

TURKEY 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Turkey is a constitutional republic with an executive presidential system and a unicameral 600-seat parliament (the Grand National Assembly). In presidential and parliamentary elections in 2018, Organization for Security and Cooperation in Europe observers expressed concern regarding restrictions on media reporting and the campaign environment, including the jailing of a presidential candidate that restricted the ability of opposition candidates to compete on an equal basis and campaign freely.

The National Police and Jandarma, under the control of the Ministry of Interior, are responsible for security in urban areas and rural and border areas, respectively. The military has overall responsibility for border control and external security. Civilian authorities maintained effective control over law enforcement officials, but mechanisms to investigate and punish abuse and corruption remained inadequate. Members of the security forces committed some abuses.

Under broad antiterror legislation passed in 2018 the government continued to restrict fundamental freedoms and compromised the rule of law. Since the 2016 coup attempt, authorities have dismissed or suspended more than 60,000 police and military personnel and approximately 125,000 civil servants, dismissed one-third of the judiciary, arrested or imprisoned more than 90,000 citizens, and closed more than 1,500 nongovernmental organizations on terrorism-related grounds, primarily for alleged ties to the movement of cleric Fethullah Gulen, whom the government accused of masterminding the coup attempt and designated as the leader of the “Fethullah Terrorist Organization.”

Significant human rights issues included: reports of arbitrary killings; suspicious deaths of persons in custody; forced disappearances; torture; arbitrary arrest and continued detention of tens of thousands of persons, including opposition politicians and former members of parliament, lawyers, journalists, human rights activists, and employees of the U.S. Mission, for purported ties to “terrorist” groups or peaceful legitimate speech; the existence of political prisoners, including

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elected officials; politically motivated reprisal against individuals located outside the country; significant problems with judicial independence; severe restrictions on freedom of expression, the press, and the internet, including violence and threats of violence against journalists, closure of media outlets, and unjustified arrests or criminal prosecution of journalists and others for criticizing government policies or officials, censorship, site blocking and the existence of criminal libel laws; severe restriction of freedoms of assembly, association, and movement; some cases of refoulement of refugees; and violence against women and lesbian, gay, bisexual, transgender, and intersex persons and members of other minorities.

The government took limited steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses; impunity remained a problem.

Clashes between security forces and the Kurdistan Workers' Party terrorist organization and its affiliates continued, although at a reduced level compared with previous years, and resulted in the injury or death of security forces, terrorists, and civilians. The government did not release information on efforts to investigate or prosecute personnel for wrongful or inadvertent deaths of civilians linked to counterterrorist operations.

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 contributed to civilian deaths in connection with its fight against the terrorist Kurdistan Workers' Party (PKK) organization in the southeast, although at a markedly reduced level compared with previous years (see section 1.g.). The PKK continued to target civilians in its attacks; the government continued to work to block such attacks. The law authorizes the Ombudsman Institution, the National Human Rights and Equality Institution, prosecutors' offices, criminal courts, and parliament's Human Rights Commission to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. Civil courts, however,

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remained the main recourse to prevent impunity.

According to the International Crisis Group, from January 1 to December 10, a total of 35 civilians, 41 security force members, and 235 PKK militants were killed in eastern and southeastern provinces in PKK-related clashes. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK.

The PKK continued its nationwide campaign of attacks on government security forces and, in some cases, civilians. For example, on May 14, PKK terrorists attacked aid workers in Van, killing two and injuring one. On June 18, PKK terrorists reportedly attacked a truck carrying fuel for roadwork in Sirnak province by planting an improvised explosive device (IED). The IED explosion killed four truck passengers.

There were credible reports that the country's military operations outside its borders led to the deaths of civilians. On June 25, a Turkish air strike against the Kurdistan Free Life Party terrorist group reportedly wounded at least six civilians in Iraq. On June 19, Turkish air strikes against PKK targets killed three civilians in the same region of Iraq, according to Human Rights Watch.

Eyewitnesses, a local human rights monitor, and local media reported that an attack carried out by Turkish forces or Turkish-supported Syrian opposition groups on October 16 struck a rural area killing a young boy and injuring others in Ain Issa, Syria; the circumstances of this event are in dispute. Official Turkish government sources reported responding to enemy fire on the date in question and in the area that corresponds with this event, with four to six People's Protection Units (YPG) fighters reportedly "neutralized," a term Turkish authorities use to mean killed, captured, or otherwise removed from the battlefield. The government of Turkey considers the YPG the Syrian branch of the United States-designated foreign terrorist organization the PKK. According to media, YPG forces have also reportedly fired on Turkish and TSO forces following Turkey's October 2019 incursion into northeast Syria and in November and December 2020, including near civilian infrastructure.

Following the launch of the Turkish armed forces' offensive in northern Syria in

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October 2019 the UN Office of the High Commissioner for Human Rights, Amnesty International, and Human Rights Watch continued to report claims from local and regional human rights activists and media organizations that Turkish-supported Syrian opposition groups committed human rights abuses, reportedly targeting Kurdish and Yezidi residents and other civilians, including arbitrary arrests and enforced disappearance of civilians; torture and sexual violence; forced evacuations from homes; looting and property seizures in areas under Turkish control; transfer of detained civilians across the border into Turkey; restricting water supplies to civilian populations; recruitment of child soldiers; and looting and desecrating religious shrines. Reports by the UN Commission of Inquiry into Syria similarly suggested that Turkish-supported opposition groups may have been responsible for attacks against civilians (for more information, see the Syria section of Department of State *Country Reports on Human Rights*). The government rejected these reports as flawed and biased, including by an October 6 note verbale to the UN high commissioner for human rights, but acknowledged the need for investigations and accountability related to such reports. The government relayed that the Turkish-supported Syrian National Army had established mechanisms for investigation and discipline in 2019. The government claimed the military took care to avoid civilian casualties throughout the operation.

According to the Baran Tursun Foundation, an organization that monitors police brutality, police have killed 403 individuals for disobeying stop warnings since 2007. According to the report, 93 were children. In April police shot and killed a 19-year-old Syrian refugee who ran from an enforcement stop connected with anti-COVID-19 measures that at the time prohibited minors younger than age 20 from leaving their residences. On May 28, a police officer involved in the shooting was arrested for the killing. Human rights groups documented several suspicious deaths of detainees in official custody, although reported numbers varied among organizations. In November the Human Rights Foundation of Turkey (HRFT) reported 49 deaths in prison related to illness, violence, or other causes. Of these 15 were allegedly due to suicide. In August a 44-year-old man convicted of having ties to the Gulen movement died in a quarantine cell in Gumushane Prison after displaying COVID-19 symptoms. Press reports alleged the prisoner had requested medical treatment multiple times, but the prison failed to provide it. Peoples' Democratic Party (HDP) Member of Parliament (MP) Omer Faruk Gergerlioglu

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called on the Ministry of Justice to investigate the case.

By law National Intelligence Organization (MIT) members are immune from prosecution as are security officials involved in fighting terror, making it harder for prosecutors to investigate extrajudicial killings and other human rights abuses by requiring that they obtain permission from both military and civilian leadership prior to pursuing prosecution.

b. Disappearance

Domestic and international human rights groups reported disappearances during the year that they alleged were politically motivated.

In February the Ankara Bar Association filed a complaint with the Ankara prosecutor on behalf of seven men reportedly “disappeared” by the government, who surfaced in police custody in 2019. One of the men, Gokhan Turkmen, a civil servant dismissed under state of emergency powers following the 2016 coup attempt, alleged in a pretrial hearing that intelligence officials visited him in prison, threatened him and his family, and urged him to retract his allegations that he was abducted and tortured while in custody. In April the Ankara prosecutor declined to investigate Turkmen’s complaints. Six of the seven men were in pretrial detention on terrorism charges at year’s end. The whereabouts of the seventh were unknown.

In May former HDP MP Tuma Celik asserted that the disappearance of an Assyrian Chaldean Catholic couple in the village of Kovankaya (Syriac: Mehri), reported missing since January, was “a kidnapping carried out with the ones who lean on the state or groups within the state,” likely alluding to nonstate armed groups aligned with the government. Others, including witnesses on the scene, asserted that the PKK was responsible. The husband, Hurmuz Diril, remained missing at year’s end, while in March relatives found the dead body of the wife, Simoni Diril, in a river near the village.

The government declined to provide information on efforts to prevent, investigate, and punish such acts.

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

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Punishment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but domestic and international rights groups reported that some police officers, prison authorities, and military and intelligence units employed these practices. Domestic human rights organizations, the Ankara Bar Association, political opposition figures, international human rights groups, and others reported that government agents engaged in threats, mistreatment, and possible torture of some persons while in custody. Human rights groups asserted that individuals with alleged affiliation with the PKK or the Gulen movement were more likely to be subjected to mistreatment or abuse.

In June, Emre Soylu, an adviser to ruling alliance member Nationalist Movement Party (MHP) Mersin MP Olcay Kilavuz, shared photos on his Twitter account showing a man allegedly being tortured by police at the Diyarbakir Antiterror Branch. A short video shared widely on social media included the screams of a man at the same facility in Diyarbakir. Kurdish politicians and civil society organizations, including the Human Rights Association of Turkey (HRA), condemned the incident and called on authorities to investigate.

In July, Human Rights Watch reported there was credible evidence that police and community night watchmen (*bekcis*) committed serious abuses against at least 14 persons, including violent arrests and beatings, in six incidents in Diyarbakir and Istanbul from May through July. In four of the cases, authorities refuted the allegations and failed to commit to investigate. In one case on June 26, masked police allegedly raided former mayor and HDP member Sevil Cetin's home in Diyarbakir city, setting attack dogs on her while beating her. On June 28, the Diyarbakir Governor's Office released a statement refuting the allegations and stating authorities did not intend to investigate.

In September news reports claimed that Jandarma forces apprehended, detained for two days, tortured, and threw out of a helicopter two farmers in Van province as part of an anti-PKK operation. One of the men died from his injuries. The Van Governor's Office denied the allegations and stated that the injuries resulted from the men falling in a rocky area while trying to escape from the officers. A court approved a ban on all news reports on the case, as requested by the Van

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Prosecutor's Office. On November 27, Minister of Interior Suleyman Soylu stated one of the villagers, Osman Sibani, was aiding PKK terrorists and that authorities therefore apprehended him.

In 2019 public reports alleged that as many as 100 persons, including former members of the Ministry of Foreign Affairs dismissed under the 2016-18 state of emergency decrees due to suspected ties to the Gulen movement, were mistreated or tortured while in police custody. The Ankara Bar Association released a report that detailed its interviews with alleged victims. Of the six detainees the association interviewed, five reported police authorities tortured them. In August the Ankara Prosecution Office decided not to pursue prosecution based on the allegations, citing insufficient evidence.

Reports from human rights groups indicated that police abused detainees outside police station premises and that mistreatment and alleged torture was more prevalent in some police facilities in parts of the southeast. The HRA reported receiving complaints from 573 individuals alleging they were subjected to torture and other forms of mistreatment while in custody or at extracustodial locations from January through November. The HRA reported that intimidation and shaming of detainees by police were common and that victims hesitated to report police abuse due to fear of reprisal. In June, responding to a parliamentary inquiry, the minister of interior reported the ministry had received 396 complaints of torture and maltreatment since October 2019. Opposition Republican People's Party (CHP) human rights reports alleged that from May to August, 223 individuals reported torture or inhuman treatment.

The government asserted it followed a "zero tolerance" policy for torture and has abolished statute of limitations for cases of torture. On August 5, the Council of Europe released two reports on visits to the country by its Committee for the Prevention of Torture's (CPT) in 2017 and 2019. The 2019 report stated that the delegation received "a considerable number of allegations of excessive use of force or physical ill-treatment by police and gendarmerie officers from persons who had recently been taken into custody (including women and juveniles). The allegations consisted mainly of slaps, kicks, punches (including to the head and face), and truncheon blows after the persons concerned had been handcuffed or otherwise brought under control." The CPT noted, "A significant proportion of the

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allegations related to beatings during transport or inside law enforcement establishments, apparently with the aim of securing confessions or obtaining other information, or as a punishment. Further, numerous detained persons claimed to have been subjected to threats, and/or severe verbal abuse.” The CPT found that the severity of alleged police mistreatment diminished in 2019 compared with the findings of the 2017 CPT visit, although the frequency of the allegations remained worrying.

In its *World Report 2020*, Human Rights Watch stated: “A rise in allegations of torture, ill-treatment and cruel and inhuman or degrading treatment in police custody and prison over the past four years has set back Turkey’s earlier progress in this area. Those targeted include Kurds, leftists, and alleged followers of Fethullah Gulen. Prosecutors do not conduct meaningful investigations into such allegations and there is a pervasive culture of impunity for members of the security forces and public officials implicated.” According to Ministry of Justice 2019 statistics, the government opened 2,767 investigations into allegations of torture and mistreatment. Of those, 1,372 resulted in no action being taken by prosecutors, 933 resulted in criminal cases, and 462 in other decisions. The government did not release data on its investigations into alleged torture.

Some military conscripts reportedly endured severe hazing, physical abuse, and torture that sometimes resulted in death or suicide. Human rights groups reported that suspicious deaths in the military were widespread. The government did not systematically investigate them or release data. The HRA and HRFT reported at least 18 deaths as suspicious during the year. In September a Kurdish soldier serving in Edirne reported being beaten by other soldiers because of his ethnic identity. Turkish Land Forces Command opened an investigation into the incident.

The government did not release information on its efforts to address abuse through disciplinary action and training.

Prison and Detention Center Conditions

Prisons generally met standards for physical conditions (i.e., infrastructure and basic equipment), but significant problems with overcrowding resulted in conditions in many prisons that the CPT found could be considered inhuman and

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degrading. While detention facilities were generally in a good state of repair and well ventilated, many facilities had structural deficiencies that made them unsuitable for detention lasting more than a few days.

Physical Conditions: Prison overcrowding remained a significant problem. CPT reports from 2017 and 2019 stated, “The problem of prison overcrowding remained acute, and the steady increase in the size of the prison population already observed in the mid-2000s continued.” According to the Ministry of Justice, as of July, the country had 355 prisons with a capacity for 233,194 inmates and an estimated total inmate population of 281,000, prior to the ministry’s granting of COVID-19 amnesty for 90,000 prisoners.

In April, Minister of Justice Gul announced that three prisoners had died of COVID-19. The same month, to alleviate conditions in prisons due to the pandemic, parliament approved a bill to modify the sentences of 90,000 prisoners by allowing for their release, including those convicted of organized crime and attempted murder. The bill did not include any provisions for persons held under provisional or pretrial detention and explicitly excluded anyone convicted under antiterror charges, including journalists, lawyers, and human rights defenders. The Ministry of Justice has not released updated figures on prisoner deaths due to COVID-19 since April.

If separate prison facilities for minors were not available, minors were held in separate sections within separate male and female adult prisons. Children younger than six were allowed to stay with their incarcerated mothers. The HRA estimated that as of December, 300 children were being held with their mothers. HRA noted that authorities released many mothers and children as a result of the COVID-19 amnesty. Pretrial detainees were held in the same facilities as convicted prisoners.

The government did not release data on inmate deaths due to physical conditions or actions of staff members. The HRA reported that 49 inmates died in prison from January to November. The HRA noted that prisoners were unlikely to report health issues and seek medical care since a positive COVID-19 result would lead to a two-week quarantine in solitary confinement. Human rights organizations and CPT reports asserted that prisoners frequently lacked adequate access to potable water, proper heating, ventilation, lighting, food, and health services. Human

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rights organizations also noted that prison overcrowding and poor sanitary conditions exacerbated the health risks for prisoners from the COVID-19 pandemic. Civil Society in the Penal System Association reported that prison facilities did not allow for sufficient social distancing due to overcrowding and did not provide cleaning and disinfection services on a regular basis. Prisons also did not provide disinfectant, gloves, or masks to prisoners, but instead sold them at commissaries.

The Ministry of Justice's Prison and Correctional Facilities official reported to parliament that, as of October, more than 1,900 health workers were serving the prison population. Of the health workers, there were seven medical doctors, 144 dentists, 84 nurses, and 853 psychologists. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. According to HRA statistics, in September there were 1,605 sick prisoners in the country's prisons, 604 of whom were in serious condition.

Reports by human rights organizations suggested that some doctors would not sign their names to medical reports alleging torture due to fear of reprisal. As a result victims were often unable to get medical documentation that would help prove their claims.

In December, Amnesty International reported that prison guards in Diyarbakir severely beat prisoner Mehmet Siddik Mese, but the prison doctor stated that the prisoner was not beaten in the official report. Mese did not receive an independent medical examination. The prosecutor decided not to prosecute the suspected perpetrators based on the prison doctor's report.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners whom they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.

Administration: Authorities at times investigated credible allegations of abuse and inhuman or degrading conditions but generally did not document the results of such investigations in a publicly accessible manner or disclose publicly whether

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actions were taken to hold perpetrators accountable. Some human rights activists and lawyers reported that prisoners and detainees were sometimes arbitrarily denied access to family members and lawyers.

Independent Monitoring: The government allowed prison visits by some observers, including parliamentarians. The Ministry of Interior reported that under the law prisons were to be monitored by domestic government entities including the Human Rights and Equality Institution of Turkey and the Parliamentary Commission for Investigating Human Rights. International monitors included the CPT, the Council of Europe Commissioner for Human Rights, and the UN Working Group on Arbitrary Detention.

HDP MP Omer Faruk Gergerlioglu stated that in response to his June inquiry, the Parliamentary Commission for Investigating Human Rights reported it had received 3,363 reports of human rights violations from detainees and prisoners since June 2018 but found no violations in any of the cases.

The government did not allow nongovernmental organizations (NGOs) to monitor prisons. In October, HRA Balikesir chairman Rafet Fahri Semizoglu was detained under charges stemming from his visits to prisons. The Civil Society Association in the Penal System published periodic reports on prison conditions based on information provided by parliamentarians, correspondence with inmates, lawyers, inmates' family members, and press reports.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements.

Human rights groups noted that, following the 2016 coup attempt, authorities continued to detain, arrest, and try hundreds of thousands of individuals for alleged ties to the Gulen movement or the PKK, often with questionable evidentiary standards and without the full due process provided for under law (see section

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2.a.).

On the four-year anniversary of the 2016 coup attempt in July, the government announced that authorities had opened legal proceedings against 597,783 individuals, detained 282,790, and arrested 94,975 since the coup attempt on grounds of alleged affiliation or connection with the Gulen movement. During the year the government started legal proceedings against 39,719 individuals, detained 21,000, and arrested 3,688. In July the Ministry of Justice reported that the government had conducted nearly 100,000 operations targeting Gulenists since the coup attempt. The government reportedly detained and investigated a majority of the individuals for alleged terror-related crimes, including membership in and propagandizing for the Gulen movement or the PKK. Domestic and international legal and human rights experts questioned the quality of evidence presented by prosecutors in such cases, criticized the judicial process, asserted that the judiciary lacked impartiality, and that defendants were sometimes denied access to the evidence underlying the accusations against them (see section 1.e., Trial Procedures).

The courts in some cases applied the law unevenly, with legal critics and rights activists asserting court and prosecutor decisions were sometimes subject to executive interference. In January an Ankara court of appeals reversed a lower court ruling for life imprisonment of a former three-star general, Metin Iyidil, accused of participation in the coup attempt. Two days after Iyidil's release, another court reordered his detention. After President Erdogan publicly criticized the Ankara appeals court decision to acquit, the court ruled for Iyidil to be rearrested. The Council of Judges and Prosecutors opened an investigation into the acquittal decision, suspending the three judges who ruled for acquittal from their posts.

Arrest Procedures and Treatment of Detainees

The law requires that prosecutors issue warrants for arrests, unless the suspect is detained while committing a crime. The period for arraignment may be extended for up to four days. Formal arrest is a measure, separate from detention, which means a suspect is to be held in jail until and unless released by a subsequent court order. For crimes that carry potential prison sentences of fewer than three years'

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imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may 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 the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in pretrial detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney, it allows 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 for conviction is more than five years' imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney if a defendant could not afford one.

Under antiterror legislation adopted in 2018, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for "individual" offenses and 96 hours for "collective" offenses. These periods may be extended twice with the approval of a judge, amounting to six days for "individual" and 12 days for "collective" offenses. Human rights organizations raised concerns that police authority to hold individuals for up to 12 days without charge increased the risk of mistreatment and torture. According to a statement by Minister of Justice Gul, 48,752 persons were in pretrial detention in the country as of July.

The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers' access to detainees and prisons--especially for those attorneys not appointed by the state--and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt. Human rights organizations reported the 24-hour attorney access restriction was arbitrarily applied and that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. In such cases

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rights organizations and lawyers groups reported attorneys' access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.

Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, because of fear of government reprisal, including prosecution. Government intimidation of defense lawyers also at times involved nonterror cases. The international NGO Freedom House in its 2020 *Freedom in the World* report stated, "In many cases, lawyers defending those accused of terrorism offenses were arrested themselves." According to human rights organizations, since 2016 authorities prosecuted more than 1,500 lawyers, arrested 605, and sentenced 441 to lengthy prison terms on terrorism-related charges. Of the arrested lawyers, 14 were presidents of provincial bar associations. This practice disproportionately affected access to legal representation in the southeast, where accusations of affiliation with the PKK were frequent and the ratio of lawyers to citizens was low. In a September speech, the president suggested that lawyers who are "intimate" with terrorist organizations should be disbarred.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. 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.

In September the HDP released a statement detailing allegations that police kidnapped, physically assaulted, and later released six HDP youth assembly members in separate incidents in Diyarbakir, Istanbul, and Agri province. The HDP also stated that on May 4 police abducted HDP assembly member Hatice Busra Kuyun in Van province, forced her into a car, and threatened her. Police released Kuyun on the same day.

Pretrial Detention: The maximum time an arrestee can be held pending trial with an indictment is seven years, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. Pretrial detention during the investigation phase of

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a case (before an indictment) is limited to six months for cases that do not fall under the purview of the heavy criminal court--referred to by the International Criminal Police Organization (INTERPOL) as the central criminal court--and one year for cases that fall under the heavy criminal court. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period remained two years with the possibility of three one-year extensions, for a total of five years.

For terror-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.

Rule of law advocates noted that broad use of pretrial detention had become a form of summary punishment, particularly in cases that involved politically motivated terrorism charges.

The trial system does not provide for a speedy trial, and trial hearings were often months apart, despite provisions in the code of criminal procedure for continuous trial. Trials sometimes began years after indictment, and appeals could take years more to reach conclusion.

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

Detainees' lawyers may appeal pretrial detention, although antiterror legislation imposed limits on their ability to do so. The country's judicial process allows a system of lateral appeals to criminal courts of peace for arrest, release, judicial control, and travel ban decisions that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts. In addition since 2016 sentences of less than five years' imprisonment issued by regional appellate courts were final and could not be appealed. Since 2019 the law provides for defendants in certain types of insult cases or speech-related cases to appeal to a higher court.

Detainees awaiting or undergoing trial prior to the 2016-18 state of emergency had the right to a review in person with a lawyer before a judge every 30 days to determine if they should be released pending trial. Under a law passed in 2018, in-

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person review occurs once every 90 days with the 30-day reviews replaced by a judge's evaluation of the case file only. Bar associations noted this element of the law was contrary to the principle of habeas corpus and increased the risk of abuse, since the detainee would not be seen by a judge on a periodic basis.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal cases are proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.

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. Refugee-focused human rights groups alleged authorities prevented migrants placed in detention and return centers from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but there were indications the judiciary remained subject to influence, particularly from the executive branch.

The executive branch exerts strong influence over the Board of Judges and Prosecutors (HSK), the judicial body that assigns and reassigns judges and prosecutors to the country's courts nationwide and is responsible for their discipline. Out of 13 total judges on the board, the president directly appoints six: The executive branch and parliament appoint 11 members (seven by parliament and four by the president) every four years; the other two members are the presidentially appointed justice minister and deputy justice minister. The ruling party controlled both the executive and the parliament when the existing members were appointed in 2017. Although the constitution provides tenure for judges, the HSK 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 judges' inclination to give precedence to the state's interests contributed to inconsistent

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application of laws. Bar associations, lawyers, and scholars expressed concern regarding application procedures for prosecutors and judges described as highly subjective, which they warned opened the door to political litmus tests in the hiring process.

The judiciary faced a number of problems that limited judicial independence, including intimidation and reassignment of judges and allegations of interference by the executive branch. Following the 2016 coup attempt, the government suspended, detained, or fired nearly one-third of the judiciary accused of affiliation with the Gulen movement. The government in the intervening years filled the vacancies, but the judiciary continued to experience the effects of the purges. A Reuters international news organization analysis of Ministry of Justice data showed that at least 45 percent of the country's prosecutors and judges have three years of legal professional experience or less.

Observers raised concerns that the outcome of some trials appeared predetermined or pointed to judicial interference. In February an Istanbul court ruled to acquit philanthropist Osman Kavala and eight others on charges of attempting to use the 2013 Gezi Park protests to overthrow the state. Kavala, the founder of Anadolu Kultur, an organization dedicated to cross-cultural and religious dialogue, had been in pretrial detention since 2017. The presiding judge permitted Kavala's lawyer to argue on his client's behalf but refused to allow any other defendant's lawyers to do likewise. Without pausing for deliberation following final statements from the defendants, the presiding judge produced a paper that appeared to have the verdict already written. The court acquitted Kavala of the charges and ordered him released immediately, but authorities detained Kavala the same day upon exit from prison on new charges of espionage and attempting to overthrow the state order in connection with the 2016 failed coup. In March authorities issued an order of arrest for Kavala while he was in detention. In October prosecutors filed a new indictment against Kavala seeking three aggravated life sentences for espionage and renewed charges of "attempting to overthrow the constitutional order" and organizing the Gezi Park protests and supporting the Gulen movement. In December the Constitutional Court found that the government did not violate Kavala's rights when he was re-arrested following acquittal in February. Kavala

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remained in detention at year's end.

The government also targeted some defense attorneys representing a number of high-profile clients. In September authorities issued detention orders for 48 lawyers and seven legal trainees in Ankara on charges related to terrorism due to alleged links to the Gulen movement. Prominent bar associations, including those of Ankara, Istanbul, Izmir, and Gaziantep, condemned the arrests and reported that investigators' questions to the lawyers, as well as presented evidence, were related to their professional activities.

The country has an inquisitorial criminal justice system. The system for educating and assigning judges and prosecutors fosters close connections between the two groups, which some legal experts claimed encouraged impropriety and unfairness in criminal cases.

There are no military courts, and military justice is reserved for disciplinary action, not criminal cases.

Lower courts at times ignored or significantly delayed implementation of decisions reached by the Constitutional Court. The government rarely implemented European Court of Human Rights (ECHR) decisions, despite the country's obligation to do so as a member of the Council of Europe.

The government acknowledged problems in the judicial sector, and in 2019 parliament passed a Judicial Reform Strategy for 2019-23 reportedly designed to protect legal rights and freedoms and strengthen the independence of the judiciary while fostering more transparency, efficiency, and uniformity in legal procedures. Human rights groups criticized the strategy for focusing on cosmetic rather than structural changes; lacking a clear implementation plan, including timeline; failing to identify responsible government bodies and budget; and failing to address judicial independence concerns. Under the strategy the parliament in July adopted a legislative package amending trial procedures to streamline civil case processing and expanding use of arbitration and the scope of cases where trials may be closed to the public. Human rights organizations noted the effort to reduce trial durations

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was positive but voiced concern that the law may reduce trial transparency.

Trial Procedures

The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that increasing executive interference with the judiciary and actions taken by the government through state of emergency provisions jeopardized this right.

The law provides defendants a presumption of innocence and the right to be present at their trials, although in a number of high-profile cases, defendants increasingly appeared via video link from prison, rather than in person. Judges may restrict 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) until the client is indicted.

A single judge or a panel of judges decides all cases. Courtroom proceedings were generally public except for cases 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 except to the parties to a case, making it difficult for the public, including journalists and watchdog groups, to obtain information on the progress or results of a case. In some politically sensitive cases, judges restricted access to Turkish lawyers only, limiting the ability of domestic or international groups to observe some trials.

Defendants have the right to be present at trial and to consult an attorney of their choice in a timely manner, although legal advocates have asserted the government coerced defendants to choose government-appointed lawyers. Observers and human rights groups noted that in some high-profile cases, these rights were not afforded to defendants. Individuals from the southeast were increasingly held in prisons or detention centers far from the location of the alleged crime and appeared at their hearing via video link systems. Some human rights organizations reported that hearings sometimes continued in the defendant's absence when video links

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purportedly failed.

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 are expected to ask the questions on behalf of counsel. Defendants or their attorneys could, within limits, present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for court-provided language interpretation when needed. Human rights groups alleged interpretation was not always provided free of charge, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

Observers noted the prosecutors and courts often failed to establish evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous cases authorities used secret evidence or witnesses to which defense attorneys and the accused had no access or ability to cross-examine and challenge in court, particularly in cases related to national security. The government occasionally refused to acknowledge secret witnesses.

In April court authorities released from judicial control (parole) Turkish dual national Serkan Golge. In 2018 a court sentenced Golge to seven-and-a-half years in prison on charges of “membership in a terrorist organization,” referring to the Gulen movement. An appeals court later reduced the charges and sentence to “support of a terrorist organization” and five years’ imprisonment. Authorities arrested Golge in 2016 based on specious evidence, including witness testimony that was later recanted. Golge served nearly three years in prison before he was released; he was permitted to leave the country in June.

Political Prisoners and Detainees

The number of political prisoners remained a subject of debate at year’s end. In July the Ministry of Interior reported the government had detained 282,790 persons in connection with the coup attempt since 2016. Of those, 25,912 were in prison awaiting trial. NGOs estimated there were 50,000 individuals in prison for terror-

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related crimes. Some observers considered some of these individuals political prisoners, a charge the government disputed.

Prosecutors used a broad definition of terrorism and threats to national security and in some cases, according to defense lawyers and opposition groups, used what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including journalists, opposition politicians (primarily of the HDP), activists, and others critical of the government.

At year's end eight former HDP parliamentarians and 17 HDP mayors were in detention following arrest. According to the HDP, since July 2015 at least 5,000 HDP lawmakers, executives, and party members were in prison for a variety of charges related to terrorism and political speech. The government had suspended from office using national security grounds 48 locally elected opposition politicians in Kurdish-majority areas, and subsequently arrested 37. The government suspended from office the elected village leaders of 10 villages in the southeast in May. By August 2019 the government had suspended most of the mayors elected in the southeast in March 2019, including the HDP mayors of major southeastern cities Diyarbakir, Mardin, and Van. The government suspended an additional 16 mayors during the year. The government suspended the majority of mayors for ongoing investigations into their alleged support for PKK terrorism, largely dating to before their respective elections.

In September authorities arrested both mayors of Kars, Ayhan Bilgen and Sevin Alaca, as part of detention orders for 101 persons across seven provinces, including former HDP members of parliament and senior HDP officials, for their alleged involvement in the 2014 Kobane protests in the country regarding perceived government inaction in response to the Islamic State of Iraq and Syria takeover of the majority Kurdish town of Kobane, Syria. The prosecutor's office also issued a secrecy injunction, citing terror charges, which prevented lawyers from accessing their clients' files. In total authorities arrested 17 HDP officials. On December 30, the Ankara Prosecutor's Office filed an indictment containing 37 counts of homicide and charges of "disrupting the unity and territorial integrity of the state" against 108 individuals, including the arrested HDP officials, in relation

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to the Kobane protests.

Former HDP cochair and former presidential candidate Selahattin Demirtas remained in prison on terrorism charges since 2016 despite 2018 and 2020 ECHR rulings for his release. In June the Constitutional Court ruled that Demirtas' lengthy pretrial detention violated his rights, but the government did not release him from prison because of a second detention order stemming from a separate investigation related to the 2014 antigovernment Kobane protests. In September the Ankara Chief Public Prosecutor's Office issued a new indictment against Demirtas under counterterrorism statutes for his criticism of the Ankara chief prosecutor at a hearing in January. On the same day, an Ankara court also ruled for the continuation of Demirtas' imprisonment based on the Kobane protests investigation. On December 22, the ECHR ruled that Turkey violated Demirtas' rights, including freedom of expression, liberty, and security; speedy decision on lawfulness of detention; and free elections, and it called for his immediate release. Following the ruling, President Erdogan accused the ECHR of "defending a terrorist" and making a hypocritical, politically motivated ruling. The president also stated that only Turkish courts could rule on the case and that Turkey would "evaluate" the ECHR decision. On December 30, authorities indicted Demirtas for his involvement in the Kobane protests as part of the mass indictment of 108 individuals.

Authorities used antiterror laws broadly against opposition political party members, human rights activists, media outlets, suspected PKK sympathizers, and alleged Gulen movement members or groups affiliated with the Gulen movement, among others, including to seize assets of companies, charities, or businesses. Human rights groups alleged many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling Justice and Development Party (AKP), particularly the HDP or its partner party, the Democratic Regions Party.

In June the government expelled MPs Leyla Guven and Musa Farisogullari of the HDP and Enis Berberoglu of the main opposition CHP from parliament and arrested them after appeals courts upheld charges against them on terrorism and espionage, respectively. The Constitutional Court ruled that the government had violated Berberoglu's rights because it did not renew the lifting of his legal

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immunity following his re-election in 2018. In October the criminal court in Istanbul, which reviewed Berberoglu's case, rejected the Constitutional Court ruling for a retrial. Berberoglu remained on release from prison due to COVID-19 precautions. In December a Diyarbakir court sentenced Guven to 22 years and three months in prison on three separate terrorism charges. Authorities transferred Guven to prison following sentencing; they had released her earlier in the year based on time served in a separate case.

Students, artists, and association members faced criminal investigations for alleged terror-related activities, primarily due to their social media posts. The government did not consider those in custody for alleged PKK or Gulen movement ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.

Credible reports claimed that authorities subjected some persons jailed on terrorism-related charges to abuses, including long solitary confinement, unnecessary strip and cavity searches, severe limitations on outdoor exercise and out-of-cell activity, denial of access to prison library and media, slow medical attention, and in some cases the denial of medical treatment. Reports also alleged that authorities subjected visitors of prisoners accused of terrorism-related crimes to abuse, including limited access to family and degrading treatment by prison guards, including strip searches.

Politically Motivated Reprisal against Individuals Located Outside the Country

The government engaged in a worldwide effort to apprehend suspected members of the Gulen movement. There were credible reports that the government exerted bilateral pressure on other countries to take adverse action against specific individuals, at times without due process. According to a report by several UN special rapporteurs in May, the government reportedly coordinated with other states to transfer more forcibly than 100 Turkish nationals to Turkey since the 2016 coup attempt, of which 40 individuals were subjected to enforced disappearance. In January, Albania deported Turkish citizen Harun Celik, a teacher at a school associated with the Gulen movement, to Turkey after arresting him for traveling on false documents in 2019. Celik's lawyer reported Celik requested asylum while

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detained in Albania and that Albania repatriated him to Turkey without giving him an opportunity to appeal the decision. Authorities detained Celik upon arrival in Istanbul. Turkish media hailed the repatriation as a successful operation by Turkish state intelligence. Individuals returned to the country under such circumstances usually faced legal proceedings based on their association with the Gulen movement. In September, Isa Ozer, a Turkish national who had been an elected local deputy in Dogubeyazit in eastern Anatolia for the left-wing HDP, was brought to Turkey from Ukraine in what the Turkish state press described as an intelligence operation.

There were also credible reports that the government attempted to use INTERPOL red notices to target specific individuals located outside the country, alleging ties to terrorism connected to the 2016 coup attempt or to the PKK, based on little evidence. Freedom House reported that, since the 2016 coup attempt, the country had uploaded tens of thousands of requests in INTERPOL for persons the government designated as affiliated with the Gulen movement. There were also reports that individuals faced complications related to erroneous lost or stolen passport reports the government filed against suspected Gulen movement supporters in the years directly following the coup attempt. Targeted individuals often had no clearly identified role in the attempted coup but were associated with the Gulen movement or had spoken in favor of it. The reports to INTERPOL could lead to individuals' detention or prevent them from traveling.

In September press reported that the Diyarbakir Chief Prosecutor's Office requested the extradition of former HDP MP and Diyarbakir mayor Osman Baydemir, who resides in the United Kingdom, as part of a terrorism investigation. Authorities also petitioned an INTERPOL red notice for Baydemir. He was previously convicted for insulting police and stripped of MP status in 2018.

The government used property seizure orders to pressure individuals living in exile abroad. In October a court seized all assets, including property and bank accounts, of exiled opposition journalist Can Dunder and declared him a fugitive after he did not attend trial proceedings for the case against him and other former *Cumhuriyet* journalists who reported on alleged illicit arms shipments by Turkish intelligence officers to Syria. On December 23, an Istanbul court sentenced Dunder in absentia to 27 years' imprisonment. The court also upheld the asset seizure and began an

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extradition request from Germany, where Dunder resides.

The government continued to refuse to renew the passports of some citizens with temporary residency permits in other countries on political grounds, claiming they were members of “Gülenist” organizations; these individuals were unable to travel outside of their countries of residence.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters, although this differed in practice. Citizens and legal entities such as organizations and companies have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. On constitutional and human rights issues, the law also provides for individuals to appeal their cases directly to the Constitutional Court, theoretically allowing for faster and simpler high-level review of alleged human rights violations within contested court decisions. Critics complained that, despite this mechanism, the large volume of appeals of dismissals under the state of emergency and decreased judicial capacity caused by purges in the judiciary resulted in slow proceedings.

As of September 30, the Constitutional Court has received 30,584 applications and found rights law violations in 20 percent of applications, according to official statistics. Of the 2019 applications, 30 percent remained pending. Citizens who have exhausted all domestic remedies have the right to apply for redress to the ECHR; however, the government rarely implemented ECHR decisions. According to the NGO European Implementation Network, Turkey has not implemented 60 percent of ECHR decisions from the last 10 years. For example, the country has not implemented the ECHR decision on the illegality of pretrial detention of former Constitutional Court judge Alparslan Altan, arrested and convicted following the coup attempt in 2016. Altan was serving an 11-year prison sentence at year’s end.

The government established the Inquiry Commission on the State of Emergency Measures, in 2017 to adjudicate appeals of wrongfully dismissed civil servants and began accepting cases that July. The commission reported that, as of the end of the year, it had received 126,630 applications, adjudicated 112,310 cases, approved

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13,170, and rejected 99,140. Critics complained the appeals process was opaque, slow, and did not respect citizens' rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.

Property Restitution

In multiple parts of the southeast, many citizens continued efforts to appeal the government's 2016 expropriations of properties to reconstruct areas damaged in government-PKK fighting (see section 1.g, Other Conflict-related Abuse).

According to the Savings Deposit Insurance Fund of Turkey, as of July the government had seized 796 businesses worth an estimated 61.2 billion lira (\$7.85 billion) since the 2016 coup attempt. A March NGO report estimated that \$32.2 billion in businesses and business assets, including from media outlets, schools, universities, hospitals, banks, private companies, and other holdings were confiscated since the 2016 coup attempt in breach of domestic regulations.

In July the government completed the flooding of a valley in Batman province for a new hydroelectric dam. Residents displaced by the use of eminent domain reported the government's payment for their property would not cover the cost of the apartment buildings intended to replace their former homes and complained that animal husbandry was not allowed in the new city, a practice residents had until then relied upon for income and sustenance.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released publicly on July 29, may be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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 MIT with the authority to collect information while limiting the ability of the public or journalists to expose abuses. Oversight of MIT falls within the purview of the presidency, and checks on MIT

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authorities are limited. 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 conviction of interfering with MIT activities, including data collection or obtaining or publishing information concerning the agency. The law allows the president to grant MIT and its employees' immunity from prosecution.

Police possess broad powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission required to follow within 24 hours. Individuals subjected to such searches have the right to file complaints; however, judicial permission occurring after a search had already taken place failed to serve as a check against abuse.

Security forces may conduct wiretaps for up to 48 hours without a judge's approval. As a check against potential abuse of this power, the State Inspection Board may conduct annual inspections and present its reports for review to parliament's Security and Intelligence Commission. Information on how often this authority was used was not available. Human rights groups noted that wiretapping without a court order circumvented judicial control and potentially limited citizens' right to privacy. Some citizens asserted that authorities tapped their telephones and accessed their email or social media accounts. There was evidence the government monitored private online communications using nontransparent legal authority.

The Ministry of Interior disclosed that in the first seven months of this year, it examined 14,186 social media accounts and took legal action against more than 6,743 users whom it accused of propagandizing or promoting terror organizations, inciting persons to enmity and hostility, or insulting state institutions. The law allows courts to order domestic internet service providers to block access to links, including to websites, articles, or social media posts, and was routinely used to block access to news sites. The editor of one such news website, *Sendika*, reported that his site has been blocked 63 times since 2015. The HRFT reported that in the first eight months of the year, the government detained at least 485 persons and arrested six for social media posts, including but not limited to posts on COVID-19.

Human rights groups asserted that self-censorship due to fear of official reprisal accounted in part for the relatively low number of complaints they received

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regarding allegations of torture or mistreatment.

Using antiterror legislation, the government targeted family members to exert pressure on wanted suspects. Government measures included cancelling the passports of family members of civil servants suspended or dismissed from state institutions, 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 individuals outside the country who were wanted for or accused of ties to the Gulen movement. In June the Ministry of Interior announced it would lift restrictions on the passports of 28,075 persons in addition to the 57,000 reported in 2019.

Government seizure and closure during the previous three years of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information.

g. Abuses in Internal Conflict

Clashes between security forces and the PKK and its affiliates in the country continued throughout the year, although at a reduced level relative to previous years, and resulted in the injury or deaths of security forces, PKK terrorists, and civilians. The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and also decreed “special security zones” in some areas to facilitate counter-PKK operations, which restricted access of visitors and, in some cases, residents. While portions of Hakkari province and rural portions of Tunceli Province remained “special security zones” most of the year, the government imposed curfews and “special security zones” less frequently overall than in 2019. PKK attacks claimed the lives of noncombatant civilians, as did kidnappings. Residents of these areas reported they occasionally had very little time to leave their homes prior to the launch of counter-PKK security operations. Those who remained faced curfews of varying scope and duration that at times restricted their movement and complicated living conditions.

Killings: According to the International Crisis Group, from mid-2015 to December, at least 1,265 security force members, 3,166 PKK terrorists, 5,539

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civilians, and 226 individuals of unknown affiliation died in PKK-related fighting in the country and the surrounding region.

The HRA reported that in the first 10 months of the year, 14 security officers, 15 civilians, and 78 PKK terrorists were killed during clashes; 15 security officers and 23 civilians were reportedly injured.

PKK attacks resulted in civilian deaths. For example, on April 8, a roadside bomb attack killed five forestry workers in Diyarbakir province. Government data on casualty tolls were unavailable.

PKK tactics included targeted killings and assault with conventional weapons, vehicle-borne bombs, and IEDs. At times IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces. According to news reports, in April an 11-year-old boy died as a result of an explosion of unexploded ordnance in Diyarbakir. Since 2016, unexploded ordnance killed at least 22 civilians, 21 of whom were children.

Abductions: The PKK abducted or attempted to abduct civilians (see Child Soldiers, below).

Physical Abuse, Punishment, and Torture: Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. There was little accountability for mistreatment by government authorities. In April a Gevas court acquitted a police officer who was accused of torturing four village residents in 2017. Although victims identified seven police officers, the prosecutor pressed charges against only one.

Child Soldiers: The government and some members of Kurdish communities alleged the PKK recruited and forcibly abducted children for conscription. A group of mothers continued a sit-in protest they began in Diyarbakir in September 2019 alleging the PKK had forcibly recruited or kidnapped their children and demanding their return. According to the Directorate of Communications of the Presidency, 438 children escaped and left the PKK from January 2014 to June.

Other Conflict-related Abuse: Extensive damage stemming from government-PKK fighting led authorities in 2016 to expropriate certain properties in specific

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districts of the southeast to facilitate postconflict reconstruction. Many of these areas remained inaccessible to residents at year's end due to reconstruction. In Diyarbakir's Sur District, the government had not returned or completed repairs on many of the expropriated properties, including the historic and ancient sites inside Sur, such as Surp Giragos Armenian Church and the Mar Petyun Chaldean Church. The government allocated 30 million lira (\$3.8 million) to renovate four churches; renovations on two of them were completed. Some affected residents filed court challenges seeking permission to remain on expropriated land and receive compensation; many of these cases remained pending at year's end. In certain cases courts awarded compensation to aggrieved residents, although the latter complained awards were insufficient. The overall number of those awarded compensation was unavailable at year's end.

In May press reported the discovery of plastic boxes containing the remains of 261 bodies of PKK terrorists from the Kurdish-dominated southeastern province of Bitlis; the boxes were buried under the sidewalks in Istanbul's Kilyos Cemetery. Authorities reportedly removed the bodies from a cemetery in Bitlis during a construction project in 2017 and moved them without the knowledge of families of the buried.

Government actions and adverse security conditions impacted democratic freedoms, including limiting journalists' and international observers' access to affected areas, which made monitoring and assessing the aftermath of urban conflicts difficult. Since 2019 the Ministry of Interior suspended 48 of 65 elected HDP mayors in the southeast based on allegations of support for terrorism related to the PKK. Because the mayors were suspended but not removed, pursuant to 2018 antiterror legislation, local residents did not have the opportunity to elect other representatives. The government appointed officials to govern these 48 municipalities in lieu of the removed elected mayors.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression within certain limits. The government restricted freedom of expression, including for the press,

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throughout the year. Multiple articles in the penal code directly restrict press freedom and free speech through provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that protect public order and criminalize insulting the state, the president, or government officials. Many involved in journalism reported that the government's prosecution of journalists representing major opposition and independent newspapers and its jailing of journalists since the 2016 coup attempt hindered freedom of speech. Media professionals reported that self-censorship was widespread amid fear that criticizing the government could prompt reprisals.

The law provides for punishment of up to three years in prison for conviction of "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 restrictions based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.

The government convicted and sentenced hundreds of individuals for exercising their freedom of expression. According to a July MetroPOLL company survey, 62 percent of respondents believed media in the country was not free, and 50 percent believed they were not free on social media.

The government frequently responded to expression critical of it by filing criminal charges alleging affiliation with terrorist groups, terrorism, or otherwise endangering the state. In January, Ankara's chief public prosecutor opened investigations into 50 persons for social media posts related to the 6.8-magnitude Elazig earthquake on January 24, charging that the posts were "creating worry, fear and panic among the public" and "insulting the Turkish people, the Republic of Turkey and public institutions." At the end of May, the Ministry of Interior announced that in the six weeks after the COVID-19 pandemic reached the country in mid-March, authorities had examined 10,111 social media accounts containing "unfounded and provocative" information regarding COVID-19. Authorities also identified 1,105 individuals, detained more than 500 persons connected to those accounts for questioning, and initiated nearly 600 criminal investigations. Individuals investigated by police included prominent doctors and heads of medical associations. In October the Ministry of Interior announced it investigated

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40 social media accounts, detained 10 individuals, and arrested two for social media posts related to the 7.0-magnitude earthquake that struck Izmir province on October 30.

During the year the government opened investigations into thousands of individuals, including politicians, journalists, and minors, based on allegations of insulting the president; the founder of the Turkish Republic, Mustafa Kemal Atatürk; or state institutions. According to Ministry of Justice statistics, police investigated 36,066 individuals for insulting the president or the state in 2019; 12,298 stood trial and 3,831 were penalized. In contrast from 2014 to 2019, the number of individuals that received prison sentences under insult laws dropped to 2,663. In July police detained 11 persons and arrested one for comments made on social media posts about the president's daughter and son-in-law, former treasury and finance minister Berat Albayrak, following the birth of their son on charges of "insulting a public official."

Estimates of the number of imprisoned journalists varied, ranging from at least 37 according to the Committee to Protect Journalists to 79 according to the International Press Institute. The majority faced charges related to antigovernment reporting or alleged ties to the PKK or Gulen movement.

The Media and Law Studies Association in Istanbul attributed the disparity in estimates of the number of incarcerated journalists to the varying definitions of "journalist" or "media worker." While the government officially recognizes as journalists only persons whom it has issued a yellow press accreditation card--typically limited to reporters, cameramen, and editors--media watchdog groups included distributors, copy editors, layout designers, and other staff of media outlets in their definition. The government often categorized imprisoned journalists from Kurdish-language outlets or alleged pro-Gulen publications as "terrorists," claiming ties to or support for the PKK and the Gulen movement. Information about and access to the imprisoned staff of some of these outlets was therefore limited, further contributing to disparities in tallies of jailed journalists.

An unknown number of journalists were outside the country and did not return due to fear of arrest, according to the Journalists Association. In June in response to a parliamentary question submitted six months earlier by an HDP MP, Vice

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President Fuat Oktay stated, the government shut down a total of 119 media outlets under state of emergency decrees following the 2016 failed coup attempt, including a total of 53 newspapers, 20 magazines, 16 television channels, 24 radio stations, and six news agencies. Independent reports estimated the government has closed more than 200 media companies since 2016.

Freedom of Speech: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. At times those who wrote or spoke on sensitive topics or in ways critical of the government risked investigation, fines, criminal charges, job loss, and imprisonment.

On June 23, an Istanbul court upheld the conviction and sentencing of the main opposition CHP Istanbul provincial chair Canan Kaftancioglu on multiple charges related to tweets critical of government policy, including comments related to the 2013 Gezi Park Protests and the 2016 coup attempt, which she made between 2012 and 2017. A lower court had sentenced Kaftancioglu to nearly 10 years' imprisonment in 2018 for "insulting the republic," "insulting the president," and "spreading terrorist propaganda" in tweets. At year's end she remained free pending her final legal appeal. Kaftancioglu also faced separate charges under a December indictment by the Istanbul Prosecutor's Office for ordering photographs of alleged illegal construction on land owned by Presidential Communications Director Fahrettin Altun. The indictment sought up to 10 years' imprisonment for Kaftancioglu. Authorities scheduled the first hearing of the case for May 2021.

A parliamentary by-law prohibits use of the word "Kurdistan" or other sensitive terms by MPs on the floor of parliament and provides for the possibility of fining violators; however, authorities did not uniformly implement this by-law.

Diyarbakir Bar Association chairman Ahmet Ozmen continued to face charges filed in 2019 stemming from a statement the Bar Association released in 2017, stating, "We share the unrelieved pain of Armenian people."

Rights groups and free speech advocates reported intensifying government pressure that in certain cases resulted in their exercising enhanced caution in their

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public reporting.

In late April the Ankara Bar Association filed a complaint for hate speech against Ali Erbas, president of the Directorate of Religious Affairs (Diyanet), following a sermon in which he stated that homosexuality causes illness, including HIV. In response President Erdogan announced that an attack against Erbas was an attack against the state. The Istanbul Prosecutor's Office promptly opened a criminal investigation against the bar association, and President Erdogan commented, "All will know their place."

Freedom of Press and Media, Including Online Media: Mainstream print media and television stations were largely controlled by progovernment holding companies heavily influenced by the ruling party. Reporters without Borders estimated the government was able to exert power in the administration of 90 percent of the most watched television stations and most read national daily newspapers through the companies' affiliation with the government. Only a small fraction of the holding 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.

Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees.

Government prosecution of journalists limited media freedom throughout the year. In 2018 authorities convicted 14 persons affiliated with the leading independent newspaper, *Cumhuriyet* on charges of aiding terrorist organizations, citing their reporting as part of the evidence against the accused, and sentenced to prison terms of between three and seven years. After a lengthy appeal process, the Constitutional Court found no rights violations in cases for 11 of the journalists but ruled in favor of three. On November 10, the ECHR found that Turkey violated the freedom of expression rights of eight of the journalists and ordered them to be compensated 16,000 euro (\$19,200) each. On November 24, the ECHR separately found that the country had violated the rights of another defendant, journalist Ahmet Sik.

In July an Istanbul court convicted Turkish-German journalist Deniz Yucel of

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“incitement to hatred” and spreading “terrorist propaganda” for articles he wrote on Turkey as a correspondent for the German newspaper *Die Welt* and sentenced him in absentia to two years and nine months in prison. The Constitutional Court had previously reviewed the press articles in the indictment and determined they were protected by freedom of the press. Yucel indicated he would appeal the ruling.

In several cases the government barred journalists from travelling outside the country, including through the use of electronic monitoring. For example, in October an Istanbul court sentenced five of eight *Yeni Yasam*, *Yeni Cag*, and OdaTV journalists on trial for allegedly revealing the identity of intelligence officers to more than four years in prison. The court released three of the defendants, Baris Pehlivan, Hulya Kilinc, and Murat Agirel, based on time served but imposed an international travel ban. The court acquitted the two OdaTV journalists.

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.

According to the Committee to Protect Journalists, in 2019 at least nine journalists were physically attacked, often outside of their place of work. Although in some cases suspects were identified quickly, by year’s end authorities had made no arrests or publicly noted progress in investigations against the perpetrators. Victims publicly expressed a belief that law enforcement agencies were not interested in prosecuting the crimes. On August 19, Saban Onen, a journalist of a Bursa-based local newspaper was attacked in a parking garage in Karacabey. Onen claimed that the attackers were relatives of the ruling AKP mayor of Karacabey and specifically referenced his writing about the mayor during the attack. On August 26, a vehicle belonging to the Nevsehir Journalists Association was set on fire. The chair of the association, Bayram Ekici, stated he believed the attack was a premediated attempt to intimidate journalists.

The government routinely filed terrorism-related charges against individuals or publications in response to reporting on sensitive topics, particularly government efforts against PKK terrorism and the Gulen movement (also see National

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Security). Human rights groups and journalists asserted the government did this to target and intimidate journalists and the public for speech critical of the state. In September authorities arrested on slander charges the publisher and editor in chief of a daily newspaper in Kocaeli Province after the newspaper ran a story accusing local AKP officials of sexually abusing a minor.

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.

Journalists affiliated or formerly affiliated with pro-Kurdish outlets faced significant government pressure, including incarceration. The government routinely denied press accreditation to Turkish citizens working for international outlets for any association (including volunteer work) with private Kurdish-language outlets.

Censorship or Content Restrictions: Government and political leaders maintained direct and indirect censorship of media and books. Authorities subjected some writers and publishers to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, or insulting religious values. Authorities investigated or continued court cases against a myriad of publications and publishers on these grounds during the year. Human rights organizations voiced strong concern that a law governing social media that went into effect October 1 would result in increasing social media censorship and indiscriminate enforcement of content removal requests imposed by courts or made through individuals' requests by social media companies (see section 2.a., Internet Freedom for details). Media professionals widely reported practicing self-censorship due to intimidation and risks of criminal and civil charges.

While the law does not prohibit particular books or publications, authorities required publishing houses to submit books and periodicals to prosecutors for screening at the time of publication. The Turkish Publishers Association reported that bookstores did not carry books by some opposition political figures.

The Turkish Publisher's Association reported that publishers often exercised self-censorship, avoiding works with controversial content (including government

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criticism, erotic content, or pro-Kurdish content) that might draw legal action. The association reported that publishers faced publication bans and heavy fines if they failed to comply in cases in which a court ordered the correction of offensive content. Authorities also subjected publishers to book promotion restrictions. In some cases prosecutors considered the possession of some Kurdish-language, pro-Kurdish, or Gulen movement books to be credible evidence of membership in a terror organization. In other cases authorities banned books because of objectionable content.

In August an Istanbul court banned access to reporting by major newspapers and broadcast networks that a large tender was awarded to a friend of the president's son. In September an Istanbul court ordered an additional access ban to news articles regarding the initial access ban.

In October police raided the Van bureau of *Mezopotamya Ajansi* and the homes of many journalists of the news agency. Police detained four journalists during the raid and confiscated their cameras and technical equipment. One of the journalists, Cemil Ugur, first reported the story of two villagers in Van who were allegedly detained, tortured, and thrown from a helicopter by soldiers in September. The courts granted a confidentiality order requested by the Van Chief Prosecutor's Office on news reports concerning the incident. On October 1, an Ankara penal judge also ruled to permit the Information and Communications Technologies Authority to block access to *Mezopotamya Ajansi's* online content.

Some journalists reported their employers asked them to censor their reporting if it appeared critical of the government or fired them if they failed to comply. These pressures contributed to an atmosphere of self-censorship in which media reporting became increasingly standardized along progovernment lines. For instance, the government continued to pursue a case against *Cumhuriyet* journalists Alican Uludag and Duygu Guvenc for "publicly degrading the judiciary" and "insulting the Turkish nation" for their coverage of the country's arrest of Andrew Brunson in 2018. On October 22, the court ruled that Uludag and Guvenc be acquitted as "the act in question is not defined as a crime in the law."

Radio and television broadcast outlets did not provide equal access to the country's major political parties. Critics charged that media generally favored the ruling

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AKP. In December the owner of private media outlet Olay TV announced that he would close the channel after only a month of operation because its editorial line prioritized pro-HDP content. The editor in chief of Olay TV announced during its last broadcast that the government pressured channel executives to close the channel. Other outlet employees told reporters the channel faced government scrutiny because it was too critical of the government and included reports of alleged corruption and human rights violations by government officials.

Radio and Television Supreme Council (RTUK) member Ilhan Tasci, who represented the CHP, reported that as of December, RTUK had fined or suspended independent broadcasters in 54 instances. During that time government-affiliated broadcasters received two warnings and one fine. Independent broadcasters paid 25 times more in fines than government-affiliated ones.

RTUK continued the practice of fining broadcasters whose content it considered “contrary to the national and moral values of society.” Service providers that broadcast online are required to obtain a license or may face having their content removed. RTUK is empowered to reject license requests on the grounds of national security and to subject content to prior censorship. In July, RTUK announced it would suspend pro-opposition television stations Halk TV and TELE1 for five days and that the two outlets could lose their broadcast licenses entirely if they received another penalty. RTUK ruled that TELE1 “incited hatred” during two news programs that criticized the country’s Directorate of Religious Affairs (Diyanet) and President Erdogan. RTUK imposed the suspension on Halk TV for criticizing Turkey’s foreign policy. The NGO Committee to Protect Journalists warned, “the two channels were two remaining pro-opposition broadcast outlets in a media landscape that has become predominantly progovernment” and that “their presence is vital for media plurality” in the country. After the broadcasters lost court appeals, RTUK suspended TELE1 and Halk TV broadcasts for five days in September.

Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism (see section 2.a., Freedom of Expression, Including for the Press). According to press reports, convictions for insulting the president increased 13-fold between 2016 and the end of 2019. The law provides that persons who insult

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the president of the republic may 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 media outlets.

Authorities charged citizens, including minors, with insulting the country's leaders and denigrating "Turkishness." Free speech advocates pointed out that, while leaders and deputies from opposition political parties regularly faced multiple insult charges, the government did not apply the law equally and that AKP members and government officials were rarely prosecuted. In March, Engin Ozkoc of the opposition CHP insulted the president using the same phrasing that the president used in reference to Ozkoc. Ozkoc's comments set off a brawl on the floor of the parliament. Erdogan sued Ozkoc for libel and the Prosecutor's Office opened an investigation into Ozkoc's comments.

In September a court sentenced the former cochair of the pro-Kurdish Democratic Regions Party Sebahat Tuncel to 11 months in prison for insulting the president. Tuncel had called Erdogan a misogynist and "an enemy of women and Kurds."

In May police arrested former CHP Izmir province vice chair Banu Ozdemir for her social media posts sharing videos of Izmir mosques playing the song "Bella Ciao" from their speakers after a hacking incident. Ozdemir was arrested on charges of "denigrating religious values" and spent one week in pretrial detention. On December 10, an Izmir court acquitted Ozdemir.

National Security: Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security. Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, filmmakers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization--generally either the PKK or the Gulen movement.

In March an Istanbul court ordered the arrest of seven journalists and editors for their news organizations' reports on the funeral of an alleged MIT official who died in Libya in February. Authorities charged the journalists with exposing the identities of MIT agents and their families. In September an Istanbul court found

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five of the journalists guilty and issued sentences from three to more than four years imprisonment. The court acquitted two of the journalists.

The trial of prominent columnist Ahmet Altan continued, and he remained in prison at year's end. Altan was convicted in 2018 for "attempting to overthrow the constitutional order" relating to allegations he had a role in the 2016 attempted coup; Altan received an aggravated life sentence. In 2019 after the Supreme Court of Appeals overturned the life imprisonment sentence, Altan was convicted for "aiding a terrorist organization" and released on time served. Within days of the release, he was rearrested following the prosecutor's objection. In December the Constitutional Court rejected Altan's application for review of his re-arrest. Rights groups claimed that Altan faced charges in reprisal for his work as a journalists and author.

Authorities also targeted foreign journalists. For example, in March authorities detained a group of journalists, including five foreign journalists along the Turkey-Greece border, for allegedly violating the border zone. All were later released.

Nongovernmental Impact: The PKK used intimidation to limit freedom of speech and other constitutional rights in the southeast. Some journalists, political party representatives, and 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 continued to restrict access to the internet and expanded its blocking of selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence the government monitored private online communications using nontransparent legal authority. The Freedom House report *Freedom on the Net 2020: The Pandemic's Digital Shadow* noted that the government harassed, arrested, and detained journalists, activists, and bloggers for their online activity, especially during the COVID-19 pandemic.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including

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insulting the founder of the Turkish Republic, Mustafa Kemal Atatürk, or insulting the president. The government may also block sites to protect national security and public order. At times authorities blocked some news and information sites that had content criticizing government policies. The law also allows persons who believe a website violated their personal rights to ask the regulatory body to order internet service providers (ISPs) to remove offensive content. Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals perceived as insulting them.

The government-operated Information and Communication Technologies Authority (BTK) is empowered to demand that ISPs remove content or block websites with four hours' notice, as are government ministers. The regulatory body must refer the matter to a judge within 24 hours, 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 in prison or fines ranging from 50,000 to 500,000 lira (\$6,400 to \$64,000) for conviction of failing to comply with a judicial order. The president appoints the BTK president, vice president, and members of the agency.

In July parliament passed a law regulating online social media providers. According to the law, beginning in October social media companies with more than one million users are required to establish legal in-country representation and to store user data in the country. Failure to establish legal representation is subject to escalating penalties, starting with fines of up to 40 million lira (\$5.5 million), a ban on ad placement with the company, and bandwidth restrictions of up to 90 percent. The law also imposes a regulation on content removal, requiring social media companies to respond to content removal requests from individuals within 48 hours and from courts within 24 hours, or face heavy fines. Beginning in June 2021, the law will require social media companies to report and publish on their websites' statistics on content removal. Opponents of the law asserted it was intended to silence dissent and stifle expression online. There were also concerns that social media company representatives may face criminal charges if companies fail to comply with government requests, and advocates have raised significant data privacy concerns about the new requirement to store data in the country. Prior

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to the law, the government required content providers to obtain an operating certificate for the country. In November and December, the BTK imposed fines on several social media companies, including Facebook, Twitter, and Instagram, for noncompliance with the law's in-country legal representation requirements.

The government has authority to restrict internet freedom with limited parliamentary and judicial oversight. 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 judicial system is responsible for informing content providers of ordered blocks.

The government required ISPs, including internet cafes, to use BTK-approved filtering tools that blocked specific content. Additional internet restrictions were in place in government and university buildings. According to the internet freedom NGO EngelliWeb, the government blocked 61,049 domain names during 2019, increasing the total number of blocked sites to 408,494. Of the new domain names that the government blocked, 70 percent were blocked through a BTK decision that did not require judicial approval. According to EngelliWeb reporting, 5,599 news articles were blocked in 2019, and news providers removed 3,528 articles after a block was implemented.

In January the government lifted a ban on Wikipedia following a court ruling in December 2019 that the ban constituted a violation of free expression. The government imposed the ban in 2017 based on “national security concerns.”

According to Twitter's internal transparency report, during the last six months of 2019 the company received 5,195 court orders and other legal requests from authorities to remove content. The country was responsible for 19 percent of Twitter's global legal demands.

Academic Freedom and Cultural Events

During the year the government continued to limit academic freedom, restrict

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freedom of speech in academic institutions, and censor cultural events.

The president appointed rectors to state and foundation-run universities, leading critics to assert that the appointments compromised the academic and political independence of the institutions. Some academics faced charges due to public statements critical of government policy. Academics and others criticized the situation in public universities, asserting that the dismissals of more than 7,000 academics during the 2016-18 state of emergency had depleted many departments and institutions of qualified professional staff to the detriment of students and the quality of education.

In July 2019 the Constitutional Court ruled that the prosecution of nearly 2,000 academics, known as the “Academics for Peace,” was a violation of freedom of expression. The academics had signed a 2016 petition condemning state violence in the southeast and been prosecuted on terrorist propaganda charges. As of September, 622 of the 822 Academics for Peace cases ended in acquittal. Most of the academics acquitted in 2019 had been fired from their positions and had not been reinstated at year’s end.

In April the parliament amended the Higher Education Law. The amendment included specification of grounds for censure and dismissal of academics, including engaging in and supporting “activities that qualify as terror” and insulting a superior. The University Faculty Members Association released a statement that expressed concern the amendment threatens academic freedom.

Some academics and event organizers stated their employers monitored their work 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 criticized court- and Higher Education Board-imposed constraints that limited university autonomy in staffing, teaching, and research policies. In December 2019 the Council of Higher Education temporarily suspended the operating license of Istanbul Sehir University, established by former prime minister Ahmet Davutoglu. In January the council seized the assets of the Science and Art Foundation that managed the university and appointed trustees to its management, citing financial mismanagement and inadequate funds as the reason for the

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intervention. Academic freedom activists claimed that the actions were in retaliation for Davutoglu's establishment of a new opposition party.

Antiterror measures also affected arts and culture. The government banned more than 200 Turkish and Kurdish songs on the grounds their content encouraged persons to smoke or drink or conveyed "terrorist propaganda." Police arrested members of Grup Yorum, a popular folk band collective, in 2016 on terror charges alleging the group's links to terrorist group Revolutionary Peoples Liberation Party-Front and banned them from performing. In April and May, two members of the group, Helin Bolek and Ibrahim Gokcek died as a result of hunger strikes in protest of the group's treatment. Two additional members remained in prison. In August police detained at least 10 persons for attending an unauthorized concert in Istanbul by the group. Authorities arrested at least two persons for attending the unauthorized concert.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one's face while protesting. 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 antiterror law gives governorates enhanced authority to ban protests and public gatherings, a ban some governorates enacted broadly during the year.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, frequently using excessive force and resulting in injuries, detentions, and arrests. At times the government used its authority to detain persons before protests were held on the

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premise they might cause civil disruption. The government generally supported security forces' actions. The HRFT reported that in the first eight months of the year, police intervened in at least 637 demonstrations. As many as 1,364 persons claimed they were beaten and received other inhuman treatment during these police interventions. Neither the government nor human rights groups released statistics regarding the number of demonstrations that proceeded without government intervention. Year-end figures for those injured in clashes with authorities during demonstrations were not available. Human rights NGOs asserted 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.

In July dozens of leaders and members of 29 bar associations participated in a march to Ankara to protest anticipated legal changes to regulations governing bar associations. Police forcibly disrupted the march as they entered the city of Ankara and prevented bar association chairs from participating in a sit-in in front of the parliament. Video footage showed police pushing and jostling the bar association heads.

On March 8, police clashed with demonstrators intending to mark International Women's Day by marching through Istanbul's Taksim Square and Istiklal Avenue. Prior to the scheduled march, the governor of Istanbul announced the areas would be closed for demonstrations and assembly and deployed an extensive police presence to prevent access to the main thoroughfares. Despite the announcement, groups proceeded with the planned march and attempted to enter the area. Police blocked the entrances and dispersed the group using tear gas and riot shields. According to media reports, police detained 32 women during the confrontations. Police did not disperse commemorations and marches hosted by women's groups in the city's Kadikoy neighborhood on the Asian side of Istanbul.

Throughout the year during court hearings of jailed former HDP cochair Demirtas, the Ankara governorate or court security personnel banned gatherings, marches, and sit-in protests outside the court. Authorities generally prohibited domestic and international observers from observing the hearings.

The government continued selectively to ban demonstrations outright if they were

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critical of the government and selectively applied COVID-19 restrictive measures to demonstrations. For instance, the Tekirdag Governor's Office closed entrance to the province citing COVID-19 precautions ahead of the HDP March for Democracy from Edirne to Ankara, scheduled in June to take place during three days. Sit-ins outside HDP buildings in Diyarbakir to demand the return of children allegedly forcibly recruited by the PKK continued for the second year. Pro-Kurdish demonstrations of many kinds faced violent police responses throughout the year.

Istanbul police continued to prevent the vigil of the Saturday Mothers from taking place on Istiklal Street, in July detaining three group members during the commemoration of the vigil's 800th week. Since the 1990s, the Saturday Mothers gathered to commemorate the disappearances of relatives following their detention by security forces in the 1980s and 1990s and to call for accountability.

In January police prevented Melek Cetinkaya, the mother of one of 259 military cadets jailed and sentenced to aggravated life in prison in the aftermath of the July 2016 failed coup, from launching a march for justice from Ankara to Istanbul. Police detained Cetinkaya and 66 family members of other imprisoned cadets who were to join the march. The group planned to walk from Ankara to Silivri Prison in Istanbul, where the cadets are jailed. Police teams took heightened security measures in the city center of Ankara before the group gathered and began detaining marchers as they entered the area. Authorities later released all of the detained protesters. Cetinkaya accused police of excessive force.

Throughout the year the governors of Van, Tunceli, Mus, Hakkari, and several other provinces banned public protests, demonstrations, gatherings of any kind, and the distribution of brochures. The longstanding bans in the southeast of the country have remained in place during the year.

In contrast with previous years, labor unions, labor organizations, and opposition political parties called on citizens to honor Labor Day on May 1 while respecting social distance measures. In particular these groups encouraged supporters to sing songs from balconies, share messages via social media, and explore other activities that respect social distancing requirements during the COVID-19 crisis. Social media showed that many celebrations occurred in isolation across the country. In

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Istanbul and Ankara, police detained and later released at least 45 persons for attempting to march despite a mandatory three-day COVID-related lockdown. Among others, police detained the chair of the Confederation of Progressive Trade Unions (DISK), Arzu Cerkezoglu, as well as 25 other DISK members as they attempted to march to Taksim Square in Istanbul. Prior to the event, DISK claimed to have contacted and informed the Istanbul Governor's Office regarding its plans to organize a march. The office stated that DISK received Istanbul approval to travel by vehicles, not by foot, and blamed DISK for violating social distancing measures and initiating brawls with law enforcement officials.

Freedom of Association

While the law provides for freedom of association, the government continued to restrict this right. The government used provisions of the antiterror law to prevent associations and foundations it had previously closed due to alleged threats to national security from reopening. In its 2019 end-of-year report, the Inquiry Commission on the State of Emergency Measures reported that 208 of the 1,727 associations and foundations closed following the 2016 coup attempt have been allowed to reopen. Observers widely reported the appeals process for institutions seeking redress through the Inquiry Commission on the State of Emergency Measures remained opaque and ineffective (see section 1.e.).

By 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, groups promoting lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights, and women's groups in particular stated the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. For instance, the HRA reported that continued investigations and audits during the last four years have created immense pressure on the organization. In February the government launched a three-week audit of the HRA.

The case against former Amnesty International honorary chair Taner Kilic and 10

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other human rights defenders continued in appeals court. Authorities charged the defendants with “membership in a terrorist organization” or “aiding a terrorist organization without being a member,” largely stemming from attendance at a 2017 workshop, “Protecting Human Rights Advocates--Digital Security,” held on Istanbul’s Buyukada Island. On July 3, an Istanbul court convicted four of the human rights activists on terrorism-related charges. Nearly three years after his arrest, Kilic received a prison sentence of six years and three months for membership in a terrorist organization. The court sentenced former Amnesty International Turkey director Idil Eser, and fellow human rights defenders Gunal Kursun and Ozlem Dalkiran to two years and one month for assisting a terrorist organization. The court acquitted seven other human rights activists including German citizen Peter Steudtner and Swedish citizen Ali Gharavi. The four convicted human rights activists remained free pending appeal; the ban on Kilic’s foreign travel, imposed in 2018, remained in place.

On December 27, the parliament adopted new counterterrorist financing legislation entitled “Preventing Financing of Proliferation of Weapons of Mass Destruction” granting the Ministry of Interior powers to audit, suspend staff and governing board members, and temporarily shut down operations of NGOs. The legislation prompted strong concern among civil society groups. Nearly 700 civil society organizations signed a petition opposing the new law, noting it would expand Ministry of Interior “political tutelage,” severely restrict fundraising, and allow for rapid closure of civil society groups without judicial review.

On July 11, parliament approved a law changing the regulations governing bar associations. The law allows lawyers in provinces with more than 5,000 bar association members to establish new associations after collecting a minimum of 2,000 member signatures. Whereas previous regulations only permitted one bar association per province, the new regulations allow for multiple bar associations in large provinces, paving the way for provincial associations to splinter into many groups, which could dilute the voices of existing organizations. The law also changed delegate representation within the Union of Turkish Bar Associations (UTBA), a governing body of bar associations, reducing the influence of large bar associations from major metropolitan areas. All 80 Turkish bar associations, as well as human rights groups, publicly criticized the law, predicting it would

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undermine judicial independence, divide bar associations along political lines, and diminish the voices of bar associations critical of the government's actions. To date, bar associations in major metropolitan areas have wielded significant political power and influence, particularly in matters of human rights and rule of law. In September a group of Istanbul Bar Association lawyers gathered enough signatures to establish a new association in the city and filed a registration petition with UTBA.

On October 2, the Ministry of Interior issued a circular postponing bar association elections scheduled by law from October to December. The circular cited anti-COVID-19 precautions banning all in-person events held by professional organizations and NGOs. Major bar associations protested the move, alleging the postponement decision was political since a later election timeline would allow newly established bar associations to participate. On October 5, a total of 76 of 80 bar associations issued a statement alleging that the circular violates Turkish law and filed civil suits. Courts dismissed Ankara, Istanbul, and Izmir associations' suits. In December the minister of interior postponed the elections further to March 2021.

Bar association and other civil society organization representatives reported that police sometimes attended organizational meetings and recorded them, which the representatives interpreted as a means of intimidation.

In March the country enacted amendments to the Law on Associations introducing requirements that associations notify local administrative authorities of any changes in membership within 30 days or face penalties. The Council of Europe issued a statement calling the amendments "problematic on both procedural and substantive accounts" and noted they failed to meet requirements under the ECHR.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel,

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emigration, and repatriation, but the government limited these rights. The government continued to restrict foreign travel for some citizens accused of links to the Gulen movement or the failed 2016 coup attempt. In June authorities lifted passport restrictions for 28,075 individuals, in addition to the 57,000 lifted in 2019, although it remained unclear how many more remained unable to travel. Curfews imposed by local authorities in response to counter-PKK operations and the country's military operation in northern Syria also restricted freedom of movement, as did restrictions on interprovincial travel due to COVID-19 precautions.

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. Antiterror laws allow severe restrictions to be imposed on freedom of movement, such as granting governors the power to limit movement on individuals, including entering or leaving provinces, for up to 15 days.

Freedom of movement remained a problem in parts of the east and southeast, where countering PKK activity led authorities to block roads and set up checkpoints, temporarily restricting movement at times. The government instituted special security zones, restricting the access of civilians, and established curfews in parts of several provinces in response to PKK terrorist attacks or activity (see section 1.g., Abuses in Internal Conflict).

The minister of interior and governorates also restricted interprovincial travel between March and May followed by limited restrictions on movement to and from metropolitan municipalities as measures to contain COVID-19. Some governorates, particularly in the northwest and southeast, instituted subsequent bans on movement as anti-COVID-19 measures throughout the year.

Conditional refugees and Syrians under temporary protection also experienced restrictions on their freedom of movement (see section 2.f., Protection of Refugees).

Foreign Travel: The government placed restrictions on foreign travel for tens of thousands of citizens accused of links to the Gulen movement or the failed coup attempt, as well as on their extended family members. Authorities also restricted

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some foreign citizens with dual Turkish citizenship from leaving the country due to alleged terrorism concerns. The government maintained the travel restrictions were necessary to preserve security. Some persons whom the government barred from travel chose to leave the country illegally.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on re-entry into the country if they chose to travel to a third country or return temporarily to Syria. 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.

e. Status and Treatment of Internally Displaced Persons

In October 2019 the country's Peace Spring military operation displaced more than 215,000 residents of villages along the country's border with Syria in areas of Syria affected by the operation. At the time the president announced the country's intention to create a safe zone for the return and resettlement of one to two million Syrian refugees from Turkey. In October the government announced that 414,000 individuals had voluntarily returned to Syria. Approximately one-half of those displaced inside Syria as a result of the operation have returned. More than 100,000 persons remained displaced, however, including tens of thousands of women and children. Turkish officials publicly committed to safe and voluntary refugee returns.

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.

f. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to conditional refugees, returning refugees, stateless persons, and temporary and international protection status holders.

The government took steps during the year to continue services provided to the

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approximately four million refugees, asylum seekers, and migrants in the country, nearly 3.7 million of whom were Syrians. The Directorate General for Migration Management (DGMM) reported that the government apprehended 454,662 “irregular migrants” in 2019. The DGMM reported 201,437 of these apprehensions were of Afghan nationals. The government did not provide official data on the number of “irregular migrants” deported to their countries of origin. Due to border closures caused by the COVID-19 pandemic, the government paused deportations until June 1, and deportations continued at a much lower rate throughout the year. In the first six months of the year, an estimated 34 migrants died due to drowning, traffic accidents, or exposure to the elements.

A 2016 agreement between the government and the EU continued to limit irregular migration from Turkey to Europe. In February, however, the government announced that the borders the country shares with the EU were “open,” prompting more than 50,000 refugees, asylum seekers, and migrants to move to the border areas. Some local officials provided free buses to aid refugees’ mass movement to the border, according to humanitarian organizations and rights groups. Because the borders remained closed on the Greek side, many individuals were stuck in difficult conditions, particularly on the land border with Greece near Pazarkule. Press reports asserted some Turkish border guards aided refugees in charging and dismantling border fences. Unable to cross into Greece and unable to return to their homes in Turkey, hundreds of refugees remained at the border for weeks in an unofficial encampment. On March 1, Istanbul Bar Association representatives visited Pazarkule and reported that a group of approximately 1,000 individuals, including women, children, and elderly, were in the region and experienced poor hygienic conditions, lack of medical services, and basic goods, including, food, clothes, and blankets. The bar association delegation reported that many individuals were injured by tear gas capsules.

After weeks of living in open-air temporary shelters, on March 26, Turkish authorities disbanded the encampment due to concerns regarding the spread of COVID-19. The government reported it transported migrants to dormitories in nearby cities to safely quarantine. On March 4, a man was shot and killed while trying to cross the border from Turkey to Greece amid violent clashes at the Evros border. Some NGOs reported he was shot by Greek security forces, likely by

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accident. On May 12, more than 100 members of the European Parliament addressed a letter to the head of the European Commission, calling for a formal investigation into the death. At least five migrants also drowned in the river near this border area.

Abuse of Migrants, Refugees, and Stateless Persons: Due to strict border control measures as well as intercity travel bans during much of the year due to COVID-19, migration into and through the country was significantly lower than in prior years; however, stricter controls increased the danger for migrants and refugees attempting to travel. For example, an estimated 50-60 migrants died after their boat sank on Lake Van in eastern Turkey. Police arrested the captain of the boat and detained eight others in relation to investigation into the deaths.

The country's borders with Syria and Iraq remained strictly managed, with admissions only for medical, humanitarian, and family reunification cases from the border with Syria since late 2015. Of the 20 border crossing points between Syria and Turkey, five were open for limited humanitarian, commercial, and individual crossings. Since 2017 some provinces along the border with Syria limited registration of asylum seekers to certain exceptional cases only, limiting refugees' ability to obtain access to social services, including education and medical care in these areas, unless they relocate to a city where they are able to register. Large cities such as Istanbul also limited registration.

Incidents of societal violence directed against refugees and persons in refugee-like conditions increased during the year. Following the deaths of several Turkish soldiers in Syria in February, in early March increased societal violence against refugee communities was reported throughout the country, including some beatings and attacks on businesses. In July, in the western province of Bursa, four Turkish men beat to death a 17-year-old Syrian refugee in a market. Police arrested the four, who awaited trial at year's end. Workplace exploitation, child labor, and forced early marriage 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, interpreters, and lawyers.

UNHCR reported there were LGBTI asylum seekers and conditional refugees in

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the country, most coming from Iran. According to human rights groups, these refugees faced discrimination and hostility from both authorities and the local population due to their status as members of the LGBTI community. Commercial sexual exploitation also remained a significant problem in the LGBTI refugee community, particularly for transgender individuals.

Refoulement: Authorities generally offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 UN Refugee Convention, although there were some confirmed cases of refoulement, and tens of thousands of deportations took place during the year. The government continued efforts to deport those it claimed entered the country illegally, before they were granted status-determination interviews by Turkish migration authorities, particularly non-Syrians. Istanbul, along with 14 other provinces, stopped registering asylum seekers in 2018, with the exception of those in a few categories such as newborn children, some specialized medical cases, and family reunification instances. Many asylum seekers reported that in order to find work or be with their families, they either did not register or moved from the city where they had registered, neither of which is allowed under the country's regulations. In May, Amnesty International reported the apparent forcible deportation of six Syrian men to northern Syria, where their lives and freedoms would be at serious risk.

As of November 30, UNHCR intervened in incidents of detention of 1,395 persons of various nationalities that had been brought to its attention. The majority were Syrian nationals (831 persons), Afghans (228 persons) and Iranians (173 persons). Of those known incidents of detention in which UNHCR intervened, three persons reportedly returned, against their will, to their country of origin.

In the incidents of administrative detention, of which UNHCR was made aware, the reasons for detention related to violations of provisions of the Law on Foreigners and International Protection (including but not limited to irregular stay, lack of foreigners' identity card due to not completing the registration procedure, being in another city without authorization, working without a permit, entry ban, and rejection of request for temporary protection) or criminal acts. Authorities continued to apply the legal framework and the procedural safeguards in place for

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persons seeking or in need of international protection.

UNHCR typically intervened in incidents of detention when there were concerns detained individuals were unaware of or unable to access the appropriate administrative processes to raise potential protection concerns. For incidents in which UNHCR intervened where the persons were no longer in the country, it was difficult for UNHCR to reach the individual to confirm or deny claims.

Access to Asylum: The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but it limits rights granted in the 1951 Refugee Convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While non-European asylum seekers were not considered refugees by law, the government granted temporary protection status to nearly four million Syrians while maintaining conditional or subsidiary refugee status and providing international protection for other asylum seekers. Individuals recognized by the government for temporary protection (Syrians) or conditional or subsidiary refugee status (all other non-Europeans, for example, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily until they could obtain third-country resettlement.

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 impose 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 it had intermittent and unpredictable access to detention and removal centers where non-Syrians were detained. UNHCR reported its visits to removal centers where apprehended foreigners were detained indicated the need for improvement in some areas, including access to information and legal aid by detainees as well as improved interpretation services. A 2016 agreement between the EU and Turkey allows some migrants arriving in Greece to be returned to Turkey in particular circumstances. Some observers expressed doubts that all these readmitted persons had access to the asylum procedure and echoed

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UNHCR's concerns.

Freedom of Movement: Authorities assigned Syrians to one of 62 “satellite cities,” where they are expected to receive services from local authorities under the responsibility of provincial governorates. These refugees 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, which the government generally provided. Syrians under temporary protection were also restricted from traveling outside of provinces listed on their registration cards without permission. Syrians and non-Syrians could request permission to travel or to transfer their registration through the DGMM. Certain provinces did not accept travel permission requests or transfer of registration from Syrians under temporary protection. Syrians living in camps required permission from camp authorities to leave the camps.

Employment: The law allows both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they were registered in the province they wish to work in for six months. Most refugees, however, did not have access to regular or skilled work, partly as a result of high unemployment rates for both refugees and Turkish nationals, which increased during the COVID-19 pandemic. In addition applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence the vast majority of both conditional refugees and Syrians under temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions. As of late 2019, only an estimated 132,000 Syrians in the country had formal work permits.

Access to Basic Services: During the year, due to changes to the Law on Foreigners under International Protection, refugees registered under international protection status (approximately 330,000 individuals) for more than one year no longer had access to subsidized medical care (other than emergency care). Individuals meeting certain conditions, such as documented chronic conditions or those older than a specific age, could apply for an exemption to be placed back

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under subsidized care coverage. Previously, the government provided free access to the public medical system to non-Syrian refugees registered until they began receiving international protection. Syrians registered for temporary protection (3.6 million) continued to receive free access to the public health system. The government also expanded access to education for school-age Syrian children, many of whom encountered challenges overcoming the language barrier, meeting transportation or other costs, or both.

As of September the Ministry of National Education reported that 684,919 of the school-age refugee children in the country were in school, a significant increase from prior years. An estimated 400,000 remained out of school. According to UNICEF, since 2017 more than 628,000 refugee children received monthly cash assistance for education through a joint program with UNICEF funded by international donors.

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 situations similar to those of refugees varied widely. NGO staff members reported seeing refugees asked for bribes to receive government services, and individual cases of refugees being refused health-care services.

Durable Solutions: The law does not provide for naturalization 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. The government granted citizenship to some Syrian refugees on a limited basis. As of September authorities had granted approximately 110,000 Syrians citizenship since 2010, according to the Ministry of Interior's General Directorate of Population and Citizenship Affairs.

As of September 30, UNHCR in cooperation with the DGMM, observed spontaneous voluntary returns in 14 provinces of 10,917 Syrians who chose to return to Syria. In April and May, the DGMM suspended voluntary repatriation as

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a result of COVID-19 measures. As of the end of November, authorities referred 6,022 refugees to 14 countries for resettlement, and 3,864 refugees departed the country for resettlement. The main reasons for the decrease in resettlement are due to reduced refugee quotas and the suspension of resettlement departures in March due to the COVID-19 pandemic. As of September, however, resettlement departures resumed.

Temporary Protection: The country adopted a geographically limited understanding of the term “refugee” when it ratified the Refugee Convention and acceded to the Refugee Protocol, recognizing only Europeans as eligible for legal refugee status. In recognition of this gap, the government adopted a temporary protection regulation in 2014. The government continued to offer temporary protection to Syrian refugees who did not qualify as refugees due to the European-origin limitation in the law. According to the Syrian National Coalition and Turkish authorities, at year’s end the country was hosting under this “temporary protection” status nearly 3.6 million Syrian refugees. Authorities required Syrian asylum seekers to register with the DGMM to legalize their temporary stay in the country. In September 2019 the governorate of Bursa announced that the provinces of Antalya, Aydin, Bursa, Canakkale, Duzce, Edirne, Hatay, Istanbul, Izmir, Kirklareli, Kocaeli, Mugla, Sakarya, Tekirdag, and Yalova would limit registration processing to exceptional cases and newborns. The DGMM has not made any official announcement regarding provinces stopping processing of registrations. Syrians who registered with the government were able to receive an identification card, which qualified them for assistance provided through the governorates, including free primary health care.

By the end of 2019, the DGMM had closed all but seven refugee camps, which the government called temporary accommodation centers, in five provinces. As of the end of November, there were 59,077 Syrians in the accommodation centers, a slight decline from the previous year.

Syrians who officially entered the country with passports could receive one-year residence permits upon registration with the government. In 2019 a total of 117,579 Syrians held valid residence permits; official figures for the calendar year

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were not available at year's end.

g. Stateless Persons

The government did not keep figures for stateless persons. The government provided documentation for children born to conditional refugees and Syrians under temporary protection, although statelessness remained an increasing concern for these children, who could receive neither Turkish citizenship nor documentation from their parents' home country. As of December 2019, at least 516,000 babies had been born to Syrian mothers in the country since the beginning of the Syrian conflict in 2011, according to the Ministry of Interior.

Section 3. Freedom to Participate in the Political Process

Although 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 equal competition and placed restrictions on the fundamental freedoms of assembly and expression (see section 2.b., Freedom of Assembly). The government restricted the activities of opposition political parties, leaders, and officials, including through police detention. Several parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016. In July the government removed three convicted parliamentarians from parliament. During the year restrictive government regulations restricted the ability of many among the opposition to conduct political activities, such as organizing protests or political campaign events and sharing critical messages on social media. The government also suspended democratically elected mayors in multiple cities and municipalities in the southeast and in their place assigned state "trustees" when the former were accused of (but not necessarily convicted of) affiliation with terrorist groups. The government most commonly directed these tactics against politicians affiliated with the leftist pro-Kurdish HDP and its partner, the Democratic Regions Party. The government suspended 81 percent of HDP mayors elected in the March 2019 municipal elections, suspending 16 mayors in 2020 alone. Since 2016 the government removed 88 percent of elected HDP officials. Former HDP cochairs Demirtas and Figen Yuksekdag remained in prison (see section 1.e., Political Prisoners and

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Detainees).

Opposition party officials reported difficulty raising campaign donations from individuals and businesses, which reported they feared reprisals from the government. Some company employees seen by their management as supporting opposition parties, especially the HDP, claimed they faced adverse treatment, including termination of employment.

In June, CHP deputy chair Ozgur Ozel reported that police had launched investigations against 95 CHP parliamentarians, the majority for insulting the president. The summary of investigations was sent to the parliament for a decision on lifting immunity.

Elections and Political Participation

Recent Elections: The country held municipal elections in March 2019 for thousands of seats, ranging from local neighborhood council seats to metropolitan mayors. The campaign occurred in a media environment that was heavily biased in favor of the government. Progovernment outlets and ruling party incumbents criticized opposition leaders and candidates by alleging they had links to terrorism.

In April 2019 Council of Europe observers stated the elections were conducted in a technically sound and orderly manner but noted that a genuinely democratic election also needed a political environment with genuine freedom of expression, media freedom and equal access to all parties, and a fair and reasonable legal framework overseen by a robust judiciary.

After the Supreme Electoral Council (YSK) initially declared opposition candidate Ekrem Imamoglu the winner of the March mayoral race in Istanbul, the YSK then ordered a rerun of the race in response to ruling party claims of election irregularities. The rerun decision attracted criticism from the European Commission, the Council of Europe, and many others, who asserted the YSK made the decision in a highly politicized context and under pressure from the presidency. In June 2019 Imamoglu won the election rerun and assumed office. In May the Istanbul Metropolitan Municipality reported that the Ministry of Interior had launched 27 separate investigations into allegations of impropriety in zoning and tenders under Imamoglu's term as mayor of Istanbul's Beylikduzu District from

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2014 to 2019. Imamoglu's supporters alleged the investigations were political in nature.

The municipal campaigns and elections occurred in an environment with restricted basic rights and freedoms, including those of assembly and speech. While most candidates were generally able to campaign ahead of the elections, government officials threatened multiple candidates and party leaders with criminal charges. For example, a prosecutor revived a resolved legal case against the opposition candidate for Ankara mayor, Mansur Yavas; and President Erdogan publicly raised doubts regarding the Yavas's ability to fulfill his term should he be elected mayor because of the pending case. In September the court acquitted Yavas. The YSK unseated some winners of the 2019 municipal elections, including six winning HDP mayors, by finding them ineligible to serve after it had initially cleared their eligibility for candidacy.

All parties alleged irregularities in the voter lists, which they complained included "ghost voters" (one "ghost" registrant was older than age 130) or legally deceased individuals, and suspicious residency claims.

Media coverage overwhelmingly favored the candidates of the ruling party and those of its coalition and election ally, the Nationalist Movement Party. For example, according to a member of the national broadcasting regulator during the 57-day period prior to the elections, state-run TRT devoted 150 hours of coverage to the AKP, 50 hours to the CHP, and three hours to the HDP. Many opposition parties relied instead on social media to connect with supporters.

The pre-election period saw several attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. In April 2019 a crowd assaulted CHP chair Kemal Kilicdaroglu during the funeral ceremony for a soldier killed by the PKK. The attack followed statements by President Erdogan and the chair of other government officials AKP's parliamentary all alliance partner Nationalist Movement Party (MHP) accusing the CHP of sympathizing and collaborating with "PKK terrorists" during the municipal election campaigns due to their affiliation

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with the HDP. Police continued an investigation into the incident.

In 2018 the country held early parliamentary and presidential elections that had been originally scheduled for late 2019. The elections completed a constitutional amendment process that began with the 2017 national referendum, the passing of which initiated the country's official transition from a parliamentary system to a presidential one. The campaign and election both occurred under a state of emergency that had been in place since 2016 and that granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. While most candidates generally were able to campaign ahead of the elections, the HDP's candidate remained in prison during the campaign and the candidate for the IYI (Good) Party faced a de facto media embargo. Despite the ability to campaign, the observation mission of the Organization for Security and Cooperation in Europe (OSCE) noted the elections were held in an environment heavily tilted in favor of the president and the ruling party, noting, "The incumbent president and his party enjoyed a notable advantage in the campaign, which was also reflected in excessive coverage by public and government-affiliated private media."

Media coverage of the 2018 parliamentary and presidential candidates similarly overwhelmingly favored the president and ruling party. For example, according to a member of the Radio and Television Supreme Council, between May 14 and May 30, TRT broadcast 67 hours of coverage on President Erdogan, seven hours on CHP candidate Muharrem Ince, 12 minutes on IYI candidate Meral Aksener, eight minutes on Felicity Party candidate Temel Karamanoglu, and no coverage of HDP candidate Selahattin Demirtas. Many opposition parties relied instead on social media to connect with supporters.

The period between the April 2018 announcement of early elections and the vote in March 2019 saw a number of attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Violence most commonly targeted the HDP and its campaigners. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. A number of opposition candidates for parliament continued to face legal charges in connection with such claims, and the HDP's presidential candidate, Demirtas, was in prison during the campaign. The OSCE

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noted that key amendments were adopted within months of the early elections, without consultation, and were perceived as favoring the ruling party.

There were allegations of electoral irregularities primarily in the East, which some tied to unanticipated levels of success for the AKP and associated parties, in an area historically dominated by opposition parties.

Political Parties and Political Participation: In parliament 11 political parties had seats, and others were able to participate in elections. Some parties enjoyed greater advantages than others. Media influence favored the ruling party and its alliance partner, the MHP. Representatives expressing views critical of the government or President Erdogan have faced criminal or civil charges. HDP representatives faced significant legal challenges to their ability to campaign, express opinions, and retain their mandate. The government used opposition leaders' social media postings to file criminal and civil complaints against them, alleging the defendants insulted the president and spread terrorist propaganda.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process. Some individuals advocating for political rights or associated with the HDP, however, experienced increased government pressure or were accused of ties to the PKK. According to the Association to Support Women Candidates, the number of women participating in the 2019 municipal elections as candidates at the mayoral, district mayoral, and metropolitan city levels was between 7.5 percent and 8.5 percent. For example, 652 of 8,257 (7.9 percent) mayoral candidates in the 2019 elections were women. Of 1,389 newly elected mayors at the district level or higher, 37 were women. The number of women in the judiciary also remained disproportionately low. As of year's end, there were 101 women in the 600-member parliament. The greatest number of elected female mayors were in the southeast and ran on leftist and pro-Kurdish party tickets.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in

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corrupt practices with impunity. Parliament charges the Court of Accounts, the country's supreme audit institution, with accountability related to revenues and expenditures of government departments. Outside this audit system, there was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases. According to the Transparency International *2019 Corruption Perceptions Index* report, the public procurement system has consistently declined in transparency and competitiveness, with exceptions to the Public Procurement Law widely applied. The open tender rate, which was 75 percent in 2004, had fallen to 63 percent in the first six months of 2019. The total proportion of tenders conducted within the scope of negotiated tendering and exceptions increased from 10 percent to 32 percent between 2004 and 2019. The Transparency International *Exporting Corruption 2020* report found that the country did not have sufficient legal mechanisms and enforcement systems against foreign bribery.

During the year the government continued prosecutions against law enforcement officers, judges, and prosecutors who initiated corruption-related investigations or cases against government officials, alleging the defendants did so at the behest of the Gulen movement. Journalists accused of publicizing the corruption allegations also faced criminal charges.

In October 2019 the Constitutional Court overturned a broadcast and publication ban on 2013 reports regarding corruption involving former ministers (four resigned at the time). As of year's end, RTUK had yet to remove the ban on the reports, despite the court's ruling.

Courts and the Radio Television Supreme Council (RTUK) regularly blocked access to press reports regarding corruption allegations. In an October social media post, RTUK threatened taking legal action against media coverage of a Court of Accounts audit report that found that RTUK employees inflated salary payments and travel expenses in 2019.

Corruption: Press covered allegations that former administrators of the parliamentary Staff and Pensioners Savings and Aid Fund misappropriated seven million lira (approximately \$886,000) between 2018 and 2019. In August the

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Parliamentary Disciplinary Board reprimanded the former board chairman and removed other staff from civil servant duties.

Press also widely covered an August limited tender for a railway line, alleging that a company associated with the ruling AKP, Kalyon Group, won the tender and received a significant tax exemption in a nontransparent fashion. Commentators observed that, based on public procurement law, the tender should have been open to all companies, not a select few, since no emergency existed to justify a limited tender process.

In June the CHP filed a criminal complaint against the former mayor of Serik in Antalya province alleging that he accepted a 500,000-lira bribe (\$63,300) from tourism industry businessmen. Authorities had not launched an investigation at year's end. Press first covered the bribery report allegations after the existing AKP mayor of Serik stated he learned that his MHP predecessor accepted a bribe in a meeting with the foreign minister and minister of tourism, but no investigation was launched.

In August 2019 the Istanbul General Prosecutor's Office opened a case against three journalists from the newspaper *Diken* and the general manager of the online newspaper *T24*, both independent media outlets, for "aiding a terrorist organization" in relation to their reporting based on tweets by an anonymous Twitter account (Fuat Avni) in 2014-15. The Twitter account alleged corruption in the ruling AKP. In July courts acquitted the *T24* journalists and in September the *Diken* journalists.

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 Presidency State Inspection Board is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. Parliament, with the support of a simple majority, may establish investigative commissions to examine corruption allegations concerning the president, vice president(s), and ministers. The mechanism was not used during the year. A parliamentary super majority (400 deputies) may vote to send

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corruption-related cases to the Constitutional Court for further action.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A limited number of domestic and international human rights groups operated throughout the country, although many faced continued pressure from the government during the year. Some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations. 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 abuses occasionally faced detention, prosecution, intimidation, and harassment, and their organizations faced closure orders for their activities. For example, in December 2019 the Ministry of the Interior closed and fined the Hatay-based women's NGO Purple Association for Women's Solidarity for establishing an unauthorized workplace and conducting unauthorized training. In July after seven months of closure, the association reopened. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

The HRA reported that its members have collectively faced a total of more than 5,000 legal cases since the group's establishment and more than 300 legal cases continuing at year's end. These cases were mostly related to terror and insult charges. The HRA also reported that executives of their provincial branches were in prison. Others faced continued threats of police detention and arrest. For example, police detained HRA's Istanbul branch president, Gulseren Yoleri, in February as part of an investigation into her 2019 remarks denouncing the country's military intervention in Syria. In June prosecutors launched a new antiterrorism investigation into human rights lawyer and HRA cochair Eren Keskin. The same month, Keskin's home was broken into. The HRA assessed the break-in was meant to intimidate Keskin since nothing was stolen. Keskin has faced 143 separate lawsuits and stood trial in several cases against 23 journalists of

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the daily newspaper *Ozgur Gundem* closed after the 2016 coup attempt. Keskin was sentenced to seven-and-a-half years in prison for insulting the president and state institutions in 2018 and to three-and-a-half years on terrorism charges in 2019 for her work on the paper where she was editor in chief. Keskin was free pending appeal at year's end.

The harassment, detention, and arrest of many leaders and members of human rights organizations resulted in some organizations closing offices and curtailing activities and some human rights defenders self-censoring.

Some international and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty renewing their official registrations with the government, obtaining program approvals, and obtaining residency permits for their staff. Some noted the government's documentation requirements were unclear.

The country participated in the UN Human Rights Council's Universal Periodic Review process, which concluded in September.

Government Human Rights Bodies: The Ombudsman Institution and the National Human Rights and Equality Institution (NHREI) serve as the government's human rights monitoring bodies. The Ombudsman Institution operated under parliament as a complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under the 2016-18 state of emergency decrees do not fall within its purview. The Ombudsman Institution's mandate extends only to complaints relating to public administration. NHREI reviews cases outside of the Ombudsman Institution's mandate.

Independent observers assess that both of the institutions were not financially or operationally independent and did not comply with international human rights standards as prescribed by UN conventions and other international agreements.

In 2019 the NHREI received 1,083 complaints and found violations in four cases. Of these, 273 related to torture and inhuman treatment, 243 were prison transfer requests, 193 related to health, 125 related to prison administration, and 45 to

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overall prison conditions.

The Ombudsman Institution received 20,968 applications for assistance in 2019, the majority of which dealt with public personnel issues. Of those 13 percent were resolved through amicable settlement.

The Inquiry Commission on the State of Emergency Measures was established in 2017 to review cases and appeals related to purges and closures during the state of emergency (see section 1.e., Civil Judicial Procedures and Remedies).

The Ministry of Justice's Human Rights Department served as the ministry's lead entity on human rights issues, coordinating its work with the ministry's Victims' Rights Department. It is responsible for developing the national *Human Rights Action Plan*, the latest version of which was published in December 2019. Human rights groups consulted with the Ministry of Justice in the development process and noted that many provisions in the plan were not consistent with international human rights standards. Human rights groups noted the plan had not been enforced during the year.

Parliament's Human Rights Commission functioned as a national monitoring mechanism. Commission members maintained dialogue with NGOs on human rights issues and conducted some prison visits, although activists claimed the commission's ability to influence government action was limited.

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

Women

Rape and Domestic Violence: The government and independent monitoring groups reported with concern that rates of violence against women remained high although the number of femicides decreased slightly from 2019. The We Will Stop Femicide Platform, an NGO dedicated to monitoring violence against women since 2008, reported a record 421 femicides in 2019. The NGO estimated that men killed at least 407 women during the year. Between April 15 and May 19, the Ministry of Family, Labor, and Social Services received a record 2,506 complaints

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of domestic violence following the release of 90,000 convicts from prisons as part of the country's COVID-19 countermeasures.

The law criminalizes violence against women and sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for conviction of attempted sexual violation and at least 12 years' imprisonment for conviction of rape or sexual violation. The government did not effectively or fully enforce these laws or protect victims. In one example in July, authorities found the body of Pinar Gultekin, a university student who had been missing for five days. Police alleged that a former boyfriend strangled her after an argument and placed her body in a barrel, which was then burned and filled with concrete. In October police apprehended and arrested the suspect. The brutal crime generated extensive negative media and social media coverage and led to protests in several cities. On July 22, the president issued a tweet that condemned the crime and violence against women and promised that the killer would receive the maximum punishment.

In April, Muslum Aslan beat his 11-year-old daughter to death only days after being released from prison. Authorities released Aslan, who had been arrested for stabbing his wife in the neck with scissors and had a history of abusing his children, during the COVID-19 amnesty after he had served only five months of his sentence. Police re-arrested Aslan, and he committed suicide in prison in May.

The law covers all women 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 mandates 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 violence prevention and monitoring centers to offer economic, psychological, legal, and social assistance. There were 81 violence prevention centers throughout the country, one in each province. There were 145 women's shelters nationwide with capacity for 3,482 persons. As of July, 42,396 individuals, including 26,347 women and 16,049 children received services from women's shelters. Women's rights advocates asserted there were not enough shelters to meet the demand for assistance and that shelter staff did not

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provide adequate care and services, particularly in the southeast. Some NGOs noted shelters in multiple southeastern provinces closed during the 2016-18 state of emergency and COVID-19 lockdowns and that others faced difficulty following the removal of elected mayors and appointment of government trustees, some of whom cut funding and ended partnerships with the local NGOs. Lack of services was more acute for elderly women and LGBTI women as well as for women with older children. The government operated a nationwide domestic violence hotline and web application called the Women Emergency Assistance Notification System (KADES). In November the Ministry of Interior stated that since its inception in 2018, the KADES app has received more than 48,686 reports and that authorities had responded to each, but it did not specify types of response. NGOs asserted the quality of services provided in calls was inadequate for victims of domestic violence and that women were at times directed to mediation centers or told to reconcile with their husbands.

Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Pandemic lockdowns for COVID-19 during the year coincided with increased reports of domestic violence. Spousal rape is a criminal offense, and the law also provides criminal penalties for conviction of crimes such as assault, deprivation of liberty, or threats. Despite these measures, killings and other forms of violence against women continued.

The government sparked controversy across the political spectrum during the summer when some senior members of the ruling AKP called for the country's withdrawal from the Istanbul Convention, a Council of Europe convention on preventing and combating violence against women and domestic violence, which the country ratified in 2012. Critics of the convention alleged its commitment to equal implementation without discrimination based on "sexual orientation" or "gender identity" violated Turkish values and that the convention damaged family structures. The calls for withdrawal generated a significant domestic backlash, including from within the ruling party, and women's rights groups organized in support of the convention. In July and August, protests against withdrawal and for improved government response in combatting violence against women took place nationwide regularly. Some protests resulted in scuffles between police and protesters. Police detained demonstrators at several of the protests, including those

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in Ankara and Istanbul in August. At the end of the year, the government had not taken any steps to withdraw from the convention.

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

In June, Sevtap Sahin was killed by her husband in Ankara. According to her family, Sahin had filed 60 domestic violence and restraining order violations complaints with police prior to her murder. In October, Istanbul resident Gul Gulum was killed by her husband, against whom she had obtained a restraining order. In both cases police arrested the husbands following the killings.

Courts in some cases gave reduced sentences to 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.

For example, in July the Court of Cassation reduced the sentence for Lutfu Sefa Berberoglu, convicted of murdering his wife in 2013 after seeing her in a car with two men, from life imprisonment for murder to 15 years' imprisonment. The court cited unjust provocation and lack of spousal loyalty as reasons for the reversal.

Other Harmful Traditional Practices: Human rights activists and academics reported the practice of "honor killings" of women continued across the country. The prevalence of killings was most severe in the southeast.

Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that courts often reduced actual sentences 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.

Sexual Harassment: The law provides for up to five years' imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer; however, women's rights activists reported that authorities rarely enforced these laws. For example, in October a man previously sentenced to eight years in

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prison for sexually harassing a teacher, but never arrested since an appeals court did not confirm the verdict, shot a woman who rejected his proposal of marriage.

Gender equality organizations indicated that incidents of verbal harassment and physical intimidation of women in public occurred with regularity and cited as the cause a permissive social environment in which harassers were emboldened.

Some women's rights NGOs asserted that weak legal enforcement of laws to protect women and light sentencing of violent perpetrators of crimes against women contributed to a climate of permissiveness for potential offenders.

According to Ministry of Justice statistics, there were 15,842 sexual harassment cases in 2019. Courts ruled for acquittal in 17 percent of cases, in 40 percent of cases the perpetrator was found guilty and sentenced, and in 25 percent of cases, courts suspended the sentence through a verdict postponement judgement. The high rate of verdict postponement contributed to perceptions of impunity for sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health, and most had access to the information and means to do so, free from discrimination, coercion, or violence. Cultural barriers to access of contraception exist in religiously conservative communities. According to a 2017 UN World Family Planning report, 6 percent of women between 15 and 49 years of age reported an unmet need for family planning methods. Access to family planning methods and information on managing reproductive health was more difficult for many of the four million refugees in the country. During the year the Reproductive Health Journal published a review on the sexual and reproductive health of Syrian refugee women that stated the rate of postnatal care was inadequate. The review reported a 24-percent rate of modern contraceptive method use among all age groups of Syrian girls and women, with estimated rates of unmet family planning needs at 35 percent and only 20 percent of Syrian women having regular gynecological examinations.

The government provided access to sexual and reproductive health services for

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survivors of sexual violence.

Coercion in Population Control: There were no reports of coerced abortion or forced sterilization on the part of government authorities.

Discrimination: Women enjoy the same rights as men by law, but societal and official discrimination were widespread. Women faced discrimination in employment.

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 employers for several months for any female employee older than 18. Laws introduced as a gender justice initiative provided for maternity leave, breastfeeding time during work hours, flexibility in work hours, and required childcare by large employers. Rights organizations contended, however, that these changes in the legal framework discouraged employers from hiring women and negatively affected their promotion potential.

Children

Birth Registration: There was 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 convey citizenship to a child. In special cases in which a child born in the country may not receive citizenship from any other country due to the status of his or her parents, the child is legally entitled to receive citizenship.

Education: Human rights NGOs and others expressed concern that despite the law on compulsory education and the progress made by the nationwide literacy campaign launched in 2018, some families were able to keep female students home, particularly in religiously conservative rural areas, where girls often dropped out of school after completing their mandatory primary education. The reliance on online education platforms during COVID-19 lockdowns negatively affected both boys and girls from socioeconomically disadvantaged families lacking internet access and further exacerbated learning inequalities. In March an evaluation by the think tank Education Reform Initiative following the first two weeks of distance learning noted heavy workloads for teachers, low motivation of

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children, and lack of access to distance learning of many students. Education organizations reported similar issues following the start of the school year in September. In November the education union Egitim Sen estimated that four million children did not have access to remote education. According to the Turkish Statistical Institute 2019 data, 96 percent of men and 86 percent of women attained primary education and 49 percent of men and 36 percent of women attained secondary education.

The Organization for Economic Cooperation and Development, in its *Education at a Glance 2019* report, stated the number of young adults who attained a postsecondary education had doubled in the last decade, although it noted that nearly half of them did not complete upper secondary education.

Child Abuse: Child abuse was a problem. The law authorizes police and local officials to grant various levels of protection and support services to victims of violence or to those at risk of violence. Nevertheless, children's rights advocates reported failed implementation. The law 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.

By law if the victim of abuse is between ages 12 and 18, molestation results in a sentence of three to eight-year prison sentence, sexual abuse in a sentence of 8 to 15 years' imprisonment, and rape in a sentence of at least 16 years' imprisonment. If the victim is younger than 12, conviction of molestation results in a minimum sentence of five years' imprisonment, conviction of sexual abuse a minimum of 10 years' imprisonment, and conviction of rape a minimum of 18 years' imprisonment.

Government authorities increased attention on the problem of child abuse. According to Ministry of Justice statistics, courts opened 28,360 legal cases related to child sexual abuse and imposed 15,651 imprisonment sentences for child sexual abuse in the country in 2019. Child rights experts reported that the increased attention on the problem had led to greater awareness and reporting. While some activists stated that sexual abuse of children spiked during COVID-19 quarantines in May, the Istanbul, Izmir, Diyarbakir and Gaziantep Bar Associations reported that during the COVID-19 lockdowns, requests for legal representation for child

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abuse survivors dropped significantly. The bar associations cautioned that the drop may indicate an underreporting of child abuse cases and increased barriers to survivors' accessing legal counseling.

Official statistics on child abuse and maltreatment have been unavailable since 2017, when the government stopped releasing data on the issue. According to Ministry of Justice statistics, 16,348 child sex abuse cases were filed in 2017.

Child, Early, and Forced Marriage: The law defines 18 as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. The law acknowledges civil and religious marriages, but the latter were not always registered with the state.

NGOs reported children as young as 12 married in unofficial religious ceremonies, particularly in poor and rural regions and among the Syrian community in the country. According to Ezgi Yaman, the secretary general of the NGO End Child Prostitution and Trafficking (ECPAT), the number of Syrian refugee families who married off their underage daughters to Turkish men as an “economic coping mechanism” increased in the wake of the COVID-19 pandemic. Statistics were unavailable because the marriages often took place unofficially. The government's *2018 Demographic and Health Survey* showed that 12 percent of Syrian girls in the country married before age 15, and 38 percent married before age 18. Early and forced marriage was particularly prevalent in the southeast, and women's rights activists reported the problem remained serious. According to the Turkish Statistical Institute, in 2019, 5 percent of women between ages of 20 and 24 married before age 18. Local NGOs worked to educate and raise awareness among individuals in the Turkish and Syrian populations in major southeast provinces.

Women's rights groups stated that forced marriages and bride kidnapping persisted, particularly in rural areas, although it was not as widespread as in previous years.

Sexual Exploitation of Children: The constitution requires the state to take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. The penalty for conviction of encouraging or facilitating child prostitution is up to

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10 years' imprisonment; if violence or pressure is involved, a judge may double the sentence. The government did not publish data on rates of sexual exploitation of children.

NGOs like ECPAT noted that young Syrian female refugees were particularly vulnerable to being exploited by criminal organizations and pressured into sex work, and this practice was particularly prevalent among adolescent girls.

The age of consent for sex is 18. The law prohibits producing or disseminating child pornography and stipulates a prison sentence of up to two years as well as a fine for violations. The law provides prison sentences of up to five years for incest.

Displaced Children: Many women's and migrant rights NGOs reported that displaced children, mostly Syrian, remained vulnerable to economic and sexual abuse.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the Chief Rabbinate in Istanbul, approximately 16,000 Jews lived in the country. Some members of the community continued to emigrate or seek to obtain citizenship in a second country, in part due to concerns regarding anti-Semitism.

Jewish citizens expressed concern regarding anti-Semitism and security threats. Anti-Semitic rhetoric continued in print media and on social media throughout the year and included conspiracy theories blaming Jews and Israel for the spread of COVID-19. In March mainstream television channel A Haber featured an interview regarding the spread of COVID-19 where both the program guest and anchorman claimed that Israel intentionally spread the virus. Also in March a video showing bus passengers in Istanbul blaming Jews for COVID-19 circulated

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widely on social media. The same month unelected politician Fatih Erbakan stated in an interview that Zionists might be behind the pandemic.

In September the progovernment daily newspaper *Sabah* published an opinion piece criticizing the agreements on normalization of relations between Israel, the United Arab Emirates, and Bahrain that included several anti-Semitic tropes.

According to a Hrant Dink Foundation report on hate speech, in 2019 there were 676 published instances of anti-Jewish rhetoric in the press depicting Jews as violent, conspiratorial, and enemies of the country.

To combat anti-Semitism, the government continued to commemorate International Holocaust Remembrance Day in January, holding an event at Ankara University with participation of the minister of culture, Ministry of Foreign Affairs representatives, and members of the Jewish community. In February the government for the fifth year in a row commemorated the nearly 800 Jewish refugees who died aboard the Struma, a ship that sank off the coast of Istanbul in 1942. The governor of Istanbul, Chief Rabbi Haleva, other members of the Jewish community, and members of the diplomatic community attended the commemoration. As in 2019 President Erdogan issued public messages in celebration of the Jewish holidays of Passover, Rosh Hashanah, and Hanukkah.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but 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 president declared 2020 the “year of accessibility,” with particular focus on mass transit and

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building entrances. The government, however, made limited progress implementing the law, and access in many cities remained restricted.

The COVID-19 pandemic exacerbated service accessibility problems for individuals with disabilities. In a September survey conducted by the Women with Disabilities Association, respondents identified lack of access to physical therapy; lack of access to medicine; closure of rehabilitation centers; and an increase in anxiety as major issues related to the pandemic.

The Ministry of Family, Labor, and Social Services is responsible for protecting persons with disabilities. The ministry maintained social service centers assisting marginalized individuals, including persons with disabilities. The majority of children with disabilities were enrolled in mainstream public schools; others attended special education centers.

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, a situation aggravated by distance learning implemented as a COVID-19 precaution. NGOs reported that public distance education programs created to enable distance learning under COVID-19 did not provide sign interpretation or subtitles for hearing impaired students. According to a March report by the Ministry of Family, Labor, and Social Services, during the 2018 school year (the latest for which data is available), 398,815 students with disabilities were in school, with 295,697 studying in regular schools and the remainder in either state-run or privately owned special education schools or classes. There were more than 14,000 teachers working in special education schools. A Ministry of Family, Labor, and Social Services program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children.

On December 3, the minister of family, labor, and social services announced the total number of persons with disabilities employed in the public sector was 57,000. The private sector employed around 118,000 of the two million citizens with disabilities qualified for work. An employment quota requires private-sector

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companies with more than 50 employees to include in their workforce at least 3 percent employees with disabilities. The public-sector quota is 4 percent. There was no information available on the implementation of fines for accountability.

Members of National/Racial/Ethnic Minority Groups

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 Apostolic Christians, Jews, and Greek Orthodox Christians. Other national, religious, or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to exercise their linguistic, religious, and cultural rights fully.

More than 15 million citizens were estimated to be of Kurdish origin and spoke Kurdish dialects. Security force efforts against the PKK disproportionately affected Kurdish communities in rural areas throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with government security operations aimed at clearing areas of PKK terrorists (see section 1.g.).

Kurdish and pro-Kurdish civil society organizations and political parties continued to experience problems exercising freedoms of assembly and association (see section 2.b.). Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017 after the coup attempt remained shut.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally use in their daily lives, on the condition that schools are subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish-language courses, and four universities had Kurdish-language departments, although several instructors in these departments were among the thousands of university personnel fired under official decrees, leaving the programs unstaffed. In July the Ministry of Education also banned students from writing theses and dissertations in Kurdish, affecting students studying in Kurdish-language departments.

The law allows reinstatement of former non-Turkish names of villages and

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neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language; however, this right was not protected.

The law restricts the use of languages other than Turkish in government and public services. In March a trustee mayor of Batman province, appointed by the government after the arrest of elected HDP mayors on terrorism charges, removed Kurdish-language information from the municipality website and replaced bilingual pedestrian crossing signs. Batman Province's population is more than 80 percent Kurdish, and the information removed included guidance on the city and the national government's COVID-19 preparations. This raised some health concerns, as elderly Kurdish citizens in the southeast are less likely to speak Turkish. All tweets on the official Batman municipality Twitter feed, shared in both Turkish and Kurdish in an attempt to reach the community's sizeable Kurdish-speaking population, were also deleted, including information on assistance to needy residents and efforts to mitigate economic concerns caused by COVID-19.

In May assailants stabbed and killed Baris Cakan in Ankara, allegedly because he was listening to Kurdish music in his car during the call to prayer. Police detained and later arrested three suspects for the killing.

On International Mother Language Day, February 21, members of parliament from the opposition CHP and HDP parties submitted questions to government officials in the Arabic, Zazaki, Kurmanchi, and Syriac languages. The parliament's speaker's office accepted only the Turkish-language submissions.

In October, Istanbul authorities banned a theater company for putting on a Kurdish-language adaptation of the Italian play *Trumpets and Raspberries* at an Istanbul municipal theater. Company members reported the theater was under police surveillance during stage preparations. The governor of Istanbul, Ali Yerlikaya, wrote on Twitter that authorities banned the play because it contained pro-PKK propaganda and that an investigation had been opened. In November the governor of Sanliurfa province also banned the play.

Although the government officially allows the use of Kurdish in private education

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and in public discourse, it did not extend permission for Kurdish-language instruction to public education.

Romani communities reported being subjected to disproportionate police violence and housing loss due to urban transformation projects that extended into their traditional areas of residence. Members of the Romani community also reported problems with access to education, housing, health care, and employment. Roma reported difficulty in utilizing government offers to subsidize rent on apartments due to discriminatory rental practices. In June municipality workers tore down 60 tents housing approximately 300 Roma in Cesme, Izmir. The Izmir Bar Association, which visited the site, reported that Romani families were left in destitute conditions. According to community representatives, the municipality promised to deliver trailers to replace the tents but failed to do so. Due to COVID-19 restrictions, community representatives reported that Romani children living in tent cities did not have access to education. Community representatives indicated that 96 percent of Roma were unemployed, although many had jobs in the informal economy.

The government adopted a national Romani strategy in 2016 but underfunded the initiative. Romani advocates complained there was little concrete advancement for Roma. They also reported that Romani communities were particularly hard hit by the COVID-19 pandemic and that the national government did little to provide economic assistance to the communities, particularly since most Roma worked in the informal economy as garbage collectors, flower vendors, and musicians who perform at restaurants or social events. With the imposition of restrictions aimed at slowing the spread of COVID-19 by enforcing social distancing precautions, many Roma found themselves cut off from their livelihoods and without access to the social safety net available to those who could apply for unemployment benefits.

In a statement marking International Romani Day on April 8, a group of 48 Romani organizations in the country asserted that continuing “deep discrimination and serious obstacles” prevented Roma from accessing services during the pandemic. Although national efforts largely missed the Romani community, some municipalities, notably Izmir, worked with Romani advocacy groups and made

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special efforts to deliver aid including food parcels, masks, and hygiene supplies.

Armenian minority groups reported a rise in hate speech and coded language directed against the Armenian community, including from high-level government officials. In a speech on May 4, President Erdogan stated, “We will not give in to terrorists, who are the leftovers of the sword.” Armenian groups noted “leftovers of the sword” is a term that had been used to indicate those who survived the mass deportation and massacre of Armenians in the final years of the Ottoman Empire.

On May 29, the widow of ethnic Armenian journalist Hrant Dink, who was murdered in 2007, and a Hrant Dink Foundation lawyer received death threats by email urging them to leave the country. Turkish police arrested two suspects in the case who were released from detention on September 21, pending trial.

After the outbreak of hostilities between Armenia and Azerbaijan on September 27, members of the Armenian minority reported increased anti-Armenian rhetoric, including in traditional and social media. Supporters of Azerbaijan staged car convoys featuring Azerbaijani flags in Istanbul near the Armenian Patriarchate and in districts with large Armenian populations. The Hrant Dink Foundation recorded a threefold increase in hate speech targeting Armenians in the week of September 27-October 5, citing more than 1,000 news reports and commentary featuring anti-Armenian language meeting the organization’s criteria for hate speech. On October 5, HDP MP and ethnic Armenian Turk Garo Paylan stated he had been threatened and noted that a progovernment think tank had placed newspaper ads calling him a spy for supporting Armenia. Government officials strongly condemned intimidation of ethnic Armenians and committed to protect the minority. Police increased presence in Istanbul neighborhoods with significant ethnic Armenian populations.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

During the year LGBTI individuals experienced discrimination, intimidation, and violent crimes. Human rights groups reported that police and prosecutors frequently failed to pursue cases of violence against LGBTI persons or accepted justification for perpetrators’ actions. Police rarely arrested suspects or held them

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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. Judges routinely applied the law to reduce the sentences of persons who killed LGBTI individuals. Courts of appeal previously upheld these verdicts based in part on the “immoral nature” of the victim. LGBTI advocates reported that police detained transgender individuals engaged in sex work to extract payoffs and that courts and prosecutors created an environment of impunity for attacks on transgender persons involved in sex work.

In June the LGBTI advocacy organization Kaos Gay and Lesbian Cultural Research and Solidarity Association (KAOS-GL) released information regarding 150 self-reported attacks on LGBTI individuals in 2019. The number of reports collected via an online survey increased from 62 the previous year. According to available data, 129 attacks took place in public space, and 41 included multiple attackers. In one-half of the incidents, bystanders did not get involved, and in one-quarter, onlookers sided with the attackers. Only 26 attacks were reported to police, reportedly due to victims’ lack of confidence in effective action and fears of discrimination by police.

In July the Mersin-based LGBTI-rights NGO 7 Color Association, as part of its yearly report on LGBTI human rights abuses in the southeast, indicated that public servants perpetrated 30 percent of the 132 hate speech and discriminatory incidents against LGBTI individuals reported in the cities of Adana, Mersin, Hatay, Antep, and Antalya.

In April a transgender woman, Ajda Ender, reported she was forced to flee her residence because of death threats and physical assaults from her neighbors. Ender reported that police refused to accept her complaint and used transphobic speech when she applied for help. Ender fled to a friend’s apartment where neighbors also reacted with transphobic threats.

While the law does not explicitly criminalize LGBTI status or conduct, provisions of law concerning “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” sometimes served as a basis for abuse by police

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and discrimination by employers.

Numerous LGBTI organizations reported a continued sense of vulnerability as restrictions on their freedom of speech, assembly, and association continued. LGBTI advocates also described a “frightening” rise in hate speech of a “fundamentally different character” following controversial remarks by the president of the Directorate of Religious Affairs (Diyanet) and subsequent support for the Diyanet president from high-ranking government officials, including the president. On April 24, during a sermon to mark the beginning of Ramadan, the head of the Diyanet, Ali Erbas, said, “Islam cursed homosexuality” as ‘a great sin’ that “causes diseases and decays lineages.” Erbas also called on followers to unite to “fight this kind of evil.” Supportive segments of the populace posted on social media under the top-trending hashtag #AliErbasYalnizdegildir (Ali Erbas is not alone). Several rights groups and bar associations filed criminal complaints and criticized the remarks, drawing a strong reaction from ruling AKP officials. The Ankara Prosecutor’s Office launched an investigation against the Ankara Bar Association for “insulting religious values” after it condemned Erbas’ remarks in a statement. The prosecutor’s office declined to investigate the bar association’s complaint against the Diyanet.

Anti-LGBTI rhetoric also featured prominently in public debates around the country’s potential withdrawal from the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence. Commentators in favor of withdrawal generally pointed to the convention’s reference to equal protection for victims regardless of sexual orientation or gender identity as being inconsistent with Turkish values.

High-level government officials employed anti-LGBTI speech. In June the director of communications of the Presidency, Fahrettin Altun, wrote on Twitter, “LGBT propaganda poses a great threat to freedom of speech.” President Erdogan warned against “those who exhibit all kinds of perversion that our God prohibits” during a television interview the same month.

In July the Radio and Television Supreme Council refused to grant a license to a Turkish television drama featuring an LGBTI character in development by Netflix.

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Netflix cancelled the production.

In November the Malatya municipality cancelled the planned 10th Malatya International Film Festival after festival organizers announced they would award a “gender-neutral” best performance award instead of best actor and actress awards. The municipality stated that the term “gender-neutral” offended its values.

In December press reported that the Ministry of Trade Board of Advertisement notified Turkish online retailers via letter that companies must label LGBTI pride products featuring rainbows or other LGBTI pride symbols with an 18+ warning to protect “children’s mental, moral, psychologic, and social development.”

The criminal code 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 it was sometimes used to restrict freedom of speech and assembly rather than to protect minorities. LGBTI definitions were not included in the law, but authorities reported a general “gender” concept in the constitution provides for protections for LGBTI individuals. KAOS-GL maintained that, due to the law’s failure to recognize the existence of LGBTI individuals, authorities did not provide them social protection.

KAOS-GL reported that some LGBTI individuals were unable to access health services or faced discrimination. Some LGBTI individuals reported they believed it necessary to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTI community. In August press reports alleged that an LGBTI individual was refused treatment at a hospital in Istanbul by the doctor on duty, who employed homophobic comments. Multiple sources reported discrimination in housing, since landlords refused to rent to LGBTI individuals or charged them significantly higher prices.

During the year LGBTI groups held virtual pride month events in keeping with

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safe social-distancing practices due to the COVID-19 outbreak. In previous years governors banned pride marches in Ankara, Antalya, Istanbul, Izmir, Gaziantep, and Mersin, citing public safety concerns. In 2019 the Constitutional Court found that Ankara's blanket ban on LGBTI events, in place since 2017, was illegal. In August a court in Mersin rejected a legal challenge launched by KAOS-GL to the governor's ban on the 2019 pride march.

Some LGBTI groups reported harassment by police, government, and university authorities. University groups complained that rectors denied them permission to organize, and some indicated they faced administrative investigations or other sanctions for participating in events. In July an Ankara administrative court found that the ban on the 2019 pride march imposed by the rector of Middle East Technical University was unlawful. The university had not challenged the decision at year's end. Criminal cases against the 18 students and one faculty member arrested for organizing the pride march in 2019 continued; the defendants faced up to three years in prison. The court held a hearing on December 10, but the court declined to issue a ruling and scheduled another hearing for April 2021. Organizers reported that the arrested students were ineligible for scholarship and educational loans while the case continued.

LGBTI organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines.

Dating and social networking sites catering to the LGBTI community faced content blocks. In August an Ankara court imposed an access ban on the social networking site Hornet and in September on the dating site Gabile.com. Authorities have blocked the dating site and application Grindr since 2013.

HIV and AIDS Social Stigma

Many persons with HIV and AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. Rights organizations noted that the country lacked sufficient laws protecting persons with HIV and AIDS from discrimination and that there were legal obstacles to anonymous HIV testing. Due to pervasive social stigma against persons with HIV

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and AIDS, many individuals avoided testing for HIV due to fear the results would be used against them. Human rights advocates reported that some employers required HIV/AIDS testing prior to employment to screen positive applicants. In September the Pozitif-iz Association reported that it received 89 complaints of human rights violations in 2018-19, the majority related to health service provider discrimination. The NGO also observed that HIV-positive individuals faced systemic discrimination in the workplace.

The government launched an HIV/AIDS control program for 2019-24 to raise awareness and combat risk factors. The government also implemented HIV/AIDS education into the national education curriculum.

Other Societal Violence or Discrimination

Alevis and Christians, including Armenian Apostolics, remained the subject of hate speech and discrimination. The term “Armenian” remained a common slur. Attacks on minority places of worship, however, were rare.

According to the Hrant Dink Foundation’s 2019 *Media Watch on Hate Speech Report*, an analysis of national and local newspapers found 5,515 instances of published hate speech that targeted national, ethnic, and religious groups. The most targeted groups were Armenians, Syrians, Greeks, and Jews.

Atheists also remained the subject of intimidation in media, albeit at a lower level relative to other religious minorities.

Conditional refugees and displaced Syrians under temporary protection also faced increased societal discrimination and violence during the year (see section 2.d.).

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 it places significant restrictions on these rights. The law prohibits antiunion discrimination and discourages employers for terminating workers involved in union activities. In particular the

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law requires employers to either reinstate a worker fired for participating in union activity or pay a fine equal to one year of the affected worker's salary. Some public-sector employees, such as senior officials, magistrates, members of the armed forces, and police, may not form or join unions.

The law provides some workers the right to strike. In particular public-sector workers who are responsible for safeguarding life and property as well as workers in the essential areas (coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education) do not have the right to strike. Instead, while the law allows some essential workers to bargain collectively, the law requires the workers to resolve disputes through binding arbitration rather than strikes.

A 2014 the Constitutional Court ruling that bankers and municipal transport workers have the right to strike remains in force. The law further allows the government to deny the right to strike in any situation that represents a threat to public health or national security. On October 9, the government issued an executive order prohibiting workers at the multinational glass manufacturer Sisecam in Mersin from striking, noting the strike would disrupt general public health and security.

The government also maintains a number of restrictions on the right of association and collective bargaining. The law requires labor unions to notify government officials prior to meetings or rallies, which must occur in officially designated areas, and allows government representatives to attend their conventions and record the proceedings.

The law requires a minimum of seven workers to establish a union without prior approval. To become a bargaining agent, a union must represent 40 percent of the worksite employees and 1 percent of all workers in that particular industry. The law prohibits union leaders from becoming officers of or otherwise performing duties for political parties. The law also prohibits union leaders from working for or being involved in the operation of any profit-making enterprise. As of March, 67 percent of public-sector employees and 14 percent of private-sector employees were unionized. Nonunionized workers, such as migrants and domestic servants,

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are not covered by collective bargaining laws.

The government did not enforce laws related to collective bargaining and freedom of association effectively in many instances (e.g., penalties were not consistently commensurate with those provided under other laws involving denials of civil rights). Labor courts functioned effectively and relatively efficiently, although as with other courts, the appeals process could often last for years. If a court ruled that an employer had unfairly dismissed a worker and should either reinstate or compensate the individual, the employer generally paid compensation to the employee along with a fine.

The 19 unions and confederations shut down under the 2016-18 state of emergency, at times due to alleged affiliations with the Gulen movement, remained closed.

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. According to the most recent information available from the government, as of May 2019, the rate of security force interference in labor union marches and demonstrations was 0.8 percent, below the 2 percent rate of intervention in 2016. Police frequently attended union meetings and conventions. In addition some unions reported that local authorities prohibited public activities, such as marches and press conferences.

Employers used threats, violence, and layoffs in unionized workplaces. Unions stated 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 hired workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights.

The government instituted a ban on lay-offs during the COVID-19 crisis that in some cases resulted in the employees being compelled to take leave without pay or earn less than minimum wage. Some companies instituted COVID-19 precautions, including prohibiting workers from leaving and returning to a worksite for

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extended periods of time. In April workers at a Cengiz Holding construction site of a railway in Diyarbakir staged a protest after reportedly being prohibited from leaving the worksite for more than 15 days and compelled to work 14-hour days during the outbreak.

b. Prohibition of Forced or Compulsory Labor

The law generally prohibits all forms of forced or compulsory labor, but the government enforced such laws unevenly. Penalties for violations were not consistently commensurate with those for other serious crimes. Forced labor generally did not occur, although some local and refugee families required 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 labor trafficking. Although government efforts to prevent trafficking continued with mixed effect, authorities made improvements in identifying trafficking victims nationwide. The government did not release data on the number of arrests and convictions related to trafficking.

The government implemented a work permit system for registered Syrian adults with special temporary protected status; however, applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence the vast majority of both conditional refugees and Syrians under special temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law allows children to perform light work that does not interfere with their school attendance from age 14 and establishes 16 as the minimum age for regular employment. The law prohibits children younger than 16 from performing

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arduous or dangerous work. The government prohibited children younger than 18 from working in certain professions or under hazardous conditions.

The government did not effectively enforce child labor laws but made efforts to address the problem. Penalties for violations were sufficiently stringent compared with those for other serious crimes. 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 that employed 50 or fewer workers, resulting in enterprises vulnerable to child labor exploitation.

Illicit child labor persisted, including in its worst forms, fostered in part by large numbers of Syrian refugees and the pandemic driving more family members to seek employment. Child labor primarily took place in seasonal agriculture (e.g., hazelnuts), street work (e.g., begging), and small or medium industry (e.g., textiles, footwear, and garments), although the overall scale of the problem remained unclear, according to a wide range of experts, academics, and UN agencies engaged on the issue. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were also a significant problem among Syrian and Afghan refugee children. The government implemented a work permit system for registered adult Syrian refugees with temporary protection status, but many lacked access to legal employment; some refugee children consequently worked to help support their families, in some cases under exploitative conditions. According to data from the Ministry of Family, Labor, and Social Services, in 2019, a total of 27 workplaces were fined for violating rules prohibiting child labor.

Also see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law does not explicitly address discrimination due to 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

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discrimination in the recruitment phase. 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 and views. Penalties were not consistently commensurate with those for other civil rights violations.

Women faced discrimination in employment and were generally underrepresented in managerial-level positions in business, government, and civil society, although the number of women in the workforce increased compared with previous years. According to the Turkish Statistics Institute, the employment rate for women in 2019 was 34 percent (an increase from 28 percent in 2016), corresponding to 10.7 million women, compared with 72 percent employment for men. The World Economic Forum's *Global Gender Gap Report 2020* published in December 2019 recorded that 37.5 percent of women participated in the labor force, compared with 36.1 percent in 2018. Research by Confederation of Progressive Trade Unions of Turkey Research Center concluded that the COVID-19 pandemic disproportionately affected women's labor force participation.

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

LGBTI individuals faced particular discrimination in employment. Employment laws allow the dismissal of public-sector employees found "to act in a shameful and embarrassing way unfit for the position of a civil servant," while some statutes criminalize the vague practice of "unchastity." KAOS-GL and other human rights organizations noted that some employers used these provisions to discriminate against LGBTI individuals in the labor market, although overall numbers remained unclear.

e. Acceptable Conditions of Work

The national minimum wage was greater than the estimated national poverty level.

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

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holiday/leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule. The Ministry of Family, Labor, and Social Services' 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. Government-set occupational safety and health (OSH) standards were not always up to date or appropriate for specific industries.

The government did not effectively enforce laws related to the minimum wage, working hours, and OSH in all sectors. The law did not cover workers in the informal economy, which accounted for an estimated 25 percent of GDP and more than one-quarter of the workforce. Penalties for violations were not consistently commensurate with those for similar crimes.

OSH violations were particularly common in the construction and mining industries, where accidents were frequent and regulations inconsistently enforced. The Assembly for Worker Health and Safety reported at least 1,488 workplace deaths during the first nine months of the year. These figures included COVID-19-related deaths. 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. Overall, numbers of labor inspectors remained insufficient to enforce compliance with labor laws across the country. Inspectors were able to make unannounced inspections and initiate sanctions.

OSH laws and regulations covered both contract and unregistered workers but did not sufficiently protect them. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors, including seasonal agriculture, industry, and construction. A majority of conditional refugees and Syrians under temporary protection were working informally, as employers found too burdensome the application process for work permits (see section 2.f., Protection of Refugees).