Australian Government
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DFAT Country Information Report

Turkey

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Acronyms

AKP	the Justice and Development Party (Turkish: *Adalet ve Kalkinma Partisi*)
BDP	the Peace and Democracy Party (Turkish: *Bariş ve Demokrasi Partisil*)
CHP	The Republican People's Party (Turkish: *Cumhuriyet Halk Partisi*)
DBP	the Democratic Regions Party - formerly the BDP (Turkish: *Demokratik Bölgeler Partisil*)
DHKP-C	the Revolutionary People's Liberation Party/Front (Turkish: *Devrimci Halk Kurtuluş Partisi-Cephesil*)
Diyanet	the Turkish State Directorate of Religious Affairs
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECrtHR	the European Court of Human Rights
ESP	the Socialist Party of the Oppressed (Turkish: *Ezilenlerin Sosyalist Partisi*)
GBTS	The General Information Gathering System (Turkish: *Genel Bilgi Toplama Sistemi*)
HDP	The People's Democratic Party (Turkish: *Halklarin Demorkratisk Partisi*)
HRIC	Human Rights Investigation Commission
HSYK	the High Council of Judges and Prosecutors
IMF	International Monetary Fund
ISIL	Islamic State of Iraq and the Levant (also known as Daesh)
KCK	the Union of Communities of Kurdistan (Turkish: *Koma Civakên Kurdistan*)
LGTBI	Lesbian, Gay, Transsexual, Bisexual and Intersex
MHP	The Nationalist Movement Party (Turkish: *Milliyetci Hareket Partisi*)
MIT	the Turkish Intelligence Organisation
NHRI	National Human Rights Institution
OECD	Organisation for Economic Cooperation and Development
PKK	Kurdistan Workers' Party (Kurdish: *Partiya Karkerên Kurdistan*)
SGDF	the Socialist Youth Associations Federation
TAK	the Kurdistan Freedom Falcons
TCC	Turkey Constitutional Court
TSK	Turkish Armed Forces
UNHCR	United Nations High Commissioner for Refugees

1. Purpose and Scope

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Turkey.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:

> Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Turkey, including in Ankara and Istanbul. It takes into account relevant and credible open source reports, including those produced by the US Department of State, the UK Border Agency, the European Commission, the World Bank and the International Organization for Migration; recognised human rights organisations such as Human Rights Watch and international non-governmental organisations such as Transparency International and International Crisis Group; and Turkish non-governmental organisations and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Turkey on 11 July 2016.

2. Update following July 2016 coup attempt

2.1 This Chapter 2 (published 5 September 2016) should be read in conjunction with Chapters 3-6 (previously published in DFAT's Turkey Country Information Report, released on 11 July 2016). Chapter 2 addresses the attempted coup on 15-16 July 2016 and reflects DFAT's best judgements and assessments, at the time of publication, in relation to events that occurred in Turkey following the attempted coup.

Background

2.2 On the evening of 15 July 2016 elements of the Turkish Armed Forces (TSK), including several senior military figures, attempted a military coup, seizing bridges and government institutions in Istanbul and Ankara and taking control of the state broadcaster TRT. Most of the military remained loyal to the Government and the coup failed. The Turkish Government described the coup attempt as an act of terrorism instigated by the Gulen movement (see paragraph 4.80). The Gulen movement's self-exiled leader, Muslim cleric Fethullah Gulen (based in the US), denied this claim. The Government used social media and the loudspeakers at mosques to call 'supporters of democracy' to the streets to resist the coup. The resulting violence caused 350 deaths, including coup plotters, and over 1,500 injuries. Buildings in Istanbul and Ankara, including the Parliament, sustained significant damage, including from gunfire and explosions.

2.3 On 20 July, the Turkish Government implemented a three-month state of emergency. The Government can now issue decrees which have the force of law, are subject to less parliamentary scrutiny, and cannot be reviewed by the Constitutional Court. By enacting a state of emergency, Turkey temporarily suspended the implementation of its obligations under parts of the European Convention on Human Rights. However, even in a time of emergency, certain provisions of the Convention remain applicable, including the right to life, the prohibition of torture and inhumane or degrading treatment or punishment, and the prohibition of punishment without a corresponding law. Opposition political parties have publicly rejected the coup attempt and supported the continuation of the existing Government on the basis of its commitment to democracy.

Impacts on the Turkish Armed Forces

2.4 The Turkish Armed Forces (TSK) have claimed that 8,651 military personnel, around 1.5 per cent of the TSK, participated in the coup attempt. According to media reports, as at 29 July, approximately 10,000 military personnel were detained for being participants in the attempted coup or suspected Gulenists. The Turkish Council of Ministers (Cabinet) made an announcement in May 2016 that the Gulen movement was a terrorist organisation. Despite it being unclear as to whether the cabinet announcement satisfies the requirements of an official terrorism designation under Turkish law, terrorism provisions are likely to be applied to the detention of coup plotters. These provisions are less restrictive than regular criminal provisions. There is no 48 hour deadline for laying charges against detained persons. The first decree issued under the state of emergency increased the pre-charge detention limit from four to 30 days.

2.5 Human rights groups have expressed concern regarding the treatment of coup participants during their detention. According to Amnesty International, detainees are being arbitrarily held, some in informal places of detention, have been denied access to lawyers and family members, and have not been made aware of the charges against them. Amnesty International claims it has received credible reports that detainees are held in stress positions for up to 48 hours, are denied food, water and medical treatment and are verbally abused and threatened. Further reports suggest that coup participants who were senior members of the military have been subjected to the most severe treatment, including severe beatings and torture, and in some cases rape. DFAT assesses that any mistreatment, including torture, is likely to be limited to individuals who participated in the coup attempt and are in police detention, rather than being a widespread or systemic practice (see also paragraph 5.4).

2.6 As at 18 August 2016, over 3,200 military personnel have been dishonourably discharged from the TSK. Personnel who were discharged have lost their livelihood and also had their driver's licenses and passports cancelled. The President and Prime Minister have publicly stated that the death penalty may be reintroduced to prevent future coup attempts. According to the Council of Europe, restoration of the death penalty would end negotiations regarding Turkey's accession to the European Union.

2.7 On 31 July, the Turkish Government announced, through official decree, sweeping changes to the TSK to increase civilian control of the military. The decree has fundamentally altered the position of the TSK within the Turkish system of Government, formally subordinating the TSK to the Ministry of National Defense and in effect increasing civilian control of the military. Other changes resulting from the decree include:

- The membership of the Supreme Military Council, headed by the Prime Minister but whose decisions must be approved by the President, is now dominated by ten senior civilians, including the Prime Minister, the Deputy Prime Ministers, the Foreign Minister and the Ministers for National Defense, Justice and Interior. Only four military personnel remain on the Council; the Chief of General Staff and the Land, Naval and Air Force Commanders. This is significant because the Council controls the appointments and promotions of senior military members.
- The Jandarma and the Coast Guard are no longer part of the TSK.
- All military courts have been transferred to the Justice Ministry.
- Military conscription will remain but the length of service will be reduced, although it is not yet known what the duration will be (see paragraphs 4.113-4.117 for further information on military conscription in Turkey).
- Military high schools have been abolished and graduates of Imam Hatip religious schools are no longer prohibited from entering the military, which will likely alter the secular identity of the TSK, which has traditionally seen itself as the guarantor of Ataturk's vision of a secular state.

Effects of post-coup actions

2.8 Since the attempted coup, the Government has purged alleged Gulenists (and in some cases non-Gulenist opposition) from the security forces, the bureaucracy, academia, the media, business and NGOs. Around 85,000 people have been dismissed or suspended from their employment, including 21,700 Ministry of Education officials, 1,500 Ministry of Finance officials, approximately 9,000 police officers, 1,500 university deans and 21,000 private school teachers (almost all from Gulen-linked schools, which have all been closed down). Approximately 40,000 people have also been detained, with over 20,000 of these having been charged. This includes over 5,000 military personnel, approximately 3,000 judges and prosecutors and 1,000 police. Fifteen thousand of those detained have been released; it is not clear whether they still face charges. Eighty nine arrest warrants have been issued for journalists and 42 journalists have been arrested, including former employees of the Gulenist-linked *Zaman* newspaper, which was shut down by the Government in March 2016 (see paragraph 4.81 for further details).

2.9 The issues concerning judicial independence and efficiency outlined in paragraph 6.11 to 6.17 continue. If operative for a substantial period of time, a state of emergency and Turkey's subsequent withdrawal from parts of the European Convention on Human Rights, coupled with the thousands of arrests of judges and prosecutors, have the potential to further undermine the rule of law and the effectiveness of the judiciary in Turkey.

2.10 Following the coup attempt and the Turkish Government's response, DFAT has reviewed its assessments for certain groups of interest (see 2.11-2.13 below), noting that the situation remains fluid.

Groups of Interest

Gulenists

2.11 DFAT reaffirms its assessment at paragraph 4.82. However, DFAT now judges that all individuals with perceived links to the Gulen movement (not just those individuals who are high-profile Gulenists or employed in public sector institutions) face a high risk of official discrimination, including through dismissal from their employment and arrest or detention, even if they were not involved in the coup attempt in any way.

Academics

2.12 The dismissal of university deans and academics in the wake of the coup attempt marks a further deterioration in the ability of academics to undertake their work without government interference, as previously outlined in paragraph 4.88. DFAT assesses that academics that are critical of the Government face a high level of official discrimination. Incidences of discrimination have increased since the coup attempt.

Media

2.13 Freedom of expression continues to be an area of concern in Turkey. DFAT reaffirms its assessment, at paragraph 4.95, that journalists who criticise the Government face a moderate level of discrimination. DFAT further assesses that reporters with alleged links to the Gulen movement, such as those employed by *Zaman* newspaper, and reporters that are critical of the Government's response to the coup attempt, face a high risk of official discrimination.

Security Situation

2.14 On 20 August 2016, a bomb was detonated at a wedding party in the south eastern Turkish city of Gaziantep. Of the mostly Kurdish wedding guests, 54 were killed and approximately 66 were injured. ISIL has claimed responsibility for the attack. This case is another example of terrorism-related violence (see paragraph 3.42).

3. Background Information

Recent History

3.1 Modern Turkey was founded in 1923. Mustafa Kemal (Ataturk, or 'Father of the Turks') led the Turkish National Movement in liberating Turkey from the Allies, who had occupied Turkey after the defeat of the Ottoman Empire in World War One. The Republic of Turkey was recognised by allied victors of World War One through the Treaty of Lausanne in 1923.

3.2 In Turkey's early years, President Ataturk introduced radical social, legal and political reforms, including the abolition of the Ottoman Sultanate and the Caliphate; full political rights for women; and the introduction of the Latin alphabet. He sought to remake Turkey into a secular country with a shared ethnic identity; his 'Kemalist' ideology sought to assimilate the Kurdish population (and other ethnic minorities) into a majority Turkish nation. Between 1920 and 1990, Turkey had a range of policies directed at assimilation, including through suppression of public expression of Kurdish identity.

3.3 Turkey maintained a position of armed neutrality for the majority of World War Two. Following the war, it received large-scale economic and military support from the United States and other Western powers and was a recipient of International Monetary Fund (IMF) support. It has since established strong economic and political relationships with Europe and the United States. It joined the Council of Europe in 1949; NATO in 1952; and the European Union (EU) Customs Union in 1996. It was formally recognised as a candidate for EU membership in 1999. EU accession negotiations with Turkey were opened in October 2005 and have been a significant catalyst for reform. Negotiations remain in progress.

3.4 Turkey's multi-party democracy, which began in 1945, has been interrupted by military *coups d'état* in 1960, 1971 and 1980. Military pressure brought about a change of government in 1997, albeit without the use of force. Turkey's military has traditionally considered itself the guarantor of Turkey's secular state. It has come under stronger civilian control since the mid-2000s.

3.5 Kurdish resistance to Turkish rule, focused in majority Kurdish regions in eastern and south-eastern Anatolia, has been a recurrent feature of modern Turkish history. The insurgency led by the Kurdistan Workers' Party (Kurdish: *Partiya Karkerên Kurdistan*, or PKK) killed an estimated 40,000 people between 1984 and a ceasefire in 2013. The two and a half year ceasefire between the Turkish armed forces and the PKK collapsed in July 2015.

3.6 In June 2016, the United Nations High Commission for Refugees (UNHCR) announced that Turkey was the largest refugee-hosting country in the world, hosting approximately 2.5 million refugees (mostly Syrians). The high volume of refugees flowing in across Turkey's south-eastern border is placing significant humanitarian, social, economic and political pressure on Turkey. Turkey and the EU reached an agreement in 2016 to end irregular migration and to provide organised, legal migration pathways to Europe.

Demography

3.7 Turkey has a population of approximately 79.4 million and a population growth rate of about 1.2 per cent per annum. Seventy five per cent of the population live in urban areas, and urbanisation continues at an estimated rate of 2.4 per cent per annum. Major population centres include Istanbul (population 14 million), Ankara (4.9 million), Izmir (4 million) and Bursa (3.7 million).

3.8 Turkey is a diverse country, having absorbed many different ethnic groups during the break-up of the Ottoman Empire. Since 1965, census surveys have not sought information about ethnic background. However an estimated 70 to 75 per cent of Turkey's population identifies as ethnically Turkish and around 18 per cent identifies as ethnically Kurdish. The remaining seven to 12 per cent of the population include

Circassians, Bosniaks, Albanians, Georgians, Arabs, Pomaks, Bulgarian Turks, Roma, Laz, Armenians, Assyrians, Jews, and Greeks.

3.9 Turkey has a range of languages, overlapping with the ethnic groups outlined above. Main languages include: Turkish, Kurdish, Azerbaijani, Zazaki, Bulgarian, Kabardian, Romani, Arabic, Pontic, Abkhaz, Armenian, Georgian, and Laz. The Constitution states that 'no language other than Turkish' can be taught as the mother tongue in educational institutions. In practice, some languages, including Kurdish, can be taught as an elective class in public schools.

3.10 According to Government statistics, 99.8 per cent of Turkey's population is Sunni Muslim, with the remainder made up of small minorities of Christians and Jews. These figures ascribe Sunni Islam to the significant numbers of Shia and other Muslim and non-Muslim minorities living in Turkey in an effort to depict a homogenous Turkey. In reality, Turkey is home to a wide variety of religious groups. Credible academic estimates suggest ten to 15 per cent of Turkey's population is Alevi, although the community claims it is closer to 30 per cent. Approximately 500,000 Turkish citizens are Shia Muslims, in addition to some Alawites whose population numbers are not measured in the census but are less than one million and are concentrated in Hatay province (which borders northern Syria). A wide range of Christian, Jewish, other Muslim and non-Muslim groups form an estimated 0.5 per cent of Turkey's population. Some three per cent of Turks are atheists. (For more information, see 'Religion' below).

Economic Overview

3.11 Turkey is classified by the World Bank as an upper middle income country and has a GDP just under USD800 billion (over USD10,000 per capita per annum). In 2015 it was the 17th largest economy in the world, having experienced strong economic growth, averaging four to five per cent over the past decade. The overall growth rate for 2015 was five per cent. Turkey's economy has historically been oriented towards the West. It is a founding member of both the Organisation for Economic Cooperation and Development (OECD) and the G20. However, it has several significant economic vulnerabilities, including high inflation, an overreliance on foreign capital, and rising external debt costs for the corporate sector. Political uncertainty and a deteriorating security environment pose challenges for Turkey's economy. The IMF's 2016 economic growth forecast for Turkey is 3.8 per cent.

3.12 Between 2002 and 2012, extreme poverty fell from 13 to 4.5 per cent and moderate poverty fell from 44 to 21 per cent. Turkey is ranked 72 out of 188 countries on the 2015 United Nations Human Development Index.

3.13 Transparency International ranked Turkey 66 out of 168 countries in its 2015 Corruption Perception Index, a slight decline from its 2014 ranking of 64. Transparency International cited the lack of a judicial process for corruption scandals, a culture of impunity, strict restrictions on freedom of speech and expression, and increasing censorship as reasons for the decline.

3.14 The Turkish Government claims the cost of hosting over two million Syrian refugees since the beginning of the conflict has been more than USD 8 billion. Housing and food prices have increased in border regions of Turkey where refugees are concentrated.

Health

3.15 Turkey spends approximately 5.6 per cent of GDP per annum on health. Life expectancy is 75 years of age and the infant mortality rate is approximately 14 per 1,000 births, compared to a life expectancy of 82 years and an infant mortality rate of 3 per 1,000 births in Australia. Turkey achieved universal health care in 2003 and over the past decade has undertaken several health care reforms. The *Health Transformation* Programme that began in 2003 has broadened the provision of health insurance and increased the supply of primary care (particularly for maternal and child health). It provides subsidised access to hospital care, pharmaceuticals and a range of other medical services. Specific programs provide cost-free access to the poor. Out-of-pocket expenses have been significantly reduced and are reportedly 1.5 per cent as a share of household consumption, the lowest of OECD countries. Despite increases in affordability and accessibility, the quality of health outcomes remains amongst the lowest in the OECD.

3.16 Government hospitals provide free health care to all registered Syrians in Turkey. Government hospitals in border provinces report that approximately 30 to 40 per cent of their patients are Syrian refugees, placing significant pressures on the health system. International NGOs also provide health care to Syrian refugees.

Education

3.17 Turkey provides state-financed primary, secondary and tertiary education. Pre-primary education is optional. Enrolment in primary schools is close to 100 per cent. Compulsory education to year 12 was introduced in 2012. According to the OECD, 36 per cent of adults aged 25-64 have completed upper secondary education, much lower than the OECD average of 76 per cent. A survey published in 2016 that took all age ranges into account found that 17.2 per cent of the Turkish population are high school graduates and 11.2 per cent are university graduates. The adult literacy rate, encompassing men and women, is 95.3 per cent. Turkey has a range of private schools and universities at all levels, and permits some religious and ethnic minorities to open private educational facilities.

3.18 Turkey has made a concerted effort to include Syrian refugees in the education system by integrating them into mainstream schools, allowing community-based education programs to run from within the Syrian community, and establishing temporary education centres under the supervision of the Ministry of Education.

Employment

3.19 The official unemployment rate in 2015 was estimated to be 10.4 per cent. Youth unemployment was 18.7 per cent, a decline from 25 per cent in 2010. Public sector employment in Turkey is open to all on the basis of entrance examinations, although some religious and ethnic minorities claim they are excluded. Around a quarter of employment is still in the traditional agricultural sector, with industry accounting for 26 per cent and services 48 per cent. About 1.2 million Turks work abroad.

3.20 The influx of Syrian refugees has put pressure on the labour market. In January 2016, Turkey announced that it would grant work permits to Syrian refugees. At the time of writing, the process and progress of granting permits remains unclear and only around 10,000 Syrian refugees had obtained permits. Previously, those under temporary protection were only allowed to work within the refugee community or to operate their own businesses. Communities in southeast Turkey have complained that Turks are being pushed out of the labour market by Syrian refugees who work illegally for lower wages. The World Bank has found that there has been large-scale displacement of Turkish workers in informal jobs, with women, the poorly educated and agricultural workers the most affected. According to the *2015 Turkey's Social Trends survey*, conducted annually by leading Turkish think-tank, Global Strategy and Policy, some 77 per cent of participants think that Syrian refugees undermine the economy and 66.8 per cent believe that Syrian refugees take jobs away from Turkish people.

3.21 DFAT assesses that perceptions of a lack of economic opportunity can act as a push factor for external migration. While the economic outlook is generally positive in most parts of the country, in the southeast, the presence of Syrian refugees and the civil conflict between the Turkish Government and the PKK are contributing to a sense of economic pessimism amongst the local population.

Political System

3.22 Turkey is a republican parliamentary democracy with a mixed parliamentary and presidential form of government. The Constitution of the Republic of Turkey was ratified in 1982 and last amended in 2010.

Executive

3.23 The Head of Government is the Prime Minister and the Head of State is the President. Prior to constitutional reforms introduced in 2007, the President was elected by members of parliament; the President is now elected every five years through a popular vote and is limited to two terms. The current President, Recep Tayyip Erdoğan, was the first directly elected President and took office on 28 August 2014. Erdoğan was previously Prime Minister from 2003 to 2014. He co-founded the Justice and Development Party (Turkish: *Adalet ve Kalkinma Partisi*, or AKP) in 2001 and stood down as its leader when he became President. The Presidency is largely a ceremonial office but does have limited executive powers, including appointing and accepting the resignations of the Prime Minister and members of the Cabinet, chairing Cabinet meetings, and approving bureaucratic appointments. In 2015, Erdoğan announced that he would seek changes to the constitution that, among other things, would increase the executive power of the Presidency. Constitutional amendments require a two-thirds majority (367 members) of the Grand National Assembly (see below), or the support of 330 members to call a national referendum on the proposed changes. Prime Minister Yıldırım supports the establishment of an executive presidency.

3.24 The Prime Minister and Council of Ministers (or Cabinet) are responsible for the implementation of government policy. The Prime Minister is appointed by the President from among the members of the Parliament, while the members of Cabinet are appointed on the advice of the Prime Minister. The current Prime Minister, Binali Yıldırım, was appointed on 24 May 2016.

3.25 Since coming to power in 2003, first as Prime Minister and then as President, Erdoğan has accumulated power and influence. Since the publication of the previous DFAT Country Information Report in June 2014, President Erdoğan has further centralised his control and is the most significant figure with the Turkish Government, despite the ostensibly ceremonial powers of the Presidency. As President he has overseen changes that undermine democracy and rule of law, and have reduced freedom of expression, the independence of the judiciary and hindered political opposition.

Legislature

3.26 Turkey has a unicameral parliament, the Grand National Assembly. The President may convene the Parliament, remit legislation back to Parliament and schedule elections. The Parliament's 550 members are elected from geographic districts for four-year terms. A wide range of political views and parties exist in Turkey but parties must secure at least ten per cent of the national vote and meet stringent criteria relating to the establishment of a nation-wide party structure in order to be represented in Parliament. As a result, Turkey's Parliament and political system is dominated by a handful of political parties. The ten percent threshold for representation is criticised by minority groups (see below).

3.27 The AKP's long stint in Government commenced in 2002; it won subsequent elections in 2007 and 2011. In the June 2015 parliamentary elections, the AKP won 40.8 per cent of the vote and the largest number of seats (258 of 550), but it lost the absolute majority it had held since 2002. The People's Democratic Party (Turkish: *Halklarin Demorkratisk Partisi* or HDP) won 13.1 per cent of the vote, which was the first time a pro-Kurdish party had passed the ten per cent threshold for representation to enter the parliament. Support for the party increased in almost all of Turkey's provinces. In Diyarbakir, Turkey's 'Kurdish capital', the HDP won almost 80 per cent of the votes. Negotiations to construct a coalition government amongst the parties, including the main opposition Republican People's Party (Turkish: *Cumhuriyet Halk Partisi*, or CHP), were not resolved within the 45-day constitutional deadline and so new parliamentary elections were held on 1 November 2015. In these elections the AKP regained its majority, winning 49.5 per cent of the vote and 317 seats. The CHP won 25.3 per cent of the vote and 134 seats, the HDP won 10.8 per cent of the vote and 59 seats, and the far-right Nationalist Movement Party (Turkish: *Milliyetci Hareket Partisi,* or MHP) won 11.9 per cent of the votes and 40 seats.

3.28 During the campaign for the November 2015 election, the AKP focussed on the security situation, promoting itself as the only party able to maintain order. Council of Europe election observers reported that despite voters being offered a variety of choices during the November 2015 elections, the security environment, the high incidence of violent attacks on party members, premises and campaign staff, and restrictions on freedom of expression were barriers to open and free campaigning. The November 2015 results have strengthened Erdoğan's position as President.

Regional Governance

3.29 Turkey is divided into 81 provinces, each administered by a centrally-appointed Governor. The provinces are further divided into districts, each administered by an appointed Vice-Governor and Sub-Governors. Governors are responsible for services provided by the Central Government including security, education, health and infrastructure.

3.30 Thirty of Turkey's provinces are defined as metropolitan municipalities. Municipalities are governed by popularly-elected mayors. Both provinces and municipalities may contain villages. Villages are administered by an elected village head (Turkish: *muhtar*) and a council of elders. Local elections take place every five years. The AKP performed well in the most recent local elections on 30 March 2014, increasing its share of the national vote to 44 percent.

Human Rights Framework

3.31 Turkey has a generally robust constitutional and legal human rights framework. The Constitution contains extensive guarantees of fundamental human rights, though many of the rights guaranteed in the Constitution are subject to wide-ranging exceptions on the grounds of public order and national security.

3.32 Turkey has acceded to nearly all major international human rights conventions. Notable exceptions include the Rome Statute of the International Criminal Court and the Additional Protocols to the Geneva Conventions. Under Article 90 of the Turkish Constitution, ratified international agreements, including those on human rights, are directly applicable in domestic courts.

3.33 Turkey has signed and ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and additional protocols to both Conventions. Through those conventions, Turkish citizens have the right to appeal to the European Court of Human Rights. In recent years, the European human rights framework has given significant impetus to Turkey's efforts to resolve outstanding human rights issues.

3.34 In recent years, Turkey has made progress in creating institutional mechanisms to protect human rights. In 2012 the National Human Rights Institute (NHRI) was established. It is attached to the Prime Ministry and its board members are appointed by the President and Council of Ministers. This body has not yet received a rating for compliance with the Paris Principles and has been criticised by non-government organisations and the UN Human Rights High Commissioner for being insufficiently independent from government. As a relatively young institution, the NHRI does not yet have a track record of providing redress to victims of discrimination. Turkey has also established an Ombudsman Institution to consider complaints against the Executive and allowed the Constitutional Court to begin hearing individual applications. The Parliament has a Human Rights Investigation Commission (HRIC) which also receives individual applications and refers complaints to the responsible Turkish ministries. DFAT was told that the HRIC received 7,000 individual applications in 2015 but DFAT is not aware of the outcomes of these complaints.

3.35 In September 2013, the Government announced a 'democratisation package', containing a wide range of measures aimed at extending further rights and concessions to Kurds and other ethnic and religious minorities; loosening the restrictions on political parties; and extending the right to protest. Implementation of these measures has been slow.

Security Situation

3.36 Turkey's security situation has deteriorated markedly since the previous DFAT Country Information Report was published in June 2014. This is due to external security threats related to the war in Syria and Iraq (which share borders with southeast Turkey), as well as internal security threats resulting from the civil conflict between Government forces and the PKK in the southeast. Terrorist threats and attacks, including by the Islamic State of Iraq and the Levant (ISIL aka Daesh) and from the Kurdistan Freedom Falcons (TAK), have also increased. The International Crisis Group has listed Turkey as one of 'Ten Conflicts to watch in 2016'.

3.37 Turkey has crime rates comparable to most western European countries. For example, it had approximately 4.35 homicides per 100,000 people in 2012 (the most recent homicide statistics available from the UN Office of Drugs and Crime), but the rate of crime against women is higher. It had a relatively low incarceration rate of approximately 171 people per 100,000 people.

Conflict with the PKK

3.38 Parts of Turkey's Kurdish population have long opposed their incorporation into Turkey (see 'Kurds' below). On 28 February 2015 a ten-point peace plan, known as the Dolmabahçe agreement, was announced by the Government and the HDP (with PKK backing). Despite this promising development, in July 2015 the ceasefire and peace process collapsed and the conflict has escalated to its most violent point in two decades. In March 2016 the International Crisis Group reported that over 350 Turkish police and soldiers and at least 250 civilians had been killed in the conflict since July 2015. An estimated 350,000 people from the southeast are internally displaced–most have moved to other, safer parts of south-eastern Turkey to escape the conflict. Exact numbers of PKK militants killed since July 2015 are difficult to obtain but based on recent news reports the figure is up to 2,500. The conflict has moved from Turkey's rural and mountain regions into major urban centres in the southeast, with targeted attacks also occurring in Ankara and Istanbul. Turkish forces have conducted regular military operations, including air strikes, against PKK positions in south-eastern Turkey and northern Iraq. Kurdish rebel groups have engaged in violence, including guerrilla and terrorist tactics. Twenty-four hour curfews have been enforced in in the southeast, including in Hakkari, Mardin and Sirnak provinces and parts of the city of Diyarbakir, inhibiting many aspects of daily life. The UN High Commissioner for Human Rights issued a statement on 10 May 2016 outlining his concerns about alleged human rights violations committed against unarmed civilians by Turkish military and

security forces in southeast Turkey since the resumption of hostilities in July 2015, including the lack of information and access to investigate affected areas.

3.39 On 5 February 2016 then Prime Minister Davutoğlu announced a proposal to recommence a peace process, but stated that the PKK and HDP would not be included in the negotiations, hindering any opportunity for true reconciliation. At the time of writing, a resumption of peace negotiations is yet to commence.

Terrorism

3.40 Turkey's legal definition of terrorism, set out in the Counter-Terrorism Law, has been used to file charges against individuals with tenuous links to terrorism. The public expression of support for Kurdish nationalism by a journalist or politician, without any evidence of material or other support for violence, has been used as the basis of terrorism charges. While the legal definition of 'terrorism' has since been refined to incorporate the use of coercion or violence, prosecutions initiated on this basis continue. Credible contacts have told DFAT that the misuse of terrorism laws continues to be widely applied to anti-government critics.

3.41 ISIL and Kurdish opposition forces have claimed responsibility for several recent terrorist attacks. The Turkish Government continues to report that it has prevented several large-scale terror attacks. Conflict in Syria has also had a spillover effect on Turkey's security, with cross-border incidents occurring regularly in the southeast. The International Crisis Group reported that, in April 2016, eleven ISIL-attributed rockets landed in Kilis province in the southeast, killing 13 people and injuring 59.

3.42 The tempo and level of violence has increased in 2015 and 2016. Major examples of violence include:

- On 28 June 2016, a highly coordinated gun and bomb attack occurred at Istanbul Ataturk Airport, killing 47 people, including the three suicide bombers and 19 foreigners, and injuring at least 140.
- On 19 March 2016, a suicide bomb attack on Istiklal Street, a major tourist destination and shopping precinct in Istanbul, killed five people (including the perpetrator) and injured 39. All four victims were foreign nationals: one Israeli, two Israeli-Americans and one Iranian. The attack was claimed by ISIL.
- On 13 March 2016, a car bomb attack in Kizilay Square, the main transport and shopping precinct in Ankara, killed 37 people and injured over 100. TAK, a radical offshoot of the PKK, claimed responsibility for the attack.
- On 17 February 2016, a car bomb exploded in Ankara, next to buses carrying military personnel. 28 people were killed, including 20 military personnel. TAK claimed responsibility for this attack.
- On 12 January 2016, a suicide bomber detonated a bomb in Istanbul's central Sultanahmet district near key cultural institutions, the Blue Mosque and the Hagia Sophia, killing 12 people, including ten German tourists. Turkish authorities identified the attacker as a member of ISIL.
- On 10 October 2015, two suicide bombers linked to ISIL detonated bombs outside Ankara Central railway station, killing 102 people and injuring 400.
- On 20 July 2015, a suicide bombing took place in Suruc. The victims were mostly members of the Socialist Party of the Oppressed (ESP) and its youth wing, the Socialist Youth Associations Federation (SGDF), who were delivering a press statement in support of the planned reconstruction of the Syrian border town of Kobani. The attack was attributed to ISIL.
- The Diyarbakir Rally bombings occurred on 5 June 2015, two days before the June general election, during an electoral rally of the People's Democratic Party (HDP), a mainly pro-Kurdish party. Four people were killed, with over 100 injured. The main suspect is allegedly linked to ISIL.
- On 6 January 2015, a female suicide bomber detonated at a police station in Sultanahmet Square, killing one police officer and injuring another. The Revolutionary People's Liberation Party-Front (DHKP-C) initially claimed responsibility for the attack but the perpetrator was later identified as the widow of an ISIL fighter who had been killed in Syria.

4. Refugee Convention Claims

Race/Nationality

Ethnicity

4.1 Turkey's Constitution defines all Turkish citizens as 'Turks'.

4.2 For much of its history, the Ottoman Empire was home to, and provided protection for, religious minorities. As the Ottoman Empire shrank in the 19th and 20th centuries, conflict led to Muslim ethnic groups from across the Caucuses and south-eastern Europe immigrating towards Anatolia and other parts of the Turkish heartland (while many Christian ethnic groups migrated elsewhere). Members of these groups have since intermarried and, in some cases, it can be difficult to distinguish ethnic identities in Turkey.

4.3 Turkey has strong constitutional protections against discrimination. However, these are not always observed. Turkey does not yet have overarching anti-discrimination legislation, although draft anti-discrimination legislation is currently awaiting approval from the Prime Minister. A democratisation package announced by the Government in September 2013 included a political commitment to introduce legislation increasing the penalties applied for hate crimes but progress on this has been slow.

Kurds

4.4 Kurds are an ethnic group concentrated in south-eastern Anatolia, where they are the majority ethnic group, and north-eastern Anatolia, where they are a significant minority. Eastern and south-eastern Turkey have historically been less developed than other parts of the country, with lower incomes, higher poverty rates, less industry and less Government investment.

4.5 The overall Kurdish population has not been recorded in recent Turkish censuses but is estimated to be around 15 million people. Kurds are present in large numbers in Istanbul (the city's population is approximately 15 per cent Kurdish) and other large cities. The extent of internal migration is reflected in the estimate that half the Kurdish population now lives in western Turkey. Significant numbers of Kurds live in parts of Iraq, Syria and Iran. The majority of Kurds in Turkey speak Kurmanji, and this is the language widely referred to as 'Kurdish'. A smaller number speak Zaza or Sorani, though these speakers would normally understand Kurmanji as well. Some Zaza speakers consider themselves Kurdish, while others do not.

4.6 In general, ethnic Kurds adhere to the Shafi'i school of Sunni Islam, as opposed to ethnic Turks, who generally adhere to the Hanafi school. The State Directorate of Religious Affairs (the *Diyanet)* only has representation from the Hanafi school. DFAT has been told that religion is not a basis for discrimination against Kurds, as Sunni Muslim scholars consider both the Shafi'i and Hanafi schools to be equally valid.

Official Discrimination

4.7 There are five areas of significant historical official discrimination against Kurds: the public expression of Kurdish identity; the use of Kurdish languages; detention and prosecution; the right to political representation; and public sector employment. The state's efforts to enforce these prohibitions and suppress dissent have, at times, included the widespread use of extra-judicial killings, torture and enforced disappearances. Discrimination against Kurds on the basis of their ethnicity as opposed to their political opinions (actual or imputed) is often difficult to distinguish.

Expression of Kurdish Identity

4.8 Limitations on the expression of Kurdish identity are now minimal. In the past it has been illegal to use the Kurdish language or to publicly declare support for Kurdish political parties. Such prohibitions have

gradually been revoked. In September 2013, the Government removed the requirement that schoolchildren recite a daily oath including the words 'I am a Turk.' The only significant restriction on the expression of Kurdish identity is the Turkish Constitution's definition that all Turkish citizens are 'Turks', precluding claims to citizenship on any other ethnic basis. This statement has little to no practical effect on rights to citizenship for ethnic minorities.

Use of Kurdish language

4.9 The use of Kurdish in public is legal and Kurdish is commonly used in Turkey, including in Istanbul and other cities of western Turkey. Kurdish is used in political advertising and campaigning, private education and most social contexts. Measures taken by the Government to support the Kurdish language include establishing a publicly-funded Kurdish-language TV station, though this channel does not report on political issues.

4.10 The Government's September 2013 democratisation package lifted restrictions on the use of q, w and x (letters used in the Kurdish but not Turkish alphabet). However, these letters still cannot be used in official correspondence. Kurdish groups reported that local government offices remain reluctant to fully implement this policy, suggesting Kurds use two 'v's in place of a 'w' on official identity documents. Since 2013 efforts have been made to restore the original Kurdish names of villages.

4.11 As with all languages other than Turkish, Kurdish is not used for mother-tongue education in public schools but can be taught as an elective class in public schools, and can legally be used for mother-tongue education in private schools. Kurdish groups argue that the vast majority of Kurds are too poor to attend private schools so the use of Kurdish for mother-tongue education remains beyond their means. However, many Kurdish families recognise the economic value of Turkish fluency.

Arrest and Detention

4.12 Between 2009 and 2011, the state detained nearly 8,000 mostly Kurdish people on the basis of their links to the PKK and the Union of Communities of Kurdistan (Turkish: *Koma Civakên Kurdistan*, KCK), the 'urban wing' of the PKK. Many of those arrested were charged on the basis of links to those groups alone, and without any evidence of material or other support for terrorism. Those detained included political leaders, activists, academics, journalists, lawyers and students. Many of these people remain in detention.

4.13 The renewed conflict with the PKK in 2015 has led to arrests of non-violent protestors and activists on terrorism charges, with some human rights groups claiming ill-treatment of detainees. Human Rights Watch has reported that investigations into officials of Kurdish political parties and activists, including mayors, have increased.

Political representation

4.14 While some AKP MPs are Kurdish (including Ministers), political parties representing Kurdish interests continue to face obstacles to their operation. Over recent decades, the Turkish Government has forced many Kurdish parties to disband, declaring them illegal on the accusation that they have provided support for the PKK. The People's Democratic Party or HDP, founded in 2012, is presently the main pro-Kurdish party in Turkey. Erdoğan called for HDP leaders to be stripped of their parliamentary immunity and on 20 May 2016 the parliament passed a motion removing the immunity of 138 MPs: 50 from the HDP, 51 from the CHP, 27 from the governing AKP and 9 from the MHP. Subsequent investigations have been filed, mainly against HDP members (405 of 667 files). All three opposition leaders have files against them. MPs who are sentenced to one or more years in prison and those convicted of terror or criminal offences will be removed from parliament. Their status as MPs cannot be revoked, however, until all legal avenues are exhausted. This includes appeal to the European Court of Human Rights.

4.15 Some Kurdish groups argue that the political representation of Kurdish people remains artificially limited by the requirement that political parties achieve ten per cent of the national vote in order to be represented in Parliament. Hudapar, for instance, is a religiously conservative political group representing the interests of Islamist Kurds, which they believe are not represented by the HDP. However, the European Court of Human Rights has found that the threshold does not violate the right to free elections.

4.16 Some quasi-official discrimination against Kurds in public sector employment continues (that is, discrimination based on public service ideology emphasising secularism and 'Turkishness', rather than an explicit government policy). Kurds have reported that in order to secure employment in the public sector they would not have to conceal their identity but they would not openly discuss it. Such discrimination against Kurds is mostly limited to the level of the national government, which controls national agencies and appoints provincial Governors. Municipal governments, on the other hand, are popularly elected at a local

level—many such municipal governments in eastern and south-eastern Turkey have Kurdish representation and tend to provide services to, and employ, Kurdish people. Many Kurds are employed in the public sector in Turkey although not at a rate comparable to their proportion of the overall population.

4.17 Overall, DFAT assesses that the situation for Kurds has not improved since the 2014 DFAT Country Information Report. While Kurds' ability to express their Kurdish identity, use the Kurdish language, and achieve political representation have been maintained, they remain at risk of harassment through the legal system and of discrimination in public sector employment. In addition, the ongoing violence in the southeast disproportionately affects Kurds, given they are the majority in the region, and has resulted in a significant loss of civilian life. The enforcement of temporary security zones and curfews by the military has inhibited access to health services, education, work and other aspects of everyday life. Overall, DFAT assesses that these conditions represent a moderate level of official discrimination against Kurds.

Societal Discrimination

4.18 In many areas of Turkey, Kurds do not face societal discrimination. Kurds can access government health and education services—this normally includes free public schooling and, for the poor, access to free public health care. Kurds can normally secure private sector employment and public sector employment subject to the limitations outlined in the previous section.

4.19 In eastern and south-eastern Turkey, societal discrimination rarely occurs given the large Kurdish population in these areas. In Istanbul, contacts told DFAT that 'Kurdishness' was becoming much more acceptable: for example, Kurdish buskers and music can now be heard on the streets. Kurds continue to experience a low level of societal discrimination in Istanbul and other parts of western Turkey. Kurds who do not speak Turkish can have fewer employment opportunities and might find it difficult to secure medical treatment or housing from Turkish service providers. Most young, educated Kurds are bilingual in Turkish and Kurdish; therefore, discrimination on the basis of language normally only occurs for elderly or uneducated Kurds. Kurdish women, on average, have lower levels of education than Kurdish men, and this barrier to accessing services is particularly a problem for Kurdish women.

4.20 Societal discrimination against Kurds is partly influenced by the changing nature of Government-PKK peace talks. Given the resumption of hostilities, societal attitudes towards Kurds are currently less positive. Some non-Kurds believer that all Kurds are associated with the PKK, despite the fact that many Kurds are supporters of the current Government and want the conflict to end. On this basis, DFAT assesses that there is, at present, a moderate level of societal discrimination against Kurds. However, this varies across Turkey depending on proximity to the conflict or the number of Kurds present in a particular location.

Violence

4.21 Kurdish rebel groups have traditionally engaged in conventional military tactics as well as guerrilla and terrorist tactics. The state has fought Kurdish combatants through military operations and airstrikes. The current conflict is urban, with fighting occurring within cities in the southeast, in both commercial and residential areas. Recent bombings claimed by TAK have occurred in major cities, bringing the conflict into the main population centres. These tactics have led to significant loss of civilian life. In the 1990s, non-military methods allegedly used by both sides included abductions, torture, extra-judicial killings and arson. The state forcibly depopulated extensive rural areas of south-eastern Turkey. Credible contacts agree that extra-judicial killings, abductions and arson are no longer used by state security forces. However, Human Rights Watch and the UN High Commissioner for Human Rights have expressed concern that Turkish security forces are employing a disproportionate use of force during their current operations in southeast Turkey.

Religion

4.22 Turkey's Constitution defines Turkey as a secular country, and contains three 'irrevocable' provisions: Article 10 provides that all individuals should be equal before the law without discrimination as to religion; Article 15 provides that no one can be compelled to reveal his or her religion; and Article 24 provides for freedom of religion and conscience.

4.23 The 1923 *Treaty of Lausanne* provides guarantees of the rights of 'non-Muslim minorities'. Turkey has interpreted this phrase to refer solely to the major non-Muslim minorities in Turkey at that time, which were the Armenian Apostolic, Greek Orthodox and Jewish communities (henceforth the 'Lausanne minorities'). Non-Lausanne minorities include Alevis, Alawites and other Christian groups (including Orthodox Christians, Roman Catholics and Protestants).

4.24 Although nominally a secular country, Turkey provides substantial institutional support to Sunni Islam. The Directorate of Religious Affairs (Diyanet) pays the salaries of an estimated 150,000 staff, including imams and other religious workers, and regulates the affairs of over 80,000 mosques across the country. Local governments pay the utility bills for mosques within their municipality. The state also provides training for Sunni Muslim clerics. Support of this type is not available to other religions.

4.25 Religious groups in Turkey are not required to seek registration with the state. Registration is, however, necessary to enable a group to seek official recognition of a place of worship. Holding religious services at an unrecognised place of worship is illegal and individuals doing so can be subject to fines and congregations can be closed down, though prosecutions are not usually carried out. Religious groups can seek registration as an association or as a foundation. Registration as an association is faster and cheaper but offers fewer legal protections and freedoms, while registration as a foundation permits the religious group to own property. The registration of new religious foundations was legalised in 2011.

4.26 The state confiscated a significant amount of property from religious foundations during the twentieth century, particularly from 1936 onward. In 2011, the Government began to return some of this property to the religious foundations but only if it was confiscated after 1936. Some groups, such as Alevis, had property confiscated before this period and are therefore ineligible.

Official Discrimination

4.27 Despite the constitutional protections of freedom of religion outlined above, the Turkish state continues to decide what religions and denominations are legal and legitimate; how religions can be organised; and how religious education can be provided.

4.28 Common discriminatory practices towards minority religious groups include the following:

- Minority religious groups are less likely to receive promotions in public sector employment (due to a quasi-official public service ideology, rather than an explicit government policy).
- Minority religious communities have experienced administrative difficulty establishing new places of worship; having places of worship officially recognised; and securing effective protection for places of worship.
- Non-Lausanne minority religious groups (such as Alevis, Alawites and some Christian groups) are generally not legally permitted to undertake religious education, including the education of religious clergy.
- Non-Lausanne minority religious groups (such as Alevis, Alawites and some Christian groups) are unable to attain legal personality, except by registering as an association or foundation, and are therefore unable to defend and prosecute their own interests through the court system, including maintaining ownership of property.
- Identification cards and other documentation frequently reveal the bearer's religious affiliation, and by default list people as Muslim.
- Religious education, with a strong focus on Sunni Islam, is compulsory in school for all non-Lausanne minorities.
- The right to conscientious objection to military service on the basis of religion is not enshrined in law; military service applies to all religious groups.

4.29 In recent years, Turkey has made progress towards resolving many of these issues. It is no longer a formal requirement for identity cards to show the bearer's religion; the relevant field remains on the card but it can be left blank. However, if students want to be excluded from compulsory Islamic religious classes on the basis of being a member of a different religion, they have to submit a copy of their ID card with their religion listed as proof. There are no alternative lessons offered and religious education is one of the six essential exams that every student must take in order to gain entrance to university. A right to conscientious objection to military service on the basis of religion has recently been recognised by military courts on the basis of the European Court of Human Rights jurisprudence, although this right is not protected in law and cannot be applied to Sunni Muslims. The establishment of a number of new non-Muslim places of worship has been approved. State security forces offer some protection for non-Muslim places of worship and for non-Muslim clergy. The bureaucracy continues to consider applications for the return of property formerly owned by religious foundations.

4.30 Conversion is legal in Turkey and apostasy is not a crime. There is a political consensus among leading political parties that the freedom of religion includes freedom to change one's religion and freedom not to believe. Proselytising is not a crime in Turkey; on the contrary, the right to spread one's religion is protected in law, although it faces societal obstacles (see 'Societal discrimination', below).

4.31 On this basis, DFAT assesses that minority religious groups, including non-Lausanne groups, face a low level of official discrimination. Religious groups may face difficulties in securing promotions in public sector employment, and may face, at times, significant bureaucratic obstacles to the free practice of their religion.

Societal Discrimination

4.32 Turkey's efforts over many decades to encourage the development of a secular society are being challenged by the recent rise of political Islam.

4.33 Societal intolerance on the basis of religion does not normally extend to violence, though there are some examples of violence such as the 2007 murder of a leading Armenian Christian journalist and activist, Hrant Dink, who was shot outside the *Agos* newspaper office in Istanbul. The trial of his accused murderer is ongoing. Intolerance is more pronounced in rural areas and small towns and villages.

4.34 Converting from Islam can be socially contentious, particularly in conservative and rural communities. Proselytising can also be difficult in practice. A number of incidents of low-level violence have been perpetrated against Christian groups proselytising and seeking to provide information on their religion and Turkish security forces have been known to decline provision of security to Christian groups.

Alawites

4.35 Alawites follow a branch of the twelver school of Shia Islam, but with syncretistic elements. Credible estimates suggest that up to 500,000 Alawites live in Turkey (not including Syrian refugees who identify as Alawite), concentrated in the southern regions neighbouring Syria, such as Hatay province. Most Turkish Alawites are Arab in ethnicity. Many older Alawites speak only Arabic, though younger generations are often bilingual in Arabic and Turkish. Alawites in Turkey are frequently confused with Alevis (see 'Alevis', below). To avoid this confusion, they are sometimes referred to in Turkish as *Arap Alevileri*, or Arab Alevis. The belief systems of Alawites and Alevis, though distantly related, are quite distinct. Turkish Alevis differ in doctrine and praxis from the Alawites of Turkey and Syria, although few Turks understand the difference, and the same term is regularly used for both. A key difference between the two is that while the Alawite faith is an offshoot of Shia Islam, any contribution of Shia Islam to the Alevi faith is more remote.

4.36 Historically, Alawites in Turkey have not generally faced societal discrimination. Alawites and Sunnis in Hatay province have enjoyed many decades of harmonious cohabitation. However, since 2011, conflict in Syria, largely between Alawites and Sunnis, has increased tensions between Alawites and Sunnis in Turkey. This stems in part from the poor relationship between the Turkish Government and the Alawite-dominated Syrian Government. Turkey has recognised the Syrian opposition as Syria's legitimate government, and has publicly blamed the (Alawite) Syrian President Bashar al-Assad for security incidents in southern Turkey. In 2012, Erdoğan (then Prime Minister) publicly condemned a car bombing in Hatay province that killed 56 'Sunnis' and Government statements have criticised 'Alawite Assad'.

4.37 Community leaders have told DFAT that the Government's rhetoric risks stoking sectarian tension between Alawites and Sunnis. However, DFAT is not aware of specific examples of official discrimination against Alawites in Turkey, or of examples of community violence against Alawites.

Alevis

4.38 Alevis follow a heterodox set of religious practices originating in Shia Islam, but incorporating elements of Sufism and, in some areas, Zoroastrian, Druze, Yazidi, and Mandaean beliefs, as well as pre-Islamic Turkish shamanism. Many Alevis do not consider themselves Muslims or identify as Shia (or Sunni). The Turkish state considers Alevism a heterodox sect of Islam. Most Alevis do not pray in mosques, but gather in religious and community centres called Cemevi, or Cem houses. Alevis generally pray in Turkish. Among other important distinctions from Islam, Alevis do not (completely) segregate women in their houses of worship. Veils are regarded as optional by Alevi women, though many Alevi women wear headscarves. Alevis are mostly secular, supporting strict separation of religion and politics.

4.39 Alevis are the largest non-Sunni religious minority in Turkey (see 'Demography'). Credible academic estimates suggest ten to 15 per cent of Turkey's population is Alevi, although the community claims it is closer to 30 per cent. There is some overlap between Kurdish and Alevi identity. Estimates of the Kurdish Alevi population vary widely: between 500,000 and several million Kurds are Alevis. While many Alevis may speak Kurdish, they are likely to identify themselves as Alevi before identifying as Kurdish. An estimated 1.5 million Alevis attend Cemevi monthly. Alevis are widely distributed across Turkey, but are concentrated in central and inner-eastern Anatolia, Istanbul and other major cities. Tunceli is the centre of the Alevi faith and 95 per cent of its population is Alevi.

Official Discrimination

4.40 As the Turkish state does not officially recognise Alevism as a religion, Cemevis are not recognised as official places of worship and do not receive public funding. However, some local governments are starting to provide land or other forms of support. A European Court of Human Rights decision in December 2014 stated that the Turkish Government should pay the electricity bills of Cemevis as this was the practice for mosques. This decision has not been implemented widely. There are approximately 3,000 Cemevis across Turkey. Alevi groups argue that this number is insufficient to meet the needs of their community and that they have difficulty in securing the necessary Government approvals to build further Cemevis. Alevis cannot establish schools in which to train their clergy.

4.41 Unlike the Lausanne minorities, Alevi children are not exempt from mandatory religious and ethics classes in public schools. In recent years, religious and ethics classes have begun to include limited elements of other faiths, including Alevism. Alevi groups have been consulted on parts of the course that cover Alevism, but feel that the coverage of Alevism remains cursory. Alevi groups have argued that content covering Alevism has been included at the end of the school year, when students are normally absent to begin exam preparation.

4.42 As with other religious minorities, much Alevi property was confiscated in the early period of the Turkish republic. Unlike other religious minorities, Alevi property is not eligible to be returned under a recently enacted decree as the decree refers to confiscations from 1936 onward and the majority of the Alevi property was confiscated in 1924 and 1925.

4.43 In 2013 the Government publicly claimed that it had undertaken extensive consultations with the Alevi community in regard to the community's concerns and was considering providing some concessions. The only outcome, however, was the renaming of Nevsehir University to Haci Bektas Veli after a prominent Alevi figure. As part of its campaign for the November 2015 parliamentary elections, the AKP undertook to provide legal recognition for Cemevis.

4.44 Like other minority groups, Alevis are able to secure public sector employment, including in the military, but many report they do not feel comfortable revealing their religion. Securing promotions can be difficult if they are open about their Alevi identity. There are few, if any, Alevi police chiefs in Turkey. There are no Alevi Governors in any of the 81 provinces of Turkey.

4.45 Alevis in Turkey enjoy many religious freedoms: they are generally free to gather in Cemevis to undertake religious ceremonies and in many spheres of life can freely express their identity without fear of discrimination. Increasingly, municipal governments in Alevi-majority areas are providing financial support for Alevi cultural institutions. DFAT is not aware of any discrimination against Alevis in terms of access to health care or education, other than the requirement to undertake Islamic religious classes.

Societal Discrimination

4.46 Alevis are often accepted as an integral part of Turkish society. The leader of the CHP is an Alevi and up to 40 Alevis are believed to be represented in Parliament in 2016 (including 30 in the CHP; five in the BDP and two in the AKP). Alevis are able to obtain employment in the private sector or run their own businesses, and to celebrate their annual religious holidays, although these are not recognised as official holidays. The three main Alevi Foundations are able to operate freely and advocate on behalf of the community. However, despite the size of the Alevi community, Alevis keep a low profile within society and many Alevis still prefer to hide their identity, especially from Sunni Muslims. Overall, DFAT assesses that Alevis face low levels of societal discrimination on the basis of religion.

Violence

4.47 The Alevi community has suffered significant violence in the past. Over 30 Alevis were killed in 1993 when a Sunni mob set fire to a hotel in Sivas, in which an Alevi group was holding a cultural celebration. Authorities did not intervene at the time, but later tried and convicted many of those responsible. Following a

range of discussions with representatives of the Alevi community, DFAT is not aware of significant instances of community violence against Alevis in recent years. Some civil society groups claimed that Alevis were killed in the Gezi Park protests in May–July 2013, though none said that this was the result of intentional targetting of Alevis (see also 'Anti-Government Protestors / Activists', below).

4.48 Overall, on the basis that Alevis are generally free to practise their faith, express their identity, find employment and achieve political representation, DFAT assesses that Alevis are at a low risk of violence on the basis of their religion.

Atheists and Agnostics

4.49 An estimated one to three per cent of Turkey's population is atheist or agnostic. Despite the constitutional protections of freedom of religion outlined above, DFAT assesses that atheists face a low level of official discrimination in Turkey. Atheists are not exempt from mandatory religious and ethical education classes. Atheists often show 'Muslim' on their identity cards to avoid discrimination and lead 'double lives', as they only face discrimination if they vocalise their beliefs. As noted about other minority religious groups, atheists would be likely to encounter difficulties in securing promotions in the public service if vocal in regard to their beliefs. Article 216 of the Turkish Penal Code is frequently used against atheists on the grounds of their behaviour denigrating the religious values of a part of the population and insulting Islam. Turkey's first legally recognised atheist organisation, the Turkish Association of Atheism, was founded in 2014 but its website was shut down on 4 March 2015, under Article 216. The Association claimed that they did not publish any provocative material and the shutdown was a violation of their freedom of expression. The shutdown has since been reversed, and the Association's website is currently working.

Armenian Apostolic Christians

4.50 It is estimated that there are 90,000 Armenians in Turkey (60,000 are citizens and 30,000 are undocumented immigrants from Armenia), most of whom reside in Istanbul or other urban centres having migrated from eastern Turkey in previous decades. There are very few Armenians in rural areas. DFAT has been told that most of the resident Armenian community is bilingual in Turkish and Armenian, using the Armenian language mostly at home or in religious ceremonies.

4.51 As a Lausanne minority, the Armenian community has the right to maintain existing religious foundations, build new places of worship, and establish and run religious schools. Istanbul has 17 Armenian schools, with an estimated 3,000 students, and 50 Armenian churches. Several Armenian churches have now been restored in other parts of Turkey, including with Government support. Armenian groups told DFAT that only 25 per cent of their churches have been returned to the community, following their confiscation in the early years of the Turkish Republic. Armenian groups report that they do not face significant harassment from police in Istanbul. Following discussions with representatives of the Armenian community, DFAT is not aware of human rights abuses committed by police specifically against Armenians in recent years. In April 2015, commemorations and peaceful demonstrations were held across the country to mark the 100th anniversary of the tragic loss of life and suffering experienced by Armenians of Ottoman Turkey. Overall, DFAT assesses that Armenians do not face a significant level of official discrimination in contemporary Turkey.

4.52 A survey of hate speech in Turkey (undertaken by a credible though pro-Armenian group) consistently finds that Armenians are one of the most targeted groups of hate speech in print media. Although Armenians can generally find private sector employment, some Armenians assume Muslim names for the purposes of encouraging trade. Hostility towards Armenians can increase when the bilateral relationship between Turkey and Armenia is poor. Vigilante groups such as the Grey Wolves have significantly moderated their once-violent and extremist anti-Armenian activities, and now concentrate on political activity. DFAT assesses that Armenians in Turkey face a low level of societal discrimination.

4.53 Armenian groups have faced some societal violence in recent years, including the 2007 murder of Hrant Dink, a prominent Armenian journalist and activist. The ongoing trial of the accused murderer suggests the police and judiciary are attempting to provide protection to the Armenian community. A public commemoration is held annually in Istanbul to honour Hrant Dink and DFAT observed that this was able to proceed in 2016, under the supervision of police. DFAT is not aware of any recent examples of societal violence against Armenians on the basis of their religion.

4.54 Separate issues relate to Armenians who converted to Islam during the late 19th and early 20th centuries. Armenian groups in Turkey assess that there might be several hundred thousand 'Islamised Armenians'. Some are beginning to consider reconverting to Armenian Orthodox and other forms of

Christianity. According to contacts, reconversion is not a simple process: it is opposed by the Sunni Muslim majority, and is not encouraged by the Armenian Orthodox church (which is reluctant to be seen to proselytise). However, DFAT is not aware of official or societal discrimination aimed specifically at Islamised Armenians.

Greek Orthodox Christians

4.55 As one of the Lausanne minorities, the Greek Orthodox community in Turkey enjoys relatively unencumbered freedom of worship, the right to maintain existing religious foundations, build new places of worship (but not buy or hold title to property), and establish and run private religious schools. Approximately 2,500 Greek Orthodox Christians live in Turkey, mostly in Istanbul and Izmir.

4.56 The Greek Orthodox community faces restrictions on the training of Greek Orthodox clergy in Turkey. The Greek Orthodox Halki seminary was closed in 1971 and has not been permitted to reopen. In May 2015, the Turkish Government suggested that it would consider reopening Halki seminary if Greece agreed to open a mosque in Thessaloniki. The Greek Orthodox community faces other limitations on its freedom of religion, including the absence of legal personality for the Greek Orthodox patriarchate. The Government has intervened in elections to the Patriarch and voting in the Church's Holy Synod. Given the small size of the Greek Orthodox community, the requirement of the local government of Istanbul that leaders of the Greek Orthodox Church be Turkish citizens is difficult to meet. On the other hand, Turkish authorities approved in 2012 the reactivation of a foundation for the Greek Orthodox community in Istanbul.

4.57 Societal discrimination against Greek Orthodox community members is consistent with discrimination against other small Christian minorities in Turkey; the Greek Orthodox community reports occasional vilification in the press and physical attacks. The state has attempted to provide protection against attacks. Overall, DFAT assesses that the Greek Orthodox community in Turkey faces a low level of official and societal discrimination.

Jews

4.58 As a Lausanne minority, Jews in Turkey retain freedom of worship and the right to maintain existing religious foundations, build new places of worship, and establish and run religious schools. An estimated 17,000 Jews live in Turkey, mostly resident in Istanbul and other urban centres.

4.59 In general, Jews receive better treatment in Turkey than some other religious minorities but their treatment is influenced by Turkey's relationship with Israel, which has traditionally been volatile. More recently, the Hrant Dink Foundation's hate-speech monitoring project found that, as a result of an Israeli armed forces operation on Al-Aqsa mosque in Jerusalem, Jews were the primary target of hate speech in Turkey for the period September to December 2014. In June 2016 Turkey and Israel reached an agreement to restore diplomatic relations which had been frozen since the *Mavi Marmara* incident in 2010.

4.60 Recent positive developments include the reopening, on 26 March 2015, of the Grand Synagogue of Edirne, the largest synagogue in Turkey. The General Directorate of Foundations approved the reopening and spent 5.75 million Turkish liras (AUD2.65 million) on its restoration. In 2015, the Jewish community in Istanbul held a public event to celebrate Hannukah, the first time this has been allowed by Turkish authorities. The Government agreed to reactivate a foundation for the Jewish community in Izmir in 2012 and a new synagogue was opened in Istanbul in 2013.

4.61 Despite this, civil society groups have told DFAT that Jews in Turkey continue to be a target of hate speech and that anti-Semitic sentiments are expressed publicly with impunity, including by the President. The US State Department's 2014 *International Religious Freedom Report* cites public anti-Semitic statements made by Erdoğan (then Prime Minister) and other election officials in July 2014, in relation to the conflict in Gaza. Protests at the Israeli Consulate General, the Israeli Embassy and the Israeli Ambassador's Residence in Ankara on 18 July 2014 were followed by Erdoğan referring to Israel's actions in Gaza as surpassing Hitler's barbarism. AKP party officials were present at the protests.

4.62 Overall, DFAT assesses that Jews in Turkey face moderate levels of official discrimination and low levels of societal discrimination, which can increase dependent on Turkey's bilateral relations with Israel.

Shias

4.63 According to the Shia Ja'fari community, approximately three million Shia Muslims live in Turkey. Most Turkish Shias follow the Ja'fari school and live predominantly in Turkey's east. Shias are permitted to build

their own mosques and generally enjoy freedom of worship. However, due to the state's monopoly on religious education of Islamic clerics, Shias cannot train their own clergy in Turkey. Clergy are instead sent to Iran and Iraq for training.

4.64 In July 2014, Sunni radicals threatened the imam of a Ja'fari mosque in Istanbul. The mosque was vandalised and set on fire two weeks later and the subsequent police investigation blamed thieves, a finding which was disputed by the Ja'fari community who believe they were directly targeted.

4.65 While some societal discrimination against Shias is evident in Turkey, the sectarian conflict between Sunni and Shia in Iraq, Syria and Lebanon has so far not been reproduced in Turkey, notwithstanding the influx of Syrian refugees. Overall, DFAT assesses that Shias in Turkey are subject to low levels of societal and official discrimination.

Sunnis

4.66 For the most part, Sunni Muslims are the beneficiaries of official discrimination in Turkey. However, because the state exercises strict control over religious education and the education of clergy, Sunnis' expression of their religious beliefs is also circumscribed by law. Until early 2014, a ban on headscarves remained in effect in Government offices, courts and public schools. In September 2014 the Ministry of Education lifted the ban on headscarves for middle and high school students. Many secular Turks, including some in senior positions in the private sector, still look down on women wearing headscarves. The ban on headscarves in Parliament was lifted in 2013.

Other Religious Groups

4.67 Sufism, a mystic expression of Islamic worship, is legislatively prohibited in Turkey, but in practice Sufism is socially accepted and Sufi religious social orders and lodges are widespread. The ban on these organisations is not enforced by the state.

4.68 Approximately 20,000 Syriac Orthodox Christians live in Turkey (not including Syrian refugees). The Syriac Orthodox are not recognised as a protected minority under the Lausanne Treaty and therefore cannot operate their own schools. As a result, Syriac Orthodox are unable to receive either public or private education in neo-Aramaic, the language of liturgy and religious celebration. The community continues to seek to establish a second church in Istanbul. The Mor Gabriel monastery, which had earlier been confiscated from the Syriac Orthodox community, was returned to the Monastery Foundation in 2013.

4.69 A range of Protestant denominations are represented in Turkey, with an estimated 7,000 adherents. Three Ottoman-era Armenian Protestant churches in Istanbul are officially recognised, but most other Protestant places of worship are not. The Protestant community reports difficulty registering its places of worship and securing legal personality for congregations, and verbal and physical attacks by members of the Sunni majority. Protestant associations reported some examples of police protection being offered in response to threats and attacks.

4.70 Other denominations represented in Turkey include an estimated 15,000 Russian Orthodox Christians; 25,000 Roman Catholics; 10,000 Baha'is; 22,000 Yazidis (17,000 of whom are refugees who arrived since 2014); 5,000 Jehovah's Witnesses; 3,000 Chaldean Christians; as well as Bulgarian Orthodox, Nestorian Orthodox, Georgian Orthodox, Syriac Catholic, Anglican and Maronite Christians. The Government is now providing increased support to some of these groups. For example, in 2013 the state contributed to the restoration of Chaldean, Armenian and Syrian Churches in Diyarbakir.

4.71 Overall, DFAT assesses that these groups face low levels of official discrimination and low levels of societal discrimination. The state generally attempts to provide freedom of worship and association for these groups, albeit with some bureaucratic obstacles. The state generally attempts to provide some level of protection to these groups from irregular societal violence, though it is not always adequate.

Political Opinion (Actual or Imputed)

4.72 Turkey is a democracy with a wide variety of political views and ideologies reflected in its Parliament and at other levels of government and society. In the past, some groups have been prosecuted and jailed on the basis of non-violent political opinions and credible contacts have told DFAT that there has been a resurgence of this trend in recent years, especially since the 2013 Gezi protests. According to Turkey's

Justice Minister, since Erdoğan became President in August 2014 almost 2,000 people have been indicted for 'insulting the President'.

Anti-Government Protestors / Activists

4.73 Protests are technically legal in Turkey as long as the organisation or association organising a protest has secured prior approval for the protest from the Ministry of Interior to the association or foundation organising the protest. DFAT understands that this permission is becoming harder to obtain as the Government becomes less accommodating of critics. Protests have been a regular occurrence in Istanbul and other major cities in the past, though they can attract high levels of attention from police and other security forces, especially following the terrorist attacks in Istanbul and Ankara in 2015 and 2016.

4.74 Turkey has a wide range of non-government organisations and an active civil society. Civil society organisations normally need to be registered with the state. Some civil society organisations have faced bureaucratic obstacles to securing registration, but in most cases are able to do so. Civil society organisations are able to criticise government policy in their specific area of competence but DFAT has been told by a variety of contacts that the space for freedom of expression is diminishing. In recent years the Government has begun setting up its own NGO-like bodies, referred to as 'GoNGO's'. AKP supporters staff these organisations.

4.75 Temporary protest groups and civil society groups engaged in regular activism can face legal harassment by the Government, including the filing of spurious criminal charges, or verbal or physical harassment by the police.

4.76 The most prominent recent case, which marked a turning point in the overall deterioration of freedom of expression and the right to assembly, was the Gezi Park protest in mid-2013. Beginning in late 2012, protests developed in and around Gezi Park in Istanbul, focused on opposition to the felling of trees in the park for development purposes. From May to July 2013, the protest grew to incorporate groups advocating other issues, including human rights, secularism and economic development. Some Kurdish groups were prominent in supporting the protests in Istanbul, though protests were limited in south-eastern Turkey. The protests spread to almost all other parts of the country. At their peak, hundreds of thousands participated in the protests.

4.77 The protests were generally peaceful, although some participants used violence against security forces. Turkish security forces responded to the protests with a range of measures, at times attempting to disperse the protestors with violence. These measures included warnings, arrests, and the use of batons, pepper spray, tear gas, rubber bullets and live ammunition. Over 3,500 people were detained. Over 100 were in detention for months on suspicion of being a member of a terrorist organisation. On 29 April 2015 the remaining 26 people on trial were acquitted of criminal charges related to the Gezi Park protests. The Turkish Medical Association reported that eight people were killed and over 8,000 were injured as a result of the police response to the protests, including injuries to hundreds of security forces personnel. The Turkish Medical Association reported that the police were directly or partially responsible for at least three of the deaths: one was killed by a bullet to the head; one was beaten to death by a group including police officers; and one was killed by a tear gas canister fired at their head.

4.78 The view that police used excessive force against the protestors is widely accepted, including by the Turkish Ministry of Interior and the Ombudsman Institution. The Ministry of Interior conducted investigations into over 150 police officers, including 32 senior officers. By late 2013, over 40 police officers had received administrative penalties or been suspended from duty. In January 2015 two police officers were sentenced to ten year prison terms for the death of a 19 year old male protestor. The Ombudsman Institution received complaints relating to the protests and undertook inquiries. The National Human Rights Institute set up an ad hoc commission to draft a report on alleged human rights abuses during the protests.

4.79 Overall, DFAT assesses that following Gezi Park, freedom of assembly has decreased markedly in Turkey. Where protestors, either organisers or ordinary activists, are critical of the Government, they face a moderate risk of harassment and/or excessive use of force perpetrated by the authorities and/or disproportionate judicial proceedings. Protestors not critical of the Government face a low risk of harassment and/or excessive use of force.

The Gulen Movement / Gulenists

4.80 Gulenists, followers of the worldwide religious movement headed by a US-based Islamic cleric, Fetullah Gulen, have traditionally been part of elite society in Turkey. In the past they have occupied

influential positions within the AKP party, the bureaucracy, the police, business and the judiciary. Corruption charges in late 2013 implicating AKP Government members, including President Erdoğan, led to accusations from the Government that the Gulen movement, once an ally, was attempting to establish a 'parallel state' and overthrow the Turkish Government. The Government has designated the Gulen movement a terrorist organisation. Several civil society organisations and independent media outlets describe the Government's treatment of Gulenists as a 'witch-hunt'.

4.81 People with perceived links to the Gulen movement continue to be removed from public institutions and either dismissed or reassigned to remote areas in Turkey. Human Rights Watch reported that during 2015, prosecutors, judges and police officers suspected of being Gulenists were charged with being members of a terrorist organisation and plotting to overthrow the Turkish Government. Schools run by the Gulen movement are progressively being closed down. In October 2015 the Editor-in-Chief of the main Gulenist newspaper, *Zaman*, was arrested for 'insulting the President' and faces a possible eight year jail sentence. On 4 March 2016 the Government placed the Gulenist media group, Feza, which owns *Zaman* newspaper, under the control of state-appointed administrators. *Zaman* was one of only a few remaining major non-government news outlets. Protestors who gathered at *Zaman*'s premises in Istanbul to demonstrate against its closure were dispersed by police using tear gas, water cannon and rubber bullets.

4.82 As members of a designated terrorist organisation, Gulenists would find it difficult to maintain employment in the public sector and are at risk of dismissal, reassignment to remote locations, or even imprisonment. DFAT assesses that public officials linked to the Gulen movement face a high level of official discrimination and other people with perceived links to the Gulen movement are at significant risk of official discrimination.

Groups of Interest

Human Rights Defenders

4.83 A range of organisations advocating human rights are present in Turkey, including lawyers' organisations that act on behalf of people accused of crimes. These organisations are permitted to register as associations and are publicly accessible. Many have websites and publish in Turkish and English, including documents critical of the Government. However, these organisations say they now need to maintain a lower profile in society and practice a level of self-censorship, in response to the curtailment of freedom of expression in recent years.

4.84 Some of these organisations are subject to a low level of bureaucratic pressure. This might include inability to register the organisation as an association or being subject to legal harassment, including serious charges related to publications or contravening the anti-terror law. This is particularly the case for human rights groups that advocate and defend the interests of Kurdish groups; many human rights defenders have been caught up in trials of Kurdish activists (see also 'Kurds', above).

4.85 Several human rights organisations told DFAT that their members had in the past been subject to extra-judicial killings or torture, but that this has not happened in recent years. However, some had been subject to ill-treatment during the Gezi Park protests. On 28 November 2015 prominent human rights lawyer and Chairman of the Diyarbakir Bar Association, Tahir Elci, was shot and killed in Diyarbakir and the investigation into his death has not been resolved. Elci was known for his work representing victims of human rights violations by security forces, enforced disappearances and unlawful killings. He was a prominent critic of the curfews imposed in the southeast since the resumption of conflict with the PKK in 2015. At the time of his death, Elci was under investigation for claiming that the PKK was not a terrorist organisation but an armed political movement that sometimes committed terrorist acts.

4.86 DFAT assesses that human rights defenders who maintain a low profile face a low risk of official discrimination, whereas high profile human rights defenders, especially those who are critical of Government actions, face a moderate level of official discrimination.

Academics

4.87 On 10 January 2016, 1,128 academics from 89 universities in Turkey circulated a petition containing strong criticism of the Turkish Government's military campaign against the PKK and called for an end to the violence in the southeast. The Government, led by the President, responded strongly, including through arrests and dismissals. President Erdoğan publicly called for legal and administrative action against the

academics. The Higher Education Council initiated an investigation, several private universities launched internal investigations and local prosecutors began judicial proceedings. Thirty academics were dismissed, 27 were suspended by their universities pending investigation, 123 faced judicial investigations and 30 academics were taken into custody in six provinces (Kocaeli, Bolu, Bursa, Ezurum, Van and Zonguldak) on charges based on Articles 216 and 301 of the penal code and Article 7 of the anti-terror law. Four of the academics who were on trial for 'making terrorist propaganda' were released from custody in April 2016 after their charges were downgraded from terrorism to 'denigrating Turkishness' under Article 301, which carries a two year jail sentence. Their case is ongoing, with their next hearing scheduled for September 2016. In response to the case, the US State Department said that 'official bodies, law enforcement, and judicial authorities are being used to discourage legitimate political discourse'.

4.88 The Government's response to academic protest reflects an overall deterioration in freedom of expression in recent years. DFAT assesses that while academics are generally free to undertake their work without Government interference, if they participate in activities critical of Government policies or actions, they may experience negative consequences, such as job loss and judicial proceedings, and these amount to a moderate level of official discrimination.

Media

4.89 Turkey's Constitution provides guarantees of freedom of the press and freedom of speech, subject to caveats relating to the maintenance of public order, national security and territorial integrity. These constitutional freedoms are curtailed by wide-ranging exemptions in law, especially those set out in the media, periodicals and anti-terror laws. In its most recent observations on Turkey's human rights performance, the UN Human Rights Committee criticised Turkey's criminalisation of defamation in article 125 of the Criminal Code and excessive application of Articles 214, 215, 216, and 220 (relating to protection of public order), 226 (publication or broadcasting of obscene materials), 285 (confidentiality of investigations), 228 (judiciary), 314 (membership of an armed organisation), and 318 (prohibiting criticism of the military).

4.90 Law 5651 on Regulating the Internet was passed in early 2014, and amended in September 2014, to broaden the scope of administrative blocking and allow authorities access to user data without a warrant. Despite the Constitutional Court overturning these changes, in March 2015 they were passed again in Parliament and went unopposed following the retirement of the Constitutional Court's chief judge. Human Rights Watch reported that in the first six months of 2015, Turkish authorities were responsible for almost three quarters of worldwide requests to Twitter to remove tweets and block of accounts. In August 2015 it was reported that more than 50,000 websites were not accessible in Turkey. A hotline has been established by the Government for members of the public to report online activity that is critical of the Government. A report to this hotline resulted in the arrest of a Dutch journalist of Turkish origin who had criticised Erdoğan on her Twitter account while she was holidaying in Turkey. A court later released her on probation.

4.91 Media freedom has deteriorated in Turkey since the 2014 DFAT Country Information Report. The diversity of Turkey's press has narrowed as media ownership has become more controlled by the state. *Hurriyet* newspaper is one of the few remaining mainstream independent news sources. The Koza Ipek Group, which runs TV, radio and newspapers known for anti-government reporting, were taken over by Government administrators in 2015 citing tax-related investigations. In March 2016 all of Koza Ipek Group's media outlets were closed down. In addition, the March 2016 takeover of the Gulenist media group and its daily newspaper, *Zaman*, (see 'The Gulen Movement / Gulenists' above) attracted public messages of concern about freedom of expression in Turkey, including from the EU Commissioner for Enlargement and the US Ambassador to Turkey.

4.92 Journalists (and publishers or broadcasters) who have expressed views critical of the Government, or who cover sensitive topics, can be subject to political and legal pressure and accused of 'insulting the president' or of 'terrorism'. These, along with widespread censorship of the Internet, are the key reasons that Reporters without Borders listed Turkey 151st of 180 countries in its 2016 press freedom index.

4.93 Credible sources claim that political pressure on journalists has typically come in the form of a phone call from the President's office to the owner or manager of a media outlet, suggesting that the outlet might like to revise its editorial practices or line of reporting. For example, a tape recording released publicly in early 2014 purports to reveal then Prime Minister Erdoğan asking Fatih Sarac, director of an Istanbul-based television station, to remove a news scroll quoting the opposition leader's criticism of the Government. Similarly, in February 2014, the Government arranged the deportation of Mahir Zeynalov, an Azerbaijani journalist who published articles on Government corruption in an English-language Turkish newspaper. The Union of Turkish Journalists has claimed that during the Gezi Park protests, 36 journalists resigned, 20 were

fired, and 14 placed on compulsory leave. Journalists and media outlets routinely self-censor, particularly in relation to criticism of the Government.

4.94 Journalists and reporters are at risk of being the target of legal action based on their reporting, with several cases occurring in recent years. The Committee to Protect Journalists listed Turkey as the world's largest jailer of journalists in 2013, with 40 journalists in prison. Charges against journalists for 'insulting the president' have proliferated. The most notable recent case is the arrest on 26 November 2015 of Can Dundar, the editor of the Istanbul-based opposition newspaper *Cumhuriyet*, and Erdem Gul, the Ankara bureau chief of the same paper. They were charged with espionage, revealing state secrets and assisting a terrorist organisation based on an article they published in May 2015 alleging that Turkish intelligence services had transferred weapons to Islamist groups in Syria during 2014. President Erdoğan personally filed a criminal complaint against Dundar. Following a ruling of the Constitutional Court in March 2016, Dundar and Gul were released from custody pending the outcome of their trial. President Erdoğan objected to the ruling, publicly stating that he refused to recognise or abide by the decision of the Constitutional Court. The pair were sentenced on 6 May 2016; Dundar to five years and ten months imprisonment and Gul to five years. On the day of sentencing, an armed man fired several shots at Dundar as he waited outside the courthouse in Istanbul. Dundar escaped unharmed but a reporter was injured by a ricocheting bullet. The case of Dundar and Gul has been sent to the court of appeal.

4.95 Overall, DFAT assesses that reporters in Turkey who are critical of the Government face a moderate level of discrimination by the Government which increases if they directly insult the president. DFAT observes that the majority of reporters imprisoned in Turkey are imprisoned on the basis of their political views, not on the basis of being reporters per se.

Women

Official Discrimination

4.96 There is no constitutional discrimination against women. While provisions of the Turkish criminal code have in the past discriminated against women, these have largely been removed. Women's rights groups in Turkey spoke relatively positively about the Government's efforts to reform the criminal and civil law codes and bring them more in line with EU standards, drawing on significant consultation with women's rights groups. Credible sources in Turkey reported that the issue was not in the law, but in its implementation, which is inconsistent and, in domestic violence cases, not focused on prevention.

4.97 As a result, there is little official discrimination against women in Turkey. Marriage, divorce, inheritance and child custody are regulated by a civil law code that respects gender equality. Bans on the wearing of a headscarf or female pant suit in Parliament were lifted in 2013. Abortion remains legal up to ten weeks, and up to 24 weeks in cases of rape or danger to the mother, although doctors now have a right to conscientious objection to performing abortions.

Societal Discrimination and Violence

4.98 Women's representation in national Government, having stagnated for many years, is now increasing, though it remains at significantly lower rates than international averages. There are currently 82 women in Parliament, constituting 15 per cent of the 550 seats and there is only one female cabinet member, the Minister of Family and Social Policies. Three of 81 provincial governors are women. Turkey's current female workforce participation rate of 30 per cent is the lowest in the OECD and the third lowest in the G20 after Saudi Arabia and India. The Government's National Employment Strategy aims to increase this rate to 41 per cent by 2023 by increasing access to childcare services, flexible work arrangements, training and education opportunities, and microcredit schemes for female entrepreneurs. Implementation of the strategy has been slow.

4.99 Violence against women remains a problem across Turkey, and particularly in more conservative, traditional and rural areas. In the most recent credible nationwide survey published in 2009, ten per cent of women reported suffering violence from intimate partners over the preceding year, and 39 per cent reported suffering violence from intimate partners during their lifetime. Public reporting of domestic violence has increased substantially over the last decade. Reliable statistics are difficult to find but according to the NGO Platform to Stop Violence against Women, 303 women were murdered in Turkey in 2015, the majority victims of honour killings.

4.100 Several groups suggested to DFAT that violence against women is becoming more visible, possibly as a result of women becoming aware of their rights, and the increasing accessibility of support services. Several high-profile cases of femicide or domestic violence have been reported in recent years. In February

2015, the brutal rape and murder of 20-year-old Ozegcan Aslan in the southeast province of Mersin led to widespread public outcry, including mass protests in Turkish cities and a large-scale Twitter campaign under the hashtag #sendeanlat (tell your story). A 26-year-old man and two accomplices, his 50-year-old father and 20-year-old friend, were charged with the murder and each received lengthy prison sentences. Honour crimes, generally perpetrated against women, are regularly reported in the media. The Government has repealed laws which provided reduced sentences for honour crimes. While accurate statistics are unavailable, DFAT has been told that the practice continues, but is declining.

4.101 The Turkish Government has set up a network of approximately 50 shelters for women (and sometimes men) fleeing family violence but this number is far below that required by Turkey's laws. Non-government organisations provide further shelters (approximately 50 in total), as well as relocation assistance services.

4.102 In addition, the Government provides a range of protection services, including relocation and changes to women's identities. The Government funds one helpline while another is privately funded. In March 2012, a law aimed at protecting women and family members from violence entered into force. DFAT has been told that Turkish police were becoming more responsive to requests for assistance, in part thanks to training on the new laws. However, in some cases, women were told to reconcile with their partners. DFAT has been told that divorced and widowed women also suffer from societal discrimination, including difficulty in securing access to housing and employment.

4.103 The minimum age for marriage in Turkey is 18, or 17 with parental permission, or 16 with court approval. Children as young as 12 are reportedly married in unofficial religious ceremonies. Underage and forced marriage, particularly of young girls, is reported to be prevalent but survey results vary. One NGO survey suggests that the prevalence of marriages under the age of 18 is decreasing but remains high, at around 35 per cent of surveyed women in 2013. Another NGO put the current number at 38 per cent, while the Ministry for Family and Social Policy's survey indicated the number was only 9.3 per cent. Women's rights groups in Turkey told DFAT that awareness of underage marriage is increasing. DFAT was also advised that the incidence of underage marriage between Turkish men and Syrian refugee girls was increasing.

4.104 A Turkish human rights group told DFAT that female genital mutilation was a new and still rare phenomenon in Turkey concentrated in Arabic-speaking areas. It was primarily associated with more fundamentalist strains of Islam reaching Turkey through migration and the internet.

4.105 As noted above, the civil law code provides for equal inheritance between men and women. In practice, the 2013 survey suggests that approximately 75 per cent of families share inheritance equally between men and women.

4.106 Overall, DFAT assesses that women in Turkey face a high risk of societal and official discrimination and violence, particularly domestic or intimate partner violence.

Sexual Orientation and Gender Identity

4.107 There is little official discrimination against people on the basis of their sexual orientation or gender identity. Homosexuality is not illegal and sodomy is not a crime. However, Turkish non-discrimination legislation does not explicitly prohibit discrimination on the basis of sexual orientation and gender identity. There is no legislation in relation to hate crimes against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. In practice, societal and cultural barriers can preclude LGBTI people from living openly, with the exception of a few enclaves in Istanbul, Ankara, Izmir and other large cities where population numbers mean that it is easier to find a social circle or community. DFAT assesses that the vast majority of Turks have conservative views about sexual orientation and gender.

4.108 Few support mechanisms for LGBTI individuals exist, especially in rural areas. Some NGOs work in support of LGBTI rights but they are mostly based in the big cities. In the past they have faced difficulties becoming registered organisations but are now able to formally register and operate openly, including with public websites and workshops. However, authorities routinely audit their offices, a practice which many LGBTI organisations consider a form of monitoring. Rights activists have commented that the prominence of LGBTI organisations in the Gezi Park protests led them to believe that the situation for LGBTI people was improving. However, in June 2015 Istanbul's annual gay pride march, which had taken place for 12 years, was banned by Istanbul's Governors and stopped by police who broke up the parade with tear gas and water cannons, described by the European Commission as a 'disproportionate use of force'.

4.109 LGBTI people reportedly have difficulty securing public sector employment should their sexual orientation or gender identity become known. While gay men can seek exemption from mandatory military

service on the basis of their sexual orientation, they have been forced to "prove" their homosexuality through demeaning and invasive tests. The current Government has reportedly objected to references in draft anti-discrimination legislation to protecting 'gender' rights, on the basis that this would offer protection to LGBTI people.

4.110 Many LGBTI people can normally live safely in neighbourhoods in Istanbul, Izmir and other progressive cities, but substantial social stigma against LGBTI people remains, negatively affecting their prospects for employment. DFAT has been told that LGBTI people are at risk of harassment by police or other Government officials. Police harassment and extortion for sexual favours from transsexual persons have been reported to human rights organisations.

4.111 Credible human rights contacts told DFAT that transsexual men in particular have been subject to violence, ranging from verbal abuse to physical attacks, and murders in a number of instances. One rights group reported 41 deaths of LGBTI people due to hate crimes from 2010-2014. Contacts praised the Turkish police and judicial system for responding effectively to one apparent homophobic attack in Diyarbakir, in the southeast of Turkey (a young gay man was killed by his father and uncle, who have both now been found guilty of murder and sentenced to life imprisonment). However, LGBTI rights groups told DFAT that the police and justice systems did not normally respond this effectively to attacks against LGTBI people.

4.112 Overall, DFAT assesses that LGBTI individuals in Turkey face a moderate risk of official discrimination and a moderate level of societal discrimination. The level and frequency of discrimination depends on the socio-economic status and, to some extent, the geographic location of those involved. Some middle and upper class, educated and urban Turks are open about their sexuality within their family and community circles. However, many LGBTI individuals continue to hide their identity to avoid harassment. Transgender individuals face a high risk of official and societal violence.

Conscientious Objectors and Draft evaders

4.113 Turkey's Constitution states that all Turkish male citizens can be conscripted. Males aged 20 to 41 are eligible for conscription and must undertake military service of six months for university graduates and 14 months for non-graduates. Authorities maintain a sophisticated national database of military service, making evasion almost impossible. For instance, if an individual is stopped by police for a traffic infringement, their military service record will be cross-checked at the same time.

4.114 Legal exemption from military service is possible through three means: medical grounds; payment of a fee; or if the applicant's brother died while undertaking military service. University students can delay their service until they have completed their studies. Rigorous tests are applied to prove an individual is medically unfit for duty. Homosexuality is regarded a psycho-social illness and must be proven in two ways: an invasive medical examination by a military approved doctor and provision of photographic evidence. If a physical disability is claimed, the individual is subject to follow-up checks every two years or so during their period of eligibility to ensure their physical disability still exists. In 2015 laws changed to allow men between 27 and 41 to buy exemption from military service for 18,000 Turkish Lira (approximately AUD9,000). At the time approximately 700,000 men met this criteria but only 69,000 took the option. Generally, only the affluent are able to pay. In late 2015 the Government announced it would seek to reduce the fee but at the time of writing this report, this had not been implemented.

4.115 Military authorities issue documents for exemption of service that indicate the person has no outstanding liability or obligation in terms of military service. Such documents do not include information on reasons for being unfit. People who are unfit for military service can obtain public or private sector employment without difficulty. While military conscription is seen as a rite of passage for young men, societal discrimination against those that are granted exemption is rare.

4.116 There is currently no domestic legislation in Turkey providing a legal basis for conscripts to claim exemption from military service on the basis of conscientious objection. The Constitution gives primacy to international law, and on that basis military courts have permitted at least one conscript to claim a right of conscientious objection on the basis of religion. The claimant in that case was a Jehovah's Witness. However, in a subsequent case military courts have found that Sunni Muslims do not have a basis for claiming conscientious objection, on the basis of advice from the Directorate of Religious Affairs that Islam has no concept of conscientious objection.

4.117 Consequences for evasion of military service include prosecution and either a fine or imprisonment of between one and 36 months. Both military and civilian law are applied in these cases, and the cases can be heard in either court depending on location.

5. Complementary Protection Claims

Arbitrary Deprivation of Life

5.1 During the 1990s, at the peak of conflict with the PKK, Turkish security forces are alleged to have undertaken a number of extra-judicial killings and disappearances. There have been no reports of extra-judicial killings or of enforced disappearances in Turkey in recent years.

Deaths in Custody

5.2 According to the US State Department, one suspicious death of a prison inmate was reported to Turkey's Human Rights Association in 2014. There have been no recent reports from international human rights groups of deaths in custody in Turkey.

Death Penalty

5.3 The death penalty was abolished in Turkey in 2002 for peacetime offences and abolished in all circumstances in 2004. The last execution took place in Turkey in 1984. Turkey has since advocated the abolition of the death penalty in other countries. In 2012, while he was Prime Minister, Erdoğan publicly raised the possibility of reintroducing the death penalty but has taken no action towards implementing this.

Torture

5.4 There have been past accusations of torture by the Government, in particular against members of the PKK and KCK, the 'urban wing' of the PKK. In 2013, Turkey removed the statute of limitations for torture, in an attempt to curb impunity for past offences. The Turkish Government and credible human rights contacts have told DFAT that torture is no longer used by Turkish security forces (see also 'Kurds', above). However, other human rights groups in Turkey allege that torture continues to be used by state security forces, and during the first nine months of 2015 the Ministry of Justice reported 98 investigations regarding allegations of torture. UN bodies have also expressed their concern about ongoing allegations of torture at the hands of state security officials. The UN Committee against Torture's concluding observations on Turkey in May 2016 noted concerns that investigations of torture claims are not undertaken despite the passing of a law removing the statute of limitations on torture offences. In its 2013 Progress Report on Turkey's accession negotiations, the EU noted its concern about the absence of prompt, thorough, independent and effective investigations into all allegations of torture committed by law enforcement officers, and the inadequate sentences given to those found guilty of torture. The US State Department's most recent human rights report stated that there are ongoing reports of torture or excessive use of force. DFAT cannot verify claims of continued use of torture. If the practice continues, it has decreased significantly, and many claims likely refer to ill-treatment, rather than torture.

Cruel, Inhuman or Degrading Treatment or Punishment

Arbitrary Arrest and Detention

5.5 There are recent instances in Turkey of campaigns of legal harassment by the Government against groups, such as those advocating Kurdish autonomy or protesting against the Government. In both cases, general legal processes are followed but fair trial rights are frequently challenged. Important trials have been

held far from the scene of alleged crime, making access difficult for observers and lawyers; lawyers for the accused are frequently indicted themselves; and the judicial principle of 'equality of arms' is not always observed. However, the introduction of individual applications to the Constitutional Court on human rights grounds in 2012 has created an effective mechanism to challenge the lawfulness of pre-trial detention. On balance, DFAT considers that these examples do not constitute arbitrary arrests, though they could constitute harassment.

5.6 Human rights groups suggest that ill-treatment of suspects continues. Examples given of the alleged use of ill-treatment include beatings, rough handling and intimidation of suspects, often outside of police stations and prisons or in prisons where there are no cameras. Government agencies deny that ill-treatment continues, noting that police stations across the country are now fitted with surveillance video equipment.

Corporal Punishment

5.7 Corporal punishment is legal in the home. In 2002, Turkey's Civil Code was amended to remove parents' 'right of correction' but the Criminal Code continues to recognise the concept of 'disciplinary power' and the 2012 Law to Protect the Family and Prevent Violence Against Women does not explicitly prohibit corporal punishment. Turkey is a signatory to the Council of Europe campaign against corporal punishment of children.

6. Other Considerations

State Protection

6.1 Turkey has a stable, established system of government. Its bureaucracy is effective and well-resourced and has significant administrative capacity. Turkey's judicial system and police force are well established and benefit from a long tradition of public service. Civilian control over the military is now more firmly established. Turkey has a range of state protection mechanisms in place of varying degrees of effectiveness, including police and other security forces, avenues for seeking legal redress, and avenues for complaints on human rights grounds and for complaints against the bureaucracy.

Military

6.2 The Turkish Armed Forces are responsible for territorial defence, and have overall responsibility for border control. The military has also traditionally considered itself the defender of secularism in Turkey. On that basis it has intervened in domestic politics on a number of occasions. The strength of political oversight over the military has improved under the current Government. In July 2013, the Government repealed a law regulating the Turkish Armed Forces that contained an article justifying intervention in politics. A law reforming the military discipline system was passed in January 2013; it abolishes solitary confinement and strengthens appeal mechanisms for disciplinary punishments.

6.3 The military is not generally cited in relation to human rights abuses and has little responsibility for providing state protection to individuals, except in the southeast where it is currently fighting the PKK.

Jandarma

6.4 The Jandarma is a branch of the Turkish Armed Forces which, during peacetime, reports to the Ministry of Interior on matters of public safety and order in rural areas. The Jandarma reports to the Turkish General Staff (i.e. the military command) on matters of training and education and reverts to military command in times of war.

6.5 Because of its rural mandate, the Jandarma has less interaction with the public than the Turkish police but is anecdotally seen as one of the most trustworthy arms of the state apparatus. It has little responsibility for providing state protection to people, nor is it normally cited in relation to alleged human rights abuses.

Village Guards

6.6 The village guards are an irregular force of approximately 45,000 personnel recruited from mostly Kurdish members of villages in the southeast to provide security against the PKK. The village guards report to the Gendarmerie and have in the past received weapons and sometimes a small retainer, but have little access to training or oversight. For this reason the village guard system has created some risks of abuses.

Intelligence service

6.7 In April 2014 a law was passed that greatly increased the powers of the Turkish Intelligence Organisation (MIT), which is overseen by the Prime Minister's office. The MIT can collect data without approval via a warrant or other judicial process; prison penalties now exist for interfering with the work of the MIT or obtaining and publishing information about the MIT. The law also gives the MIT and its employees immunity.

Police

6.8 Turkey's police force is responsible for: preventing crime; providing public peace and order (in urban areas); providing security of people and property; and detecting, arresting and transferring both offenders and evidence to appropriate judicial bodies. The police share responsibility for investigation and prosecution of crimes with the office of the state prosecutor. Turkey has over 250,000 police, giving it a relatively high ratio of police to citizens.

6.9 The police generally provide effective state protection. A range of groups have told DFAT that the police have undertaken training in relation to vulnerable and minority groups and in relation to new laws. The police have provided protection from threats of physical harm to religious minority leaders and in some cases to women at risk of domestic violence.

6.10 However, human rights groups have told DFAT that there is strong evidence of impunity for Turkish police officers accused of killing or torturing vulnerable minority groups in the past. DFAT has also been told of a number of cases of complaints made to the police provoking punitive legal action against the complainant, discouraging further complaints. In its 2015 research on public trust in the police, the Turkish Economic and Social Studies Foundation found that trust in the effectiveness and legitimacy of the police differed between groups, with AKP voters having the highest trust and HDP/BDP voters (mostly Kurdish) having the lowest level of trust.

Judiciary

6.11 The court system is divided into a Constitutional Court, the Supreme Court of Appeals, the Council of State, the Supreme Military Administration Court, and a Court of Jurisdictional Conflicts. These bodies are overseen by a High Council of Judges and Prosecutors (HSYK), which has come under increased Government control, with the Minister of Justice managing the HSYK, since amendments to Law No. 6087 were introduced in 2014.

6.12 As Turkey is a member of the Council of Europe, its citizens have a right of individual appeal to the European Court of Human Rights. Since 1990, the Court has heard many thousands of cases from Turkey. Turkey has consistently been among the countries most commonly found to be in breach of its obligations under the ECHR. In 2015 the Court issued 79 judgments that found violations by Turkey, second only to the Russian Federation.

6.13 In 2012, Turkey's Constitutional Court (TCC) began accepting individual applications from Turkish citizens (in addition to cases on appeal from lower courts) and as of April 2015 had received 38,067 applications, with 18, 538 cases pending. The application of the European Court of Human Rights case law in the TCC is an evolving issue. Several TCC judgments have been consistent with the European Court of Human Rights jurisprudence, but the majority of cases submitted to it remain pending. In March 2016 President Erdoğan refused to recognise or abide by the decision of the TCC to release two journalists, Dundar and Gul, who had been charged with espionage, revealing state secrets and assisting a terrorist organisation based on an article they published in May 2015 alleging that Turkish intelligence services had transferred weapons to Islamist groups in Syria in 2014.

6.14 Turkey's Constitution enshrines judicial independence but the effectiveness of the judiciary has drawn increased international and domestic criticism. The European Commission's 2015 report on Turkey stated that 'the independence of the judiciary and the principle of separation of powers have been undermined and judges have been under strong political pressure.' The 2015 Turkey's Social Trends survey conducted by Global Strategy and Policy found that the judiciary is one of the least trusted public institutions in Turkey.

6.15 Turkey's judicial system does not appear to be fully independent from the Executive in politicised cases. In December 2013 the Government Members of Parliament were implicated in corruption cases which resulted in the AKP removing Gulenists from the judiciary, accusing them of operating a 'parallel state'. Legislative changes have since brought the judiciary under increased state control. The High Council of Judges and Prosecutors, the key institution with oversight of the judiciary, has been under the control of the Ministry of Justice since 2014, including the majority of staff appointments.

6.16 Prosecutions in the Turkish judicial system make extensive use of pre-trial detention, sometimes for extended periods. In early 2014, the Government decreased the maximum length of pre-trial detention from ten to five years and released several detainees who had been detained for longer than five years.

6.17 Recent years have seen significant increases in Turkey's legal aid budget, increasing access to justice. In non-politicised cases, the judiciary often issues judgments consistent with international human rights norms within reasonable timeframes. International agreements are directly applicable in Turkish law.

Findings against Turkey at the European Court of Human Rights have created considerable political pressure for Turkey to implement fully its human rights commitments. It has sought to do so by allowing individual applications to the Constitutional Court. It remains to be seen whether this avenue will ensure a more rigorous application of Turkey's international human rights commitments or simply lengthen the process to apply to the European Court of Human Rights.

Ombudsman Institution

6.18 Turkey established a national Ombudsman Institution in 2012. The institution's mandate is to consider complaints against all levels of the Executive. The Parliament elects the head Ombudsman; the Government appoints a further five ombudsmen. The Institution has received over 2,000 applications at the time of writing. This is a relatively young body which does not yet have a track record of providing redress to victims of discrimination.

Detention and Prison

6.19 In general, prison conditions in Turkey are satisfactory, with overcrowding being the main issue. Australian consular officials, who have visited Turkish jails, have generally found conditions to be acceptable.

6.20 According to the Ministry of Interior, there are 362 prisons across Turkey's 81 provinces, with a prison capacity of 171,267. The majority of prisons are closed prisons for men; there are six women-only prisons and three juvenile prisons, with a further two children 'education houses' (which are open detention facilities that operate like a reform school). Currently 2,420 children are in prison. The criminal age of liability is 12 years old.

6.21 Health services are available inside the prisons; for more serious treatment prisoners can access general hospitals that have secure wards. Each prison with a population of over 1,000 inmates has a family doctor employed five days per week. Rehabilitation programs in prison are uncommon. Several NGOs advocate for the rights of political prisoners and at least one NGO supports non-political prisoners by providing education materials and staying in touch with them via letters.

6.22 Prisoners who identify as LGBTI are at particular risk in prison due to physical violence. Prisoners can use a formal complaints mechanism available to complain about their treatment, but DFAT was told that it is difficult to find judges who are willing to prosecute this kind of case.

Internal Relocation

6.23 There are no legal impediments to Turkish citizens relocating within Turkey. It is generally necessary to have certain documents, such as a transfer of electoral registration, approved by the muhtar (an elected village or neighbourhood representative). Tasks of the muhtar include registering the residents of the village or neighbourhood, as well as providing official copies of documents and birth certificates. Citizens formally require a certificate of residence, issued by the muhtar, but it is relatively common not to seek that document. However, it would be difficult to access Government services without a certificate of residence.

6.24 In practice, the registration system and the effectiveness and national reach of the security services mean that internal relocation will rarely be an effective remedy to discrimination caused by the state, attention from police and other security forces or legal harassment by state prosecutors and police. Credible contacts have told DFAT that it is not generally possible for victims of state-based discrimination or harassment, such as journalists charged with terrorism, to relocate internally without coming to the attention of security services.

6.25 For those facing societal discrimination, relocation is often a practical and reasonable option. In cases where Kurds face higher levels of discrimination in cities in western Turkey, they are less likely to face discrimination in eastern or south-eastern Turkey (although more likely to face unemployment and economic hardship). Where Armenians face discrimination in smaller rural towns or villages, they can relocate to cities such as Istanbul or Izmir.

6.26 For women at risk of or fleeing family violence, internal relocation is sometimes a practical and reasonable option. The state provides a network of approximately 50 shelters nationwide, and a range of NGOs provide further support services, including up to 50 further shelters. Support services provided by NGOs range from counselling to referrals to Government agencies. Government services for women facing family violence include identity changes and relocation. Women's rights NGOs argue that the state's network

of shelters and support services are inadequate, understaffed and insecure, and a woman often faces extreme social stigma if she moves away from her family.

6.27 As a result of the PKK conflict in the southeast and the curfews in many affected cities, around 200,000 Turks have been displaced since July 2015 and have moved westward to safer areas. Most stay with extended family members and, at the time of writing this report, the Government had not adopted a policy to respond to this internal displacement.

Treatment of Returnees

6.28 DFAT understands that it is not a crime in Turkey to seek asylum elsewhere. Nor is there any significant stigma against returnees who have failed to gain asylum elsewhere. Turkey has a relatively large diaspora in Europe and the United States and a large flow of Turks returning from overseas as a result. However, because of the information systems set out above, failed asylum seekers may come to the attention of authorities on return to Turkey, particularly if they have a criminal record.

6.29 DFAT is not aware of any specific protections or support services in place for returnees, aside from the usual support services provided to Turkish citizens (including health care and education).

Exit and Entry Procedures

6.30 Turkey has a range of technological systems in place that, taken together, make it likely that those entering or leaving Turkey with a criminal record would come to the attention of authorities. According to the United Kingdom Border Agency's May 2013 Operational Guidance Note on Turkey, a range of databases are in place to provide information to law enforcement officers. The General Information Gathering System (Turkish: *Genel Bilgi Toplama Sistemi*, or GBTS), providing information on arrest warrants, previous arrests, travel restrictions, draft evasion and tax arrears, is widely available at air and sea ports across the country. A separate border control information system used by the Turkish National Police collates information on past legal arrivals and departures. The Judicial Records Directorate maintains a system, 'Adli Sicil', which keeps records on sentences served. Finally the Nufus system keeps records of citizens' age, place of residence, marital status and family composition and religion.

6.31 In light of the refugee crisis in Syria, the EU has encouraged Turkey to implement stricter control of its borders. Turkey has closed all official land borders with Syria, but occasionally opens them for specific purposes. Informal routes continue to be used by people smugglers to bring refugees into Turkey or transit foreign fighters into and out of Syria.

Documentation

6.32 Turkey established a Central Civil Registration System (known as MERNIS) in 2000. MERNIS is a centrally administered system where any changes in civil status are registered electronically by one of the 966 civil registration offices spread throughout the country. As of January 2009, the MERNIS database houses more than 130 million personal data files and more than 2000 public bodies are using the system. Law No 5490, the *Civil Registration Services Law*, legislates all aspects of civil registration in Turkey.

Birth and Death Certificates

6.33 Official copies of Birth and Death certificates are provided by the muhtar (an elected village or neighbourhood representative) of each village or neighbourhood. A child receives citizenship from their parent, not through birth in the country. Only one parent needs to be a citizen in order to pass citizenship to their child.

National Identity Cards

6.34 Identity cards are mandatory for Turkish citizens and are used frequently in everyday life. Since 2000, each citizen has been assigned a unique identity number which is printed on their identity card. The identity card contains information including name, gender (females have pink identity cards and males have blue identity cards), date of birth, place of birth, and religion.

6.35 Until 2006, it was mandatory for Turks to declare their religious identity on their identity cards. Since then, it has been permissible to leave the religion section on the cards blank. If not blank, citizens can choose to have their religion listed as Muslim, Greek Orthodox, Christian, Jew, Hindu, Zoroastrian, Confucian, Taoist, Buddhist, no religion, or other. Alevi, Bahai, Yazidi and other groups with significant populations in

Turkey are not able to declare their identity. However, it is common practice for non-Muslim Turks to write 'Muslim' on their identity cards to avoid discrimination. DFAT was told in 2016 that if students want to be excluded from compulsory Islamic religious classes on the basis of being a member of a different religion they have to submit a copy of their ID card with their religion listed as proof. DFAT understands that the Government will start trialling biometric identity cards and roll them out to the whole population in the next two years. At the time of writing, it was unclear whether the new identity cards would carry a field relating to the place of birth of the bearer. Kurdish contacts have suggested such a field could be used to identify and discriminate against Kurds.

Passports

6.36 Turkey introduced biometric passports in June 2010. As a result, passport fraud is rare. The biometric passports include smart card technology and contain the holder's photograph and personal data but do not include fingerprints. There are four types of passports: individual passports with red covers, special passports with green covers, diplomatic passports with black covers and service passports with grey covers.

6.37 Passport application centres are located within police stations and are managed by the Ministry of Interior. Applicants are required to provide two passport photos, their Turkish ID card, proof of payment, and an original copy of their previous passport, if relevant. Passport validity depends on the fee the applicant is willing to pay. Costs range from 171 Turkish Lira (79AUD) for six months to 533 Turkish Lira (247AUD) for four to ten years.

Prevalence of Fraud

6.38 Document fraud is not widely prevalent in Turkey due to the mostly computerised system of databases to store identity information.