

## Turkey

**Country:**

Turkey

**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

4

**Aggregate Score:**

53

**Freedom Rating:**

3.5

**Overview:**

Turkey held two parliamentary elections in 2015 amid an exceptionally polarized and volatile political environment. Prior to the first vote in June, President Recep Tayyip Erdoğan campaigned for the ruling Justice and Development Party (AKP), hoping that it could gain 60 percent of parliamentary seats, which would allow it to call a referendum on constitutional changes to create a stronger presidency. In a surprise result, the AKP failed to secure even a simple parliamentary majority, while the Kurdish-oriented Peoples' Democratic Party (HDP) cleared the 10 percent electoral threshold for representation in the legislature. Four parties entered the parliament, but negotiations to form a coalition government failed, and new elections were called for November. In this round, the AKP won 49 percent of the vote, an eight-point improvement on the June result, and 317 seats, enough for a majority but short of the 60 percent goal. Nonetheless, Erdoğan indicated that he would seek the support required to press ahead with the adoption of a presidential system.

The political and security situation surrounding the November elections was deeply affected by violence that rocked Turkey throughout the second half of 2015. In July, a bombing at a gathering of Kurdish student activists in Suruç, a town on the Syrian border, killed 33 people. The Syrian-based Islamic State (IS) militant group was blamed for the attack, but many Kurds accused the government of complicity or failure to address the threat from IS. The Kurdistan Workers' Party (PKK) militant group then killed two Turkish police officers in retaliation, setting off broader fighting that ended a two-year cease-fire between the PKK and the government. By year's end, hundreds of soldiers and police, PKK fighters, and civilians had been killed. Armed gangs of Kurdish youth took over parts of some towns in the Kurdish-populated southeast, and government forces moved in to restore control. In addition, in September and October there were some 200 attacks by civilian mobs against offices of the HDP, which the AKP and nationalist parties accused of being a political wing of the PKK. Over 40 HDP mayors were arrested or removed from office. Also in October, a

bombing in Ankara that was attributed to IS killed 102 people at another largely Kurdish demonstration.

A continued crackdown on the media added to the pressure on the electoral environment. Throughout the year, dozens of journalists were arrested and prosecuted for insulting the president and other government officials or for allegedly supporting terrorist organizations. Numerous websites were also blocked. A week before the November elections, the government seized the assets of a major conglomerate, including two daily newspapers, *Millet* and *Bugün*, and two television channels that had been critical of the ruling party.

#### **Trend Arrow:**



#### **Political Rights and Civil Liberties:**

### **Political Rights: 24 / 40 (-2) [Key]**

#### **A. Electoral Process: 9 / 12 (-1)**

Under the current constitution, the prime minister is the head of government and holds most executive authority, while the president is the head of state and has powers including a legislative veto and authority to appoint judges and prosecutors. In August 2014, Turkey held direct presidential elections for the first time; presidents were previously elected by the parliament. Erdoğan prevailed with 51.8 percent of the vote, winning a once-renewable five-year term. Foreign Minister Ahmet Davutoğlu assumed Erdoğan's posts of prime minister and head of the AKP. Some domestic and international observers, such as the Organization for Security and Co-operation in Europe (OSCE), pointed to irregularities in the campaign, including media bias and self-censorship, misuse of state resources to support Erdoğan's election bid, lack of transparency in campaign finances, and voter fraud.

The unicameral parliament, the 550-seat Grand National Assembly, is elected for a four-year term. In the June 2015 elections, the AKP won the most votes (41 percent) but secured only 258 seats, short of a majority. Three opposition parties also won seats: the secularist Republican People's Party (CHP, 132 seats), the Nationalist Action Party (MHP, 80 seats), and the predominantly Kurdish HDP (80 seats). All three ruled out a coalition with the AKP, and deep divisions between the MHP and HDP prevented the opposition from forming a coalition on its own. Consequently, Erdoğan exercised the option to call new elections. In the November vote, the AKP won 49 percent of the ballots and 317 seats, giving it a clear parliamentary majority. CHP won 134 seats with 25 percent of the vote, whereas the HDP and MHP lost votes and parliamentary mandates, winning only 59 and 40 seats, respectively. Davutoğlu remained prime minister.

There were some irregularities with respect to the electoral process. Erdoğan campaigned for the AKP in the June elections, which domestic and international observers said violated the president's nonpartisan status under both precedent and law. Opponents of the government alleged media bias and censorship, noting that the state-owned TRT television station provided extensive coverage of the AKP's campaign while giving far less time to opposition parties and also rejecting some of their advertisements. Finally, the HDP suffered from terrorist attacks, arrests, and mob violence. The OSCE, while acknowledging that Turkish voters had a choice among parties and that the vote count was transparent, concluded that the media restrictions and violence severely hindered the campaign.

Judges on the Supreme Board of Elections oversee voting procedures, with the participation of nonvoting representatives of the four largest political parties, but critics have suggested that the

board is subject to influence from the government. Its decisions cannot be appealed.

## **B. Political Pluralism and Participation: 9 / 16 (-1)**

Turkey has a competitive multiparty system. In June 2015, the three opposition parties won a majority of parliamentary seats, though they were unable to form a coalition due to ideological differences.

The rise of new parties is inhibited by the 10 percent vote threshold for parliamentary representation, and parties can be disbanded for endorsing policies that are not in agreement with constitutional parameters. This rule has been applied in the past to Islamist and Kurdish-oriented parties. There have been no such bans since 2009, and Kurdish-oriented parties, most recently the HDP, have competed in various elections. However, some members of pro-Kurdish parties have been arrested for alleged links to the PKK, and the HDP was subjected to violence and intimidation during 2015, including bombings attributed to IS and hundreds of attacks on HDP offices surrounding the elections. After the cease-fire between the government and the PKK collapsed in July, officials accused the HDP of being a proxy for the PKK. Erdoğan called for any HDP lawmakers with PKK ties to be prosecuted, but he stopped short of urging the closure of the party itself. Critics alleged that the AKP government was using its battle with the PKK to weaken its political opponents and reverse its June defeat. Between the June and November elections, roughly 500 HDP members and officials, including over 20 elected mayors, were taken into custody on terrorism charges.

The military has historically been a dominant force in politics. Under the AKP, however, various reforms, and especially a series of deeply flawed, politically motivated prosecutions, have increased civilian control over the military. Hundreds of military officers were convicted in 2012 and 2013 for alleged involvement in coup plots. Over 200 were acquitted in March 2015 after a retrial in which the court ruled that some evidence against them had been falsified.

## **C. Functioning of Government: 6 / 12**

Corruption remains a major problem. In 2015, Turkey was still dealing with the effects of a 2013–14 scandal in which leaked audiotapes pointed to possible corruption among senior politicians, including Erdoğan and his family. The government largely denied the charges and blamed the affair on a “parallel state” of rogue officials linked to the exiled Islamic preacher Fethullah Gülen. Investigations to substantiate the corruption allegations have been extremely limited. In January 2015, the parliament voted against opening a trial for four former ministers. Meanwhile, throughout 2015, the government continued its campaign to ferret out elements of the “parallel state,” investigating individuals and businesses accused of affiliation with Gülen, who has been branded a terrorist by the state.

In November 2015, Transparency International issued a report that was critical of Turkey, citing its failure to strengthen safeguards against money laundering, bribery, and collusion in the allocation of government contracts.

## **Civil Liberties: 29 / 60**

### **D. Freedom of Expression and Belief: 8 / 16**

Freedom of expression is constitutionally guaranteed, and some media outlets are critical of the government. However, in recent years dozens of intellectuals and journalists have been jailed, particularly on terrorism charges. Government harassment of journalists is also common, leading to self-censorship and dismissals.

During 2015, scores of journalists, as well as some high school students and a former Miss Turkey, were charged with insulting President Erdoğan and other officials; some received prison sentences. In September, the offices of the liberal newspaper *Hürriyet*—owned by the Doğan Group, which had been involved in earlier disputes with the government—were twice attacked by AKP supporters after Erdoğan lashed out against its news coverage. Three foreign journalists who were covering the conflict with the PKK were deported that month.

In October, *Bugün* and *Millet*, two newspapers owned by the Koza-İpek group, were placed under government trusteeship pending an investigation into the company's purported ties to Gülen. Koza-İpek's television stations, Kanaltürk and Bugün TV, were also shut down. Seventy-one journalists from these outlets were fired, and they resumed operation under new management, producing coverage that was more supportive of the government. Separately, some television distributors moved to drop the signals of stations that were critical of the government. Following the Ankara bombing that month, the authorities attempted to restrict coverage of the incident.

Immediately after the November elections, police raided the offices of an opposition-aligned magazine and jailed two of its journalists for allegedly plotting to overthrow the government. Among other arrests and charges that month, 18 journalists, including the editor of *Cumhuriyet*, were put on trial for allegedly disseminating terrorist propaganda by publishing a photo related to the abduction and murder of an Istanbul prosecutor by a leftist terrorist group in March. The Committee to Protect Journalists reported that a total of 14 journalists were behind bars in Turkey as of December.

Threats to internet freedom remain a concern. In the past, the government has blocked access to services such as Twitter and YouTube after they published materials alleging government corruption. Twitter reported that in the first six months of 2015, Turkey continued to account for more than half of all content-removal requests worldwide. It was second only to India for content restrictions on Facebook during the same period. In March 2015, the parliament passed new laws that expanded the state's power to temporarily block content and conduct surveillance without a court order. Hundreds of websites and social-media accounts were blocked over the course of the year. In April, for instance, 166 websites were blocked for publishing images of the abducted Istanbul prosecutor. Roughly 100,000 websites were blocked as of the end of the year, according to Engelli Web, though this included sites banned in previous years or for apolitical reasons like copyright infringement.

The constitution protects freedom of religion, and religious expression has become more prominent in the public sphere under the AKP. Critics charge that the AKP has a religious agenda favoring Sunni Muslims, evidenced by the expansion of the Directorate of Religious Affairs and the alleged use of this institution for political patronage and to deliver government-friendly sermons in mosques. The Alevi minority, a non-Sunni Muslim group, has historically faced violence and discrimination. The AKP's promises of an "Alevi opening" to address these problems have led to disappointment among Alevis, though the new government formed after the November 2015 elections pledged to renew the effort, including by authorizing the state to cover the costs of Alevi houses of worship and religious leaders, as it does with Sunni institutions. In August, the Supreme Court of Appeals had confirmed a ruling by the European Court of Human Rights that the state must pay such expenses for Alevis. In December, the government announced plans to grant full legal status to Alevi houses of worship. Three non-Muslim religious groups—Jews, Orthodox Christians, and Armenian Christians—are officially recognized. However, disputes over property and prohibitions on training of clergy remain concerns for these communities.

Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics, including contemporary political developments. The government has asserted more authority over individual academics and both public and private universities through the state's Higher Education Board, which in October 2015 introduced a draft regulation that would make it easier to close private universities for becoming "the focal point of acts against the country's indivisible integrity." Also in October, a professor at Ankara University was indicted for "spreading terrorist propaganda" by posing a question on an exam that asked students to analyze the writings of the PKK's leader.

### **E. Associational and Organizational Rights: 6 / 12 (+1)**

Freedoms of association and assembly are protected in the constitution, and Turkey has an active civil society. Protests and public gatherings on a range of issues were held without incident during 2015, though others were broken up by security forces, particularly in the southeast, and terrorist bombings added a new risk to public assemblies. In April 2015, Erdoğan signed legislation that increased criminal penalties for various actions during protests and empowered police to fire on demonstrators who use incendiaries. Police continued to suppress May Day demonstrations in 2015, as well as attempts to mark the anniversary of the 2013 Gezi Park protests. Unlike in previous years, Istanbul's annual LGBT (lesbian, gay, bisexual, and transgender) pride parade was dispersed by police in June. Meanwhile, prosecutions linked to the original Gezi protests continued to produce verdicts during 2015; in October and November, some 270 demonstrators were sentenced to as much as 14 months in jail for a variety of offenses.

Turkey has many politically active nongovernmental organizations (NGOs). However, authorities have monitored and harassed some NGOs in recent years—most notably those affiliated with Gülen's Hizmet movement.

There are four national trade union confederations. Trade unions have been active in organizing antigovernment protests. However, union activity, including the right to strike, remains limited by law and in practice, and union-busting activities by employers are common. Because of various threshold requirements, only half of union members in Turkey enjoy collective-bargaining rights, and fewer than 10 percent of workers are unionized. In January, 15,000 workers in the United Metal Workers Union declared a strike, but the government banned it on national security grounds. From May to July, metalworkers at several automobile factories engaged in wildcat strikes and work stoppages to press for higher wages.

### **F. Rule of Law: 6 / 16 (-1)**

The constitution provides for an independent judiciary, but the government has been able influence judges in the past through appointments, promotions, and financing. In the wake of corruption allegations against the government, thousands of police officers, judges, and prosecutors were reassigned during 2014, and the government passed laws to gain more control over the courts as well as the Higher Council of Judges and Prosecutors, the body responsible for judicial appointments. Antiterrorism laws are widely employed to investigate and prosecute critics of the government. The package of security legislation passed in March 2015 included expanded police powers to carry out surveillance, searches, and detentions without court orders. Impunity for past human rights abuses by the security forces remains a serious problem.

In recent years, the government enacted a number of reforms to enhance the rights of ethnic Kurds, and a cease-fire with the PKK had been in effect since March 2013. However, renewed violence broke out in July 2015, leading to episodes of intense urban fighting in the southeast. PKK attacks

on security forces in September prompted reprisals against the HDP and Kurdish-owned businesses. By year's end, hundreds of militants, police, soldiers, and civilians had been killed. The government also detained thousands of Kurds for alleged links to the PKK. In November, Tahir Elçi, a prominent human rights lawyer who had been detained in October after saying that the PKK is not a terrorist organization, was killed by an unknown assailant while speaking to the media. The HDP called his death an assassination, and others raised similar suspicions, sparking protests in several Turkish cities.

In addition to violence linked to the PKK, Turkey suffered from terrorist attacks by Islamist militants and a radical leftist group in 2015. After the October bombing in Ankara that was attributed to IS, authorities detained over 300 suspected IS militants, and two policemen were killed during a related raid in Diyarbakır. Separately, attacks by the Revolutionary People's Liberation Party-Front included the abduction and murder of an Istanbul prosecutor in March and a nonfatal shooting at the city's U.S. consulate in August.

Turkey is providing temporary protection to over 2 million refugees, most of them from Syria. While refugees have access to education and health care, they are not allowed to work, and caring for the refugees has strained government resources. Over the course of 2015, the authorities increased restrictions on the internal movement of refugees as well as controls at the country's borders.

Same-sex sexual activity is not explicitly prohibited, but LGBT people are subject to widespread discrimination, police harassment, and occasional violence. There is no legislation to protect people from discrimination based on sexual orientation or gender identity.

## **G. Personal Autonomy and Individual Rights: 9 / 16**

Freedom of travel and choice of residence and employment are largely respected, though movement in parts of the southeast was seriously hampered in late 2015 by curfews, checkpoints, and fighting between security forces and PKK militants.

Property rights are generally upheld. However, since the Gezi Park protests in 2013 and subsequent allegations of official corruption, businesses and foundations perceived to be opponents of the government have come under pressure, including through intrusive tax and regulatory inspections and denial of government contracts. In January 2015, a lengthy investigation into a refinery owned by the conglomerate Koç Holding resulted in a \$69 million tax fine, which some saw as politically motivated. In May, Bank Asya, an Islamic lender linked to Gülen's movement, was formally transferred to the state-run Savings Deposit Insurance Fund. In September, business and university officials in Kayseri, including the chief executive of Boydak Holding, were detained by police in an anti-Gülen investigation. In October, the government seized 23 companies of the Koza-İpek conglomerate, again for alleged links to the Gülen movement.

The constitution grants women full equality before the law, but only about 29 percent of working-age women participate in the labor force. Women's rights issues, including the problem of violence against women, have gained more visibility in Turkey, inspiring multiple demonstrations during 2015; all political parties included these concerns in their electoral platforms. The government has declared combating domestic violence a priority, but critics argue that it has not done enough, focusing more on family integrity than women's rights. Many question the government's commitment to women's rights given the often sexist rhetoric of leading officials and demeaning verbal attacks by the government and pro-AKP media against female politicians from opposition parties.

Migrants to Turkey have been subjected to sex trafficking and forced labor. Refugees from Syria and other conflict areas are especially vulnerable to exploitation, and the authorities' efforts to

combat trafficking largely fail to match the seriousness of the problem.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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