrian under temporary protection, was found dead in Istanbul, the victim of an apparent hate crime. His throat was cut and his body was mutilated. Before his death Sankari had filed a complaint with police over previous assaults. As of year's end, no suspects were arrested in the killing.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers awaiting resettlement to third countries (termed "conditional refugees"), stateless persons, and Syrians under temporary protection.

In-country Movement: The constitution provides that only a judge may limit citizens' freedom to travel and only in connection with a criminal investigation or prosecution. The state of emergency instituted on July 20, after the failed coup attempt, allowed the government to limit citizens' movement without a court order.

Freedom of movement was a problem in the East and Southeast, where renewed conflict between the government and PKK members and supporters caused authorities to block roads and set up checkpoints, temporarily restricting

movement. The government instituted special security zones where civilian entrance was restricted and established curfews in several provinces in response to PKK terrorist attacks (see section 1.g.).

Conditional refugees and Syrians under temporary protection also experienced restrictions on their freedom of movement (see Protection of Refugees).

Foreign Travel: The government placed restrictions on foreign travel for approximately 100,000 citizens accused of alleged links to the Gulen movement or the failed coup attempt. Travel restrictions were applied both to those accused directly of affiliation with the Gulen movement or other terrorist groups as well as to their extended family members. The government maintained these travel restrictions were necessary and authorized under the state of emergency.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on reentry to Turkey if they chose to travel to a third country. The government issued individual exit permissions for Syrians under temporary protection departing the country for family reunification, health treatment, or permanent resettlement, and required an individual exception for all other reasons. The government sometimes denied exit permission to Syrians under temporary protection for reasons that were unclear.

Non-Syrian conditional refugees accepted by a third country for resettlement through a UNHCR process also needed to obtain exit permission before leaving the country. UNHCR reported that, through the end of October, 5,584 Syrians under temporary protection received exit permission, and another 9,286 non-Syrian, conditional refugees, received exit permission to resettle to a third country.

During the year the government adopted a policy of prohibiting Syrians with education beyond a high school diploma from resettling to third countries. Hundreds of Syrians who had been identified for resettlement to third countries based on internationally defined vulnerabilities were denied permission to depart. For some, the denial occurred just days before planned departures and after the refugees had sold their goods and left their apartments, creating hardship. Despite their higher education, these refugees lacked reasonable employment opportunities in Turkey and, in some cases, were disabled or otherwise incapable of working. Late in the year, the government reviewed some individual cases of exit permission denial based on education.

### **Internally Displaced Persons**

The renewal of conflict in the Southeast in 2015 resulted in a significant increase in numbers of internally displaced persons (IDPs). In February, Health Minister Mehmet Muezzinoglu stated that the renewal of the conflict had displaced an estimated 355,000 persons since July 2015. In April a report prepared by the NGO Mazlumder estimated there were 100,000 displaced persons in Cizre alone.

Persons who were newly displaced in the region joined IDPs remaining from the conflict between security forces and the PKK between 1984 and the early 2000s. According to the Ministry of Interior, 386,360 persons had been displaced in earlier decades, of whom 190,000 eventually returned to their homes. At the end of 2013, the Internal Displacement Monitoring Center, an international NGO, estimated there were nearly one million IDPs in the country, most of whom were displaced between 1986 and 1995.

The law allows persons who suffered material losses due to terrorist acts, including those by the PKK or by security forces in response to terrorist acts, to apply to the government's damage determination commissions for compensation. As of September the government reported it had distributed 123 million lira (\$35 million) to the victims of displacement due to terrorism in the past. Since 1999 a total of 208 million lira (\$60million) had been allocated from the ministry's budget for provinces affected by a long-term rehabilitation project related to PKK violence.

In connection with the renewed PKK-government clashes from 2015-16, senior officials announced plans in February to reconstruct localities and properties in the Southeast damaged during clashes. The government did not provide figures for rehabilitation projects undertaken during the year in connection with property expropriations.

### **Protection of Refugees**

The government took steps during the year to increase services provided to the more than three million refugees in the country. A March agreement between the government and the EU effectively contributed to reducing the flow of migrants via human smugglers into Europe, reducing the number of drownings in the Mediterranean during the year. The International Organization for Migration reported that 434 persons died while attempting to travel from Turkey to Greece, compared with 806 such deaths in 2015.

Access to Asylum: The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but limits rights granted in the 1951 UN Refugee Convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While most non-European asylum seekers were not considered refugees under the law, the government granted temporary protection status to Syrians while maintaining conditional/subsidiary refugee status and providing international protection for other asylum seekers. Through July, UNHCR adjudicated refugee status for non-Syrian asylum seekers, while the government of Turkey did so for Syrians. After July a new protocol between the government and UNHCR moved adjudication responsibility for non-Syrian refugees to the government. Authorities offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 convention. Those recognized by the government for temporary protection (Syrians) or conditional/subsidiary refugee status (all other non-Europeans, for example, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily.

The law provides regulatory guidelines for foreigners' entry into, stay in, and exit from the country and for protection of asylum seekers. The law does not have a strict time limit to apply for asylum, requiring only that asylum seekers do so "within a reasonable time" after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status.

UNHCR reported that, as of September, approximately 125,879 Iraqis (of an estimated 300,000) in the country had entered UNHCR's refugee status determination process. Additionally, as of September there were 113,756 Afghans, 28,534 Iranians, and 12,195 persons of other nationalities in UNHCR's status determination process. The government reported there were 2,753,696 Syrians registered for temporary protection as of November 3. The government reported that, as of October 8, there were 255,125 Syrians and 6,394 Iraqis residing in government-run camps.

Refoulement: NGOs reported that during the year authorities deported dozens of Afghan and Iraqi migrants to their country of origin, some of them evidently against their will. UNHCR received several reports of persons in detention, including Iraqis and Syrians, who opted for voluntary repatriation, but it was unclear whether all deportations were truly voluntary. In April, AI alleged that authorities had forcibly returned more than 100 Syrian migrants, including unaccompanied children and some who had already registered for protection in the country.

UNHCR reported it had intermittent and not fully predictable access to the detention and removal centers where non-Syrians returned to Turkey from Greece were detained. UNHCR reported that it was unclear if all readmitted persons had access to the asylum procedure, and their access to information, interpretation services, and legal assistance was problematic.

Freedom of movement: Authorities assigned “conditional refugees” to one of 64 cities, where they received services from local authorities under the responsibility of provincial governorates. These asylum seekers were required to check in with local authorities on either a weekly or biweekly basis and needed permission from local authorities to travel to cities other than their assigned city, including for meetings with UNHCR or resettlement country representatives. Syrians under temporary protection were also restricted by a 2015 Ministry of Interior circular from traveling outside of provinces listed on their registration cards. Syrians were eligible for medical and other services and could qualify for a work permit, although these benefits were limited to the province in which they were registered. Syrians and non-Syrians could request permission to travel or to transfer their registration through the DGMM. Indigent Syrians were reportedly, at times, assembled and moved to government-run camps in the country’s South. Syrians living in government-run camps could generally come and go during the day, although authorities sometimes restricted this right.

Employment: On January 15, a law took effect granting Syrians under temporary protection the right to work, putting them in a situation similar to that of other conditional refugees, who could qualify for work permits once they had been resident in the country for six months. Applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome that few employers pursued legally hiring refugees. Consequently, the vast majority of both conditional refugees and Syrians under temporary protection remained without legal employment options. In October the government stated it had issued 3,175 work permits to Syrians since the law took effect. In January, Deputy Prime Minister Numan Kurtulmus stated that 7,351 Syrians had prior to the implementation of the legislation received work permission through other means, such as qualifying as legal foreign residents of Turkey or via humanitarian residency visas rather than as Syrians under temporary protection. Because permission to work legally was hard to obtain, many refugees remained vulnerable to exploitation, such as withholding of wages and exposure to unsafe work conditions.

Access to Basic Services: The government provided free access to the country's public medical system to Syrians registered for temporary protection and subsidized medical care to other conditional refugees. The government also provided access to education for school-age children, but had limited resources to help them overcome the language barrier or fund transportation or other costs.

As of March the Ministry of National Education reported that 93 percent of Syrian children in camps and 26 percent of children outside of camps were in school. At the end of November, the Ministry of National Education reported that 160,915 Syrian children were enrolled in regular public schools, while 330,981 were enrolled in temporary education centers, for 491,896 school-age Syrian children in school. An estimated 41 percent (341,000) remained out of school during the 2016-17 school year.

Provincial governments, working with local NGOs, were responsible for meeting the basic needs of refugees and other asylum seekers assigned to satellite cities in their jurisdictions, as well as of the Syrians present in their districts. Basic services were dependent on local officials' interpretation of the law and their resources. Governors had significant discretion in working with asylum seekers and NGOs, and the assistance provided by local officials to refugees and persons in refugee-like situations varied widely.

Durable Solutions: The law does not provide for durable solutions within the country for Syrians under temporary protection or for conditional refugees, but it allows them to stay until resettled to a foreign country or able to return to their country of origin.

Temporary Protection: The government enacted a temporary protection status regime in response to the arrival of Syrian refugees who did not qualify as refugees due to the European-origin limitation in the law. Authorities required Syrian asylum seekers to register with the DGMM to legalize their temporary stay in the country. Syrians who registered with the government were able to receive an identification card, which qualified them for assistance provided through the governorates, including free health care. Residents of the camps received significantly more assistance, including shelter, education, and food support.

Syrians who officially entered the country with passports could receive one-year residence permits upon registration with the government. UNHCR estimated that only 4 percent of the Syrian population in the country qualified for residency.



## Stateless Persons

According to UNHCR there were 780 stateless persons under its mandate as of the end of 2014, the last year for which data was available. Although the government provided documentation for babies born to conditional refugees and Syrians under temporary protection, statelessness remained an increasing concern for these children, who could receive neither Turkish citizenship nor documentation from their parents' home country. According to the Turkish Health Institute, there were 177,000 babies born to Syrian mothers in the country between the beginning of the conflict in 2011 and November.

## Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot. The government restricted the activities of some opposition political parties and leaders: police detained local party officials and supporters; parliament in May approved a constitutional amendment lifting the immunity from prosecution for a specific group of 148 parliamentarians, potentially enabling their prosecution for insult and other crimes; and the government replaced democratically elected officials with state trustees when local officials were accused of affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the HDP and its sister party, the DBP.

## Elections and Political Participation

Recent Elections: The country held two parliamentary elections in 2015. Candidates were generally able to campaign freely in advance of the June 2015 parliamentary election, although they experienced an uneven campaign playing field, according to the Organization for Security and Cooperation in Europe (OSCE). In its postelection report following the November 2015 parliamentary election, the OSCE expressed concern about restrictions on media reporting and a campaign environment that restricted candidates' ability to campaign freely, among other problems.

The law requires a party to receive at least 10 percent of the valid votes cast nationwide to enter parliament, which many political parties and human rights groups criticized as excessively high. Four of the 20 parties that competed in the June 2015 general elections crossed this threshold, and all four were again represented following the November 2015 election.

Political Parties and Political Participation: During campaigning for the June 2015 parliamentary election, observers accused President Erdogan of violating the constitutional requirement for the president to remain politically neutral. Opposition political parties applied to the Supreme Election Board to protest the president's actions. The board rejected the petition, citing lack of jurisdiction. The HDP subsequently petitioned the Constitutional Court, which as of year's end had not heard the case. Critics expressed similar concerns about President Erdogan's criticism of opposition parties during the campaign prior to the November 2015 election.

On May 20, parliament adopted a constitutional amendment lifting the immunity of 148 members of parliament, paving the way for their potential prosecution and, if convicted, ouster from parliament. Leaders of all three opposition parties in parliament could face multiple criminal charges related to insult, support for terrorism, or other infractions. As of the end of November, authorities had imprisoned both of the HDP's leaders and a number of HDP parliamentarians. All were among those whose parliamentary immunity had been lifted in May.

Participation of Women and Minorities: The number of women in politics and the judiciary remained small. The November 2015 election resulted in 81 women in a 550-member parliament, more than had been in parliament previously (79). Prime Minister Binali Yildirim's cabinet, which took office in May, included one female minister. The State Personnel Organization within the Ministry of Interior reported that as of July there were three female governors (Kirkklareli, Yalova, and Sinop Provinces), 12 subgovernors, and 12 deputy governors. There were 37 women out of the 2,146 officials in the Ministry of Interior's provincial governing structure. Observers noted that the Sinop governor, along with an unknown number of the other female bureaucrats, was removed from her position after the July 15 coup attempt, reducing the numbers of women serving in the State Personnel Organization. Observers also noted that the removal of elected mayors and other officials from the Southeast following the July coup attempt disproportionately affected women because the HDP, which held many elected positions in the Southeast, implemented a 50-percent rule, whereby approximately half of their elected representatives were women.

The November 2015 election also saw the inclusion of several religious and ethnic minorities in parliament. There were three Armenian deputies, one Romani, two Yezidi, and a Syriac Orthodox Christian.

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

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. There was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns about the impartiality of the judiciary in the handling of corruption cases.

Corruption: During the year the government continued to prosecute at least one judge and four prosecutors involved in pursuing charges against government officials in connection with a major corruption scandal in 2013 that involved then prime minister Erdogan, his children, and close political advisors and business associates. These five were also among the more than 3,000 judges and prosecutors dismissed from their jobs by government decree following the attempted coup. Journalists accused of publicizing the corruption allegations also continued to face criminal charges. No senior government officials faced investigation for the alleged corruption.

Transparency International reported that the corruption perception index in the country for 2015 (released in January) fell three points, from 45 to 42, indicating the public perceived that corruption among public institutions and employees was common and worsening.

Financial Disclosure: The law requires certain high-level government officials to provide a full financial disclosure, including a list of physical property, every five years. Officials generally complied with this requirement. The Prime Ministry's Inspection Board, which advises the Corruption Investigations Committee, is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. Parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister, but that mechanism was not used during the year. A majority may vote to send such cases to the courts for further action. There was no coordination with civil society on oversight.

Public Access to Information: While the law provides for public access to government information, the government occasionally rejected applications on national security grounds. The law restricts access to information pertaining to state secrets as well as information concerning the privacy of individuals and intellectual property. The law requires institutions to provide requested

information within 15 or 30 working days, depending on the volume of the request. If the government needs additional time, the applicant must be informed of the extension and the underlying rationale within 15 working days. Processing fees, which observers considered reasonable, are waived if the information can be obtained and provided via e-mail. Officials and other civil servants who negligently, recklessly, or deliberately obstruct the law are subjected to disciplinary sanctions.

Denials of requests for information are subject to appeal. Within 15 days from the date of official notification, an applicant whose request for information was rejected may appeal to the Board of Review of Access to Information, which then has 30 days to render a decision. Following the board's decision, individuals may also appeal for judicial review in an administrative court. The government did not release statistics regarding requests for the release of information.

The government restricted oversight of wiretapping to the Prime Ministry's Inspection Board, creating a closed-loop control system that critics alleged would make it difficult for members of the security forces who uncover evidence of official corruption to illicit active investigations against government officials.

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

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

International and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty obtaining residency permits for their staff and complained that documentation requirements were unclear.

The United Nations or Other International Bodies: The government signed a host-country agreement with UNHCR on September 1, the first since UNHCR's operations began in the country in 1950. The agreement enhanced UNHCR's ability to support the government in its delivery of protection and assistance to refugees. The government did not approve an official observation visit by the UN high commissioner for human rights. A delegation of the Council of Europe's Committee for the Prevention of Torture visited the country in April and carried out a visit in August and September, as well as another visit in late November. In November-December the UN special rapporteur on torture and other cruel, inhuman and degrading treatment or punishment conducted an assessment visit at the government's invitation.

Government Human Rights Bodies: During the year the government took steps to reorganize its preeminent human rights monitoring body. On April 7, parliament approved legislation disbanding the National Human Rights Institution (NHRI) and creating in its place the National Human Rights and Equality Institution (NHREI). Like its predecessor, the NHREI reports to and is funded by the Prime Ministry, which critics alleged compromised its impartiality. The NHREI subsumed the NHRI's staff but replaced its leadership, changing the board's makeup (eight members appointed by the cabinet and three by President Erdogan compared with the NHRI's seven members appointed by the cabinet, one by the Turkish Bar Association, one by the Council of Higher Education, and two by the president), limiting its ability to act autonomously within the government to protect and promote human rights. Human rights observers reported that, as of year's end, the government had not named a board of directors for the newly formed NHREI, leaving it nonfunctional.

The Ombudsman Institution operated under parliament but as an independent complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues. The Ombudsman Institution had a budget of 19 million lira (\$5.4 million) during the year, approximately 11 million lira (\$3.1 million) of which was for institutional expenses. As of September 20, it had received 3,390 complaints alleging human rights violations related to public personnel, government training, and labor and social security issues. It reported that an additional 977 cases carried over from the previous year. The institution gave 41 recommendations and 23 partial recommendations and rejected 144 cases as of September. It ruled that 1,310 applications were inadmissible. By comparison in 2014, the institution made 119 recommendations, of which the state institutions implemented 38 percent.

Former chief presidential advisor Seref Malkoc became the new head of the Ombudsman Institution in November.

The Ministry of Justice's Human Rights Department is the ministry's authority for human rights issues.

Parliament's Human Rights Commission (HRC) functioned as a national monitoring mechanism. Commission members conducted on-site inspections of detention centers and prisons and maintained dialogue with NGOs. The HRC visited four detention centers during the year and produced one report on prison conditions in Tekirdag (see section 1, Prison Conditions). The HRC's budget was part of parliament's general budget.

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

### **Women**

Rape and Domestic Violence: The law prohibits violence against women, but human rights organizations claimed the government did not effectively enforce it. The law prohibits sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for attempted sexual violation and at least 12 years' imprisonment for rape or actual sexual violation. The government did not effectively or fully enforce these laws or protect victims, who often waited days or weeks to report incidents due to embarrassment or fear of reprisals, hindering effective prosecution of assailants. Government statistics on violence against women were incomplete, and human rights organizations had little confidence that official statistics were comprehensive or captured the magnitude of the problem. Societal acceptance of domestic abuse in some cases contributed to its underreporting.

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

The law provides for the establishment of prevention-of-violence and monitoring centers to offer economic, psychological, legal, and social assistance. As of December 2015, the Ministry of Family and Social Policies reported there were 133 women's shelters: 101 run by the central government and 32 by local

administrations. The shelters had a capacity of at least 2,388. Domestic NGOs also operated a few shelters. An Istanbul-based NGO, Purple Roof, reported that in the first six months of the year, 493 women and children applied for assistance with domestic violence issues.

Regulations call for a state-funded women's shelter for every 100,000 persons. There were no sanctions for noncompliance. Observers noted an inadequate number of shelters--or no shelters at all--in many cities with populations above 100,000. For example, the Ministry of Family and Social Policies noted three shelters in Ankara, a city with a population of five million.

The government operated a nationwide domestic-violence hotline, but women's rights NGOs criticized authorities for changing its focus from violence against women to broader issues, including challenges faced by families, women, children, the disabled, and families of martyrs and veterans. NGOs reported the quality of services provided in calls was inadequate for victims of domestic violence.

Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for crimes such as assault, wrongful imprisonment, or threats. Despite these measures the number of killings and other forms of violence against women remained high. According to research undertaken by the Ministry of Family and Social Policies, 86 percent of women surveyed stated they had been subjected to physical or psychological violence by their partners or family. Approximately 70 percent of women reported they were physically assaulted by partners, family members, or neighbors.

Courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. One women's advocate charged that, following the July 15 coup attempt, the government's reassignment, suspension, and firing of police officers jeopardized the safety of some women who had been assigned protection. Women's associations also charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families. During a workshop on women's issues on April 14, Justice Minister Bekir Bozdag defined domestic violence as a "family matter and internal issue." He reportedly stated, "How correct is the state's interference in disagreements between men and women with its police, military, judiciary, psychiatrists, social workers, and experts? Do they really work saving the family...or are such practices carrying it to an

irreversible place? We need to discuss this without the fear of the reactions that may come from the civil society organizations.”

A May 16 report by a parliamentary committee aimed at reducing the incidence of divorce advocated reducing the legal age of marriage (from 18 to 15) and reinstating a law that allowed an adult who had sexual relations with a child between the ages of 15 and 18 to escape criminal charges if the victim agreed to marry him. A draft bill was accordingly approved in an initial reading by the parliament on November 17, but it was withdrawn on November 22 after strong public protests. The head of the Supreme Court of Appeals’ 14th Criminal Chamber, which oversees sexual crimes, reported to parliament in May that approximately 3,000 underage marriages had been registered officially, although he did not specify the timeframe. Although the practice is not currently legal, some NGOs reported that the country’s conservative rural populations still used early marriage as a means to preserve a girl’s “honor” after she has had sex, even in some cases of rape.

The Stop Women Murders Now platform reported at year’s end that 328 women had been murdered during the year. NGO groups maintained this number was probably lower than actual occurrences due to underreporting. The Stop Women Murders Now platform assessed that the most common reasons behind women’s killings were women’s attempting to take charge of decisions relating to their bodies, finances, or social relationships (26 percent of all cases) and women’s decisions to end a marriage or relationship (19 percent). It reported that approximately 34 percent of women’s killings went unsolved.

Courts continued to give reduced sentences to some men found guilty of committing violence against women, citing good behavior during the trial or “provocation” by women as an extenuating circumstance of the crime. In one example, a court lessened the penalty given in January to Ibrahim Yilmaz, who stabbed his wife to death in front of their children in Diyarbakır in February 2015. Yilmaz was first sentenced to life imprisonment for “deliberate murder,” but the court lessened his sentence to 24 years after ruling that the crime was committed under “unfair incitement.” Subsequently, the court reduced the sentence to 20 years for the perpetrator’s “respectful stance” during the court hearing.

The Jandarma reported that more than 2,000 personnel were trained on human rights topics, which included training on gender-based violence and domestic abuse. The TNP reported that more than 8,000 personnel received some kind of human rights training through September.



In its July 21 periodic report on the country, the UN Committee on the Elimination of Discrimination against Women highlighted gender-based violence as one of a range of problems persisting in the country.

Female Genital Mutilation/Cutting (FGM/C): FGM/C was not a practice in Turkey or among the refugee populations present in the country.

Other Harmful Traditional Practices: So-called honor killings of women remained a problem. Media generally did not report on honor killings, and the government did not release statistics on the problem during the year. Human rights activists alleged that the practice continued, mostly in conservative families in the rural Southeast or among families of migrants from the Southeast living in large cities.

Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that actual sentences often were reduced due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the “misbehavior” of the victim. Local political and human rights representatives noted that society largely downplayed the issue of women killed by family members because there was an underlying assumption that some type of “honor” violation was involved, perhaps justifying the killing.

Family members sometimes pressured girls to commit suicide to preserve the family’s reputation. On September 18, a team of academics reported a study of 60 cases of female suicides occurring in Siirt between 2000 and 2013 indicated many cases were likely forced suicides or effectively honor killings.

Sexual Harassment: The law provides for two to five years’ imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer. Women’s rights activists reported that authorities rarely enforced these laws.

On September 12, Abdullah Cakiroglu assaulted a 23-year-old Istanbul resident, Aysegul Terzi, on a public bus, kicking her in the face after shouting at her that her shorts were “inappropriate.” On September 17, police detained Cakiroglu, whose actions were recorded by the bus’s security camera but then released him. Cakiroglu told media he had acted in line with Islamic law. A public outcry led to his arrest on September 19 on charges of “spreading hatred and enmity among people.” Prosecutors requested that he be sentenced to prison for more than nine years.

Reproductive Rights: Couples and individuals generally have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, and violence. Women’s rights NGOs criticized the government for unofficial restrictions on, or interference in, the distribution of birth control pills. On November 29, Health Minister Recep Akdag, responding to a parliamentary inquiry, said, “Our ministry has no such outdated methods like birth control.”

Discrimination: While women enjoy the same rights as men under the law, societal and official discrimination were widespread.

Women continued to face discrimination in employment (see section 7.d.).

The constitution permits measures, including positive discrimination, to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of the employer for several months for any female employee over the age of 18 years old.

According to the World Economic Forum’s *Global Gender Gap Report* for 2015, the country consistently fell in the report’s ratings over the previous 10 years due to the government’s failure to recognize the role of women outside the family unit and use the law to provide them with effective protection.

## **Children**

Birth Registration: There is universal birth registration, and births were generally registered promptly. A child receives citizenship from his or her parents, not through birth in the country. Only one parent needs to be a citizen to pass citizenship to a child. In special cases in which a child born in the country cannot receive citizenship from any other country due to the status of his or her parents, the child is legally entitled to receive Turkish citizenship. According to the Disaster and Emergency Management Authority, more than 177,000 babies were born to Syrian mothers in the country since the Syria crisis began in 2011. The government provided documentation of these births, but the citizenship status of these babies was unclear, as their parents could not apply to the Syrian government for birth documentation.

Education: Human rights NGOs expressed concern that the law on compulsory education allows female students to be kept at home and married early. The

system, generally referred to as “four+four+four,” divides education into three four-year periods. After the first four years of mandatory elementary education, students can choose to attend general middle school or religious-vocational middle schools, called imam hatip schools. The law also allows parents to homeschool their children starting in the fifth grade. Ministry of National Education statistics from April showed that 194,000 girls who graduated from middle school this year did not continue on to high school. (Based on Ministry of National Education statistics from the previous school year, this figure probably represents approximately one-third of the female student body).

The Ministry of Family and Social Policies) provided conditional cash transfers to support families and children. The ministry reported that these cash transfers incentivized poor families to continue education for their daughters. It did not indicate how many families received the stipend during the year.

The government’s response to the July 15 coup attempt heavily affected children’s education, with more than 39,000 teachers and educators suspended or fired by the end of the September for alleged links to the Gulen movement or PKK. The government used its state of emergency powers to close 1,284 schools on July 27; many additional closures followed over the succeeding months. Approximately 6,000 teachers were reinstated in late November; however, when the 2016-17 school year started in September, children in some school districts were either placed in overcrowded classrooms or unable to attend school. The closures disproportionately affected schools in the Southeast.

Child Abuse: Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. The law provides police and local officials authority to grant various levels of protection and support services to victims of violence or to those at risk of violence. It requires the government to provide services to victims, such as shelter and temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence.

On July 14, the Constitutional Court annulled a law criminalizing sexual relations with children under 15 years old, ruling that a more flexible law was necessary to give prosecutors and judges the ability to respond to the individual details of cases. The decision was set to take effect in 2017. On November 24, a law was adopted providing new punishment for child sexual abusers. Under the law if the victim is between the ages of 12 and 18 years old, molestation will result in a three-to-eight-year prison sentence, sexual abuse in an eight-to-15 year sentence, and rape in a

sentence of at least 16 years in prison. For children younger than 12 years old, molestation will result in a minimum five-year prison sentence, abuse in a minimum 10-year sentence, and rape in a minimum 18-year sentence.

Some aspects of the country's laws, such as the requirement that sexual crime complaints be filed within six months, reduced their potential utility to victims.

In response to a query from CHP lawmaker Didem Engin, the Ministry of Family and Social Policies stated there were 16,957 child-abuse cases in process during the year as of September. The Ministry of Family and Social Policies actively participated in 2,345 of the cases.

Early and Forced Marriage: The law defines 18 years old as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. Children as young as 12 years old were at times married in unofficial religious ceremonies, particularly in poor, rural regions. Some families applied to courts to change their daughters' birthdate so that they could "legally" marry. Early and forced marriage was particularly prevalent in the Southeast, and women's rights activists reported the problem remained serious. In May, Dr. Oguz Polat, an academic at Acibadem University's Forensic Science Department, reported to parliament that 28 to 35 percent of all marriages in the country were with girls under the age of 18.

On April 19, then minister of family and social policies Sema Ramazanoglu, citing the Turkish Statistics Institute data, announced that since 2010 there were 232,313 girls under the age of 18 years old officially married in the country. Media noted that official marriages only captured a fraction of underage marriages, since many such marriages were concluded as religious marriages only. A May 2015 Constitutional Court decision legalized the right to be religiously married without obtaining a civil marriage. Observers noted that, as a result, official marriage statistics increasingly may not reflect overall numbers of marriages (civil and religious) nationwide.

Female Genital Mutilation/Cutting (FGM/C): See information provided in women's section above.

Sexual Exploitation of Children: The constitution provides that the state shall take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. There were reports that children were subjected to commercial sexual exploitation.

The penalty for encouraging or facilitating the entry of children into prostitution is four to 10 years' imprisonment; if violence or pressure is involved, the sentence may be doubled.

The age of consent for sex is 15 years old. The law provides sentences for statutory rape (without use of force) of from two to five years' imprisonment. The sentence is doubled if the offender is more than five years older than the victim. The Constitutional Court annulled this law in July, effective in 2017 (see Child Abuse).

The law prohibits producing or disseminating child pornography and provides for a prison sentence of six months to two years as well as a fine for violations.

Incest involving children remained a problem, although official statistics were incomplete, and prosecutions remained minimal. The law provides prison sentences of between two and five years for incest.

A global study of the sexual exploitation of children in travel and tourism conducted by ECPAT International during the year identified Turkey as one of the "major hotspots for the sexual exploitation of children in travel and tourism."

In March 31 remarks to media, the Lawyers Working for Children network general coordinator, Sahin Antakyalioglu, cited impunity as the main problem in combating sexual exploitation of children in the country and noted that the complexity of legal procedures restricted efforts for children and their families to pursue justice.

Displaced Children: UNHCR estimated that, of the approximately 2.75 million Syrians in the country, 934,000 were school-age children. Of these individuals approximately 110,200 lived in government-run camps, where they had a high rate of access to education (90 percent). Of the other school-age Syrian children in the country living outside of camps, the government and The UN Children's Fund estimated that only 30 percent were in school during the year. Many worked illegally or begged on the street to help support their families (see section 2.d. and section 7.c.).

It was unclear at year's end how violence in the Southeast, including internal population displacements, affected children. According to the Diyarbakir-based Gap Municipalities Union, approximately 60 to 70 percent of its estimate of 400,000 IDPs (since August 2015) were women and children.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

Jewish residents continued to emigrate due to anti-Semitism. According to the Chief Rabbinate in Istanbul, the number of Jews in the country dropped to below 17,000 during the year, from 19,500 in 2005.

Jewish residents continued to express concern about anti-Semitism and increased terrorist threats in the country.

In January vandals spray-painted graffiti on the Istipol Synagogue in Istanbul after a prayer service was held there for the first time in 65 years. The message, "Terrorist Israel, there is Allah," appeared to link the Jewish community to Israeli policy.

In February social media users accused a *Yeni Safak* columnist of collusion with Jews and called for his death after he publicly criticized the AKP during a television appearance.

After the March 19 Da'esh suicide bombing attack in Istanbul, Irem Aktas, AKP chairwoman for public relations and media in the city's Eyup municipality, tweeted, "I wish that the wounded Israeli tourists were all dead." Media reported that Aktas subsequently resigned from her position.

In May the first Jewish wedding held in more than four decades at the newly renovated Grand Synagogue in Edirne triggered a deluge of anti-Semitic comments on social media. A popular video streaming service that offered a live feed of the wedding, some social media users wrote, "Kill the Jews" and "Such a pity that Hitler didn't finish the job."

In August a columnist in the progovernment *Yeni Safak* newspaper linked July 15 coup plotters with Jews by claiming that the mother of Fethullah Gulen had a Jewish name.

In December progovernment columnist Ersin Ramoglu wrote that Fethullah Gulen “can smell money and power instantly because he is a Jew.” He went on to link Jews to brothels and called them “liars expert at disguise.”

Despite anti-Semitic comments by media and incidents of vandalism against the Jewish community, the government took a number of positive steps during the year. The country has commemorated Holocaust Remembrance Day (January 27) since 2011. In February the country marked the 74th anniversary of the sinking of the *Struma* off the country’s Black Sea coast, which led to the death of 768 Jewish refugees fleeing Nazi Germany. Istanbul’s governor and Jewish community leaders attended the commemoration. The Chief Rabbinate in Istanbul commended security measures taken by the government in response to reports of specific terror threats against Jewish schools during the year.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution permits positive discrimination favoring persons with disabilities, and the law prohibits discrimination against them in employment, education, air travel and other transportation, access to health care, the judicial system, and the provision of other state services. NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively.

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. The government, nonetheless, continued to make little progress implementing the law, and access in most cities remained extremely limited.

The Disabled and Senior Citizens Directorate General, under the Ministry of Family and Social Policies, is responsible for protecting persons with disabilities. The State Personnel Presidency reported that during the year there were 5,812 personnel with disabilities newly employed in public institutions, while the Ministry of National Education employed 498 persons with disabilities.

The Ministry of Family and Social Policies reported there were 199 social service centers assisting vulnerable individuals, including persons with disabilities. The ministry stated there were 288,489 special education students in schools (prekindergarten through high school). The majority of children with disabilities were “mainstreamed” in public schools. The Ministry of National Education reported there were 1,142 special education centers for students whose disability precluded them from participating in regular public schools.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to education. The Education Reform Initiative, a domestic NGO, stated that, during the 2014-15 school year, only 2.7 percent of preschool-age children with disabilities had access to education services.

The military did not screen for mental disabilities prior to conscription, resulting in both a lack of data and a lack of services for individuals who may need them, according to the HRJP.

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

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other national or ethnic minorities, including Assyrians, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to exercise their linguistic, religious, and cultural rights fully. The HRJP claimed that the government’s failure to recognize national minorities resulted in a failure to identify specific needs, led to discrimination, and left vulnerable populations unprotected.

Although official figures did not exist, more than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects. Kurdish communities were disproportionately affected by PKK-government clashes. Several communities experienced government-imposed curfews, cuts in services such as electricity or water, and disruptions in medical care, generally in connection with government security operations aimed at ridding areas of PKK terrorists (see section 1.g.).



The law allows citizens to open private institutions to provide education in languages and dialects they traditionally used in their daily lives, on the condition that schools were subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish-language courses, while others had separate departments for Kurdish language. The law also allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language. The law restricts the use of languages other than Turkish in government and public services.

Although Kurdish is officially allowed in private education and in public discourse, the government did not extend permission for Kurdish-language instruction to public education. On February 21, the Diyarbakir office of the Ministry of National Education forced the closure of a Kurdish-language primary school operating in the province because public education in languages other than Turkish is not allowed. In October the government used a state-of-emergency decree to close several private Kurdish-language schools, including a school that had been giving parents grade reports in Kurdish since 2014. The closures left some 238 students without a school in the middle of the school year. The schools were reportedly closed for conducting “unauthorized activities.”

Kurdish and pro-Kurdish civil society organizations and political parties reported that they faced increased problems exercising freedoms of assembly and association. Hundreds of Kurdish civil society organizations and Kurdish-language media outlets were closed by government decree after the July 15 coup attempt. On November 11, the Ministry of Interior announced the closure of 370 civil society groups with alleged links to terror groups. Many had alleged links to the PKK and were predominantly located in the Southeast.

Public gatherings on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915 were peaceful and received police protection where necessary.

On January 19, thousands of persons marched in Istanbul to commemorate the life of Turkish-Armenian journalist and former *Agos* editor in chief, Hrant Dink, an ethnic Armenian, and to call for justice in connection with his murder. Dink was killed in Istanbul in 2007. In 2011 the Istanbul Heavy Penal Court convicted a shooter as well as an organizer in connection with Dink’s death. In 2012 members of the Trabzon police department were convicted of criminal negligence, although

their case was remanded in 2013 and, in 2014 joined with a case against public officials in Istanbul and Ankara.

In response to a 2014 Constitutional Court ruling that the government's inadequate investigation of Dink's killing violated the rights of the Dink family, the government opened several negligence cases against police involved in the investigation. The Istanbul Chief Prosecutor's Office extended the investigations to include former gendarmerie officials who had allegedly neglected intelligence reports about plans to murder Dink or allegedly had direct contact with the gunman. In August authorities arrested 14 gendarmerie officials as part of the investigation. Four were also arrested for allegedly being members of the Gulen movement. The case against a number of former police officials, including former chief of the Police Intelligence Bureau, Ramazan Akyurek, continued at year's end. By December 2015 Istanbul courts had indicted 26 persons for their role in the killing, many of them allegedly affiliated with the Gulen movement.

The HRJP alleged that suicides and suspicious deaths in the military most frequently involved Kurdish individuals.

On April 30, the cabinet approved a national strategy on the social inclusion of Roma. The strategy established goals in the areas of education, employment, housing, health, social services, and assistance. Observers estimated there were more than two million Roma in the country, and the need for improvement in areas covered by the new strategy remained strong. Romani communities reported being subjected to disproportionate police violence and continued housing loss due to urban transformation projects that extended into their traditional areas of residence. The Romani community also continued to face problems with access to education, health care, and employment. Roma reported difficulty in taking advantage of government offers to subsidize rent on new apartments due to discriminatory rental practices. Roma also reported workplace discrimination and asserted their children often were singled out in the classroom, leading to high dropout rates. Early marriage also remained a problem in the Romani community.

In line with the new Romani strategy, the government identified 12 provinces in which to begin pilot projects for social inclusion of Romani citizens. The project was in its initial stages at year's end.

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

The law does not include specific protections based on sexual orientation or gender identity. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law's failure to include protections based on gender identity and noted that the law was sometimes used to restrict freedom of speech rather than to protect minorities. The Ministry of Family and Social Policies noted that LGBTI definitions were not included in the law but reported that protections for LGBTI individuals are provided under a general "gender" concept in the constitution. KAOS-GL, a domestic NGO focused on LGBTI rights, maintained that due to the law's failure to recognize the existence of LGBTI individuals, authorities withheld social protection from them.

The law does not explicitly discriminate against LGBTI individuals; however, legal references to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" sometimes served as a basis for discrimination by employers and abuse by police.

During the year LGBTI individuals continued to experience discrimination, intimidation, and violent crimes. LGBTI prostitutes reported that police detained them to extract payoffs. LGBTI advocates accused courts and prosecutors of creating an environment of impunity for attacks on transgender persons involved in prostitution. Human rights attorneys reported that police and prosecutors frequently failed to pursue cases of violence against transgender persons aggressively. They often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim "unjustifiable provocation" under the penal code and request a reduced sentence. The "unjustifiable provocation" provision states that punishment "will be reduced if the perpetrator commits a crime under the influence of rage or strong, sudden passion caused by a wrongful act." Judges routinely applied the law to reduce the sentences of those who killed LGBTI individuals. Courts of appeal upheld these verdicts based, in part, on the "immoral nature" of the victim.

Violence against LGBTI individuals continued throughout the year, including several murders. The NGO Red Umbrella reported 227 assaults and murders of LGBTI individuals through October 1. In one example, in August the burned and mutilated body of a transgender sex worker and LGBTI activist, Hande Kader, was found in Istanbul's Sariyer district. There was no report of an arrest in the case as of year's end.

Prior to “pride week” in June, the country’s LGBTI community reported receiving hate messages and threats from a variety of sources. Istanbul security officials provided police protection for some pride week events. On June 19, police dispersed crowds using tear gas when activists attempted to hold a “trans pride” parade. The Istanbul Governor’s Office banned the LGBTI community’s annual pride parade, which had been planned for June 26, citing security concerns. Police actively prevented those who gathered, nonetheless, for the pride parade, and also prevented an anti-LGBTI group that had gathered the same day to protest parade participants, arresting two of the protesters. The government did not respond to allegations of disproportionate use of force by police against transgender pride activists, police intimidation, or calls by groups for anti-LGBTI violence.

On November 17, an Ankara court found three persons guilty of assaulting transgender activist and sex worker, Kemalita Ordek. The three were sentenced to 17 years, six years, and four and one-half years in prison, respectively, for sexual assault, physical attack, unlawful confinement, threat, insult, and theft. The charges resulted from a July 2015 attack on Ordek, the chair of an NGO dedicated to transgender issues, in his home in Ankara, after which police subjected him to belittlement, threats, and further abuse for several hours.

There were active LGBTI organizations in Istanbul, Ankara, Izmir, Adana, Mersin, Gaziantep, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and university campuses. Groups reported harassment by police, government, and university authorities. University groups in small cities complained that rectors had denied them permission to organize. LGBTI organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines. They also reported challenges finding office space due to discrimination from landlords.

LGBTI individuals faced discrimination in employment (see section 7.d.).

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

Human rights organizations complained the media and medical professionals often did not respect the privacy of individuals with HIV/AIDS. Many persons with HIV/AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. The Positive Living Association noted that the country lacked laws protecting persons with HIV/AIDS from discrimination and that there were legal obstacles to anonymous HIV testing.

Due to pervasive social stigma against HIV/AIDS, many individuals feared that the results of tests for HIV would be used against them and, therefore, avoided testing. Since medical benefits are conditional on employment status, LGBTI persons who were unemployed or unofficially employed due to discriminatory hiring practices had difficulty obtaining treatment for HIV/AIDS.

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

Armenians, Alevis, and Christians were regularly the subject of hate speech and discrimination. The term “Armenian” remained a common slur. On August 12, two unidentified assailants wrote racist graffiti on the wall of Uskudar Surp Hac Tibrevank high school in Istanbul, an Armenian school and the school of slain ethnic Armenian journalist, Hrant Dink. The school’s walls were scrawled with phrases including, “Torment to Armenians” and “I brought the hate of Kursat.” (Kursat is a Turkic historic figure linked to Turkish nationalism since the 1940s.) The incident received minimal coverage in progovernment media.

On October 18, a member of parliament, Garo Paylan, filed a criminal complaint against President Erdogan concerning his alleged disregard of anti-Armenian chants shouted during a speech in Trabzon on October 15. Paylan directed the complaint to the Istanbul Chief Public Prosecutor’s Office, claiming that Erdogan violated a law banning “inciting hatred and hostility among peoples and denigration.” At the October 15 speech, the audience allegedly chanted “Armenian bastards cannot discourage us” throughout the speech, while the president and attending ministers and members organizations did not stop them.

Following the July 15 coup attempt, many Alevis reported threats of violence and reported that police prevented attacks in Alevi neighborhoods. On July 17, protesters entered an Alevi neighborhood in Malatya shouting slogans related to the failed coup and denigrating Alevis. On August 18, an armed group fired several shots in front of the Garip Dede Cemevi (house of worship) in Istanbul’s Kucukcekmece suburb. There were no reported casualties; as of year’s end, police had not identified the attackers.

After the failed coup, progovernment news commentators published false stories alleging links between the vilified Fethullah Gulen movement and the Ecumenical Patriarch, Christian groups, and the Jewish community. Government officials did not dispute the allegations.

### **Section 7. Worker Rights**

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

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

Certain public employees, such as senior officials, magistrates, members of the armed forces, and police, cannot form unions. The law provides for the right to strike but prohibits strikes by public workers engaged in safeguarding life and property and by workers in the coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education. Employees in some of these sectors were able to bargain collectively but were obligated to resolve disputes through binding arbitration rather than strikes.

The law allows the government to deny the right to strike in any situation it determines constitutes a threat to public health or national security. The government maintained a number of restrictions on the right of association and collective bargaining. The law requires unions to notify government officials prior to holding meetings or rallies, which must be held in officially designated areas and allow government representatives to attend their conventions and record the proceedings. A minimum of seven workers is required to establish a trade union without prior approval. To become a bargaining agent, a union must represent 40 percent of the employees at a given work site and 1 percent of all workers in that particular industry. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties or working for or being involved in the operation of any profit-making enterprise. Nonunionized workers, such as migrants and domestic servants, were not covered by collective bargaining laws.

The government did not enforce laws on collective bargaining and freedom of association effectively in many instances, and penalties--generally monetary fines--were insufficient to deter violations. Labor courts functioned effectively and relatively efficiently. Appeals, however, could often last for years. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate him or her, the employer generally paid compensation to the employee along with a fine.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of some unions to conduct public and other activities. Police were frequently present at union meetings and conventions, and some unions reported that local authorities declined to grant permission for public activities, such as marches and press conferences. Following the imposition of its state of emergency in July, the government increasingly disallowed public events by unions and other groups in numerous parts of the country. Citing security concerns authorities again restricted traditional May Day rallies in parts of the country and used water cannons and tear gas to disperse participants in Istanbul.

Employers continued to use threats, violence, and layoffs in unionized workplaces. Unions alleged that antiunion discrimination occurred regularly across sectors. Service-sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity. Many employers continued to hire workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights.

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

The law generally prohibits all forms of forced or compulsory labor, but the government generally enforced such laws unevenly. Penalties (generally monetary fines) were insufficient to deter violations. Forced labor generally did not occur, although some families sent their children to work on the streets and in the agricultural or industrial sectors to supplement family income (see section 7.c.).

Women, refugees, and migrants were vulnerable to trafficking. The government and NGOs reported traffickers increasingly used psychological coercion, threats, and debt bondage to compel victims into sex trafficking. The government's efforts to prevent trafficking were weak, but it made some improvements in identifying trafficking victims. Penalties for trafficking violations range from eight to 12 years' imprisonment and were sufficiently stringent compared with other serious crimes.

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

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

The law allows children to perform light work that does not interfere with their school attendance from the age of 14 years old and establishes 15 years old as the minimum age for regular employment. The law prohibits children under the age of 16 years old from performing arduous or dangerous work. The government prohibited children younger than 18 years old from working in certain professions or under hazardous conditions (such as working at night or in underground mining).

The government did not effectively enforce child labor laws. Resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private agricultural enterprises employing 50 or fewer workers, which reportedly employed significant numbers of child laborers. The Ministry of Labor reported that, as of November, 232 workplaces had received fines for child labor laws over the preceding five years. Penalties, typically monetary fines, were not sufficient to deter the use of child labor.

Illicit child labor persisted, including in its worst forms, driven in part by increasing numbers of Syrian children working in the country. Child labor primarily took place in seasonal agriculture, street work (for example, begging), and small industry (for example, textiles), although overall numbers remained unclear. Government sources maintained child labor had declined considerably in small industries. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were a growing problem among Syrian, Afghan, and Iraqi refugees as well. Despite a work-permit system for registered adult Syrian refugees that was introduced in January, many lacked access to legal employment, and refugee children were compelled to work under exploitive conditions to help support their families.

Some sources alleged commercial sexual exploitation of children, one of the worst forms of child labor (see section 6, Children).

In coordination with the International Labor Organization and other partners, the government continued its efforts to combat the worst forms of child labor, with a particular focus on reducing the use of children in seasonal commercial agriculture and street work.

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



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

Labor laws and regulations prohibit discrimination in employment or occupation with regard to race, sex, age, disability, language, religion or sect, political opinions, or philosophical beliefs. The law does not explicitly address sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. The government did not effectively enforce these laws and regulations. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation/views. Penalties, generally monetary fines, were insufficient to prevent violations.

Women continued to face discrimination in employment and generally were underrepresented in managerial-level positions in business, government, and civil society. According to government statistics, women's participation in the labor force was at 29 percent during the year, corresponding to more than eight million women. According to the July employment outlook report of the Organization for Economic Cooperation and Development, the gender participation rate gap in the country stood at 43 percent.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce comprise persons with disabilities; in the public sector, the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment.

LGBTI individuals faced particular discrimination in employment. The law includes a clause that allows the dismissal of a government employee who is found "to act in a shameful and embarrassing way unfit for the position of a civil servant." Other statutes criminalize the vague practice of "unchastity." Some employers used these provisions to discriminate against LGBTI individuals in the labor market.

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

The national minimum wage was 1,647 lira (\$470) monthly.

The law establishes a 45-hour workweek with a weekly rest day. Overtime is limited to three hours per day and 270 hours a year. The law mandates paid

holiday/leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The Labor Ministry's Labor Inspectorate effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime. According to unions government-set occupational safety and health (OSH) standards were not always current or appropriate for specific industries.

The government did not effectively enforce laws related to minimum wage, working hours, and OSH in all sectors. The law did not cover workers in the informal economy. Penalties came in the form of monetary fines, but were not adequate to deter violations.

As of December 5, the Labor Ministry employed 1,002 labor inspectors, to cover all aspects of labor law. The number of inspectors, budgetary resources, and inspections were not adequate to provide for enforcement in all sectors. Authorities could fine violators from 1,560 lira (\$445) per violation. At year's end, the ministry reported that 21,329 labor law inspections had uncovered an unknown number of labor law violations. As of August labor law violations had resulted in fines totaling 57.8 million lira (\$16.5 million). Penalties, generally monetary fines, were insufficient to deter violations.

The country retained a large informal economy, which some estimated accounted for as much as 27.8 percent of GDP and 27 percent of the workforce.

OSH remained a major challenge, particularly in the construction and mining industries, where accidents were common and regulations unevenly enforced despite government efforts to improve OSH conditions. The Assembly for Worker Health and Safety reported 1,596 workplace deaths during the first 10 months of the year. In many sectors workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment, and authorities did not effectively protect vulnerable employees.

Unions continued to report that existing OSH laws and regulations did not sufficiently protect contract workers or unregistered workers. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors (for example, seasonal agriculture, industry, and construction).

Prosecutors continued to pursue those responsible for two major 2014 mine disasters, including the explosion in Soma, which killed 301 miners. The cases continued at year's end; prosecutors also continued investigating the circumstances surrounding the November 19 collapse of a copper mine in Siirt's Sirvan that killed at least 16 miners. The government initially attributed the collapse to heavy rains, while critics cited negligence and inadequate enforcement of OSH laws.