



Home Office

Country Information and Guidance

Turkey: Human rights defenders

Version 1.0

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Updated: 3 March 2016

1. Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state due to a person's actual or perceived political opinion arising from their activities as a human rights defender (HRD) or member of a human rights organisation (HRO).
- 1.1.2 For the purposes of this guidance, an HRD is an individual who acts, or is perceived to act, to promote or protect human rights, and a HRO is an organisation which acts in that way.

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision-makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview: see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#).
- 2.1.3 Decision-makers should also consider the need to conduct language analysis testing: see the [Asylum Instruction on Language Analysis](#).

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2.2 Assessment of risk

- 2.2.1 There are many HROs in Turkey, working in many areas. The Constitution guarantees the right to express thoughts and opinions, the right to membership of associations, and the right to hold meetings and demonstrations. However, in practice these rights are restricted. (See [Freedom of expression](#) and [Barriers to freedom of expression](#).)
- 2.2.2 Turkey has a vibrant civil society with HROs working in numerous areas and the evidence does not indicate that HRDs or HROs are, in general, subject to a real risk of persecution or serious harm.
- 2.2.3 There are reports that HROs are monitored by the authorities and that some persons who work for these organisations face harassment, intimidation, investigation, detention and prosecution at the hands of the authorities. Some organisations are prevented from holding meetings or rallies and have received closure orders. Those HRDs and HROs which have explicitly criticised the government, and those which advocate, or are perceived to advocate, for Kurdish rights are at greater risk. (See [Barriers to freedom of expression](#), [Harassment of human rights defenders](#) and [Prosecution of human rights defenders](#).)
- 2.2.4 There are reports of excessive and arbitrary use of police violence against protestors that has sometimes had fatal consequences. The Turkish

government introduced security measures in 2015 to increase police powers of search and arrest, and broaden the circumstances in which armed force may be used against demonstrators. Police abuses take place in a culture of impunity with perpetrators rarely being brought to justice. (See [Demonstrations](#) and [Police violence](#).)

2.2.5 Simply being a HRD or a member of a HRO does not in itself give rise to a need for international protection. The onus will be on the person to demonstrate that they have faced, or will face ill-treatment on return by the authorities specifically on account of their work as a HRD or as a member of a HRO. Decision-makers must assess claims made on the facts of each case, taking into account:

- the person's actual or perceived activity, particularly whether it involved criticising the Turkish government (and especially if the criticism was of its human rights record or Erdogan's leadership or the government's stance on Kurdish issues);
- the organisation the person works for and their role in that organisation;
- how well-known by the state such activity is;
- any past adverse interest by the authorities.

2.2.6 See also country information and guidance on [Turkey: Journalists](#) which addresses issues regarding freedom of expression.

2.2.7 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Protection

2.3.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.3.2 See also country information and guidance on [Turkey: Background, including actors of protection and internal relocation](#).

2.3.3 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.

2.4.2 See also country information and guidance on [Turkey: Background including actors of protection and internal relocation](#).

2.4.3 For further guidance on internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Certification

- 2.5.1 Where a claim based simply on being a HRD or a member of a HRO falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Simply being a HRD or a member of a HRO does not of itself give rise to a well-founded fear of persecution or serious harm in Turkey.
- 3.1.2 HRDs or members of HROs which have engaged in activities which are perceived to be critical of the government, and their human rights record in particular, and those which support, or are perceived to support, Kurdish rights may suffer harassment or violence at the hands of the authorities and, in some cases, prosecution under criminal or anti-terrorism law. The onus will be on the person to demonstrate that they will face persecution or ill-treatment by the authorities on return on account of their specific activities.
- 3.1.3 Where a claim based simply on being a HRD or member of a HRO falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Updated: 3 March 2016

4. Legal situation

4.1 Freedom of expression and association

4.1.1 The International Center for Not-for-Profit Law, an organisation which 'promotes a legal environment that strengthens civil society and advances the freedoms of association and assembly, philanthropy, and public participation around the world,' published the following information about guaranteed rights and freedoms in Turkey in April 2015:

'The Constitution was adopted in 1982, immediately following a military coup. Although the Constitution is sometimes criticized for its lack of democratic principles, it still guarantees basic rights and freedoms. Relevant articles include:

- **'Article 22:** Everyone has the right to freedom of communication.
- **'Article 25:** Everyone has the right to freedom of thought and opinion.
- **'Article 26:** Everyone has the right to express and disseminate his thoughts and opinions by speech, in writing or in pictures or through other media, individually and collectively.
- **'Article 33:** Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission.

'No one shall be compelled to become or remain a member of an association.

'Freedom of association may only be restricted by law on the grounds of protecting national security and public order, or prevention of crime, or protecting public morals, public health.

'The formalities, conditions, and procedures governing the exercise of freedom of association shall be prescribed by law.

'Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. In cases where delay endangers national security or public order and in cases where it is necessary to prevent the perpetration or the continuation of a crime or to effect apprehension, an authority designated by law may be vested with power to suspend the association from activity. The decision of this authority shall be submitted for the approval of the judge in charge within twenty-four hours. Unless the judge declares a decision within forty-eight hours, this administrative decision shall be annulled automatically.

'Provisions of the first paragraph shall not prevent imposition of restrictions on the rights of armed forces and security forces officials and civil servants to the extent that the duties of civil servants so require.

The provisions of this article are also applicable to foundations.

- **‘Article 34:** Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission...
- **‘Article 90:** International agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.’¹

4.1.2 The International Center for Not-for-Profit Law published the following information about the legal protections for freedom of association in April 2015:

‘Since officially becoming an EU candidate country in 2003, Turkey has implemented a series of reforms that promote democratization, including reforms to its basic framework laws affecting civil society. Turkey still operates, however, under the 1982 Constitution, which was written immediately following a military coup; although there are basic guarantees of rights and freedoms, the Constitution is not up to the standards found in developed democracies. The state still has a dominant influence over society.

‘Up until 2004, when a new Associations Law was enacted in Turkey, the autonomy of the Turkish CSOs [Civil Society organisations] was fairly restricted. The new Law was viewed positively by both civil society and the EU. It lifted some of the limitations on civil society. Listed below are some of the key improvements contained in the Law:

1. ‘Associations are no longer required to obtain prior authorization for foreign funding, partnerships or activities.
2. ‘Associations are no longer required to inform local government officials of the day/time/location of general assembly meetings and no longer required to invite a government official/commissary to general assembly meetings.
3. ‘Audit officials must give 24 hour prior notice and just cause for random audits.
4. ‘Associations are permitted to open representative offices in other countries.
5. ‘Security forces no longer allowed on the premises of associations without a court order.
6. ‘Specific provisions and restrictions for student associations have been entirely removed.
7. ‘Children from the age of 15 can form children’s associations.
8. ‘Standards relating to internal audits have been improved to ensure accountability of members and management.

¹ International Center for Not-for-Profit Law. ‘NGO Law Monitor:’ Turkey, dated 21 April 2015 <http://www.icnl.org/research/monitor/turkey.html> Date accessed: 7 September 2015.

9. 'Associations are able to form temporary platforms/initiatives to pursue common objectives.

'Subsequently, in 2008, Turkey adopted a Foundations Law, which further improved the legal environment.'²

4.1.3 The International Center for Not-For-Profit Law provided a [table](#), dated April 2015, which indicates the legal requirements of, and challenges to, establishing associations and foundations in Turkey.³

4.1.4 The International Center for Not-for-Profit Law published the following in April 2015:

'Today, Turkish CSOs [Civil Society Organisations] are ... more active than they have ever been before and are more aware of the deficiencies within the laws that still restrict their activities. Although Constitutional regulations are to a great extent in compliance with the European Convention on Human Rights (ECHR), the legal framework still contains numerous incompatibilities with international standards. Since 2008, there have been only slight improvements in the legal framework, mostly in secondary legislation. Therefore, future reforms are both necessary and inevitable.'⁴

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4.2 Barriers to freedom of expression

4.2.1 The US Department of State's Country Reports on Human Rights Practices for 2014, published in June 2015, noted, 'The penal code and antiterror law retain multiple articles that restrict freedom of expression, the press, and the internet... A new law criminalized the provision of medical services outside of licensed facilities, creating a liability for doctors treating wounded protesters.'⁵

4.2.2 In June 2014, Amnesty International made a submission to the Universal Periodic Review of Turkey and noted: 'Hundreds of abusive criminal prosecutions are brought every year against political activists, human rights defenders, journalists, lawyers and others under articles of the Penal Code and anti-terrorism provisions. Such cases are generally instigated against individuals who criticize the state or express opinions contrary to official positions on politically sensitive issues.'⁶

4.2.3 Human Rights Watch noted the following in the World Report 2016, covering events of 2015: 'Starting in July [2015], authorities launched a new wave of

² International Center for Not-for-Profit Law. 'NGO Law Monitor:' Turkey, dated 21 April 2015 <http://www.icnl.org/research/monitor/turkey.html> Date accessed: 7 September 2015.

³ International Center for Not-for-Profit Law. 'NGO Law Monitor:' Turkey, dated 21 April 2015 <http://www.icnl.org/research/monitor/turkey.html> Date accessed: 7 September 2015.

⁴ International Center for Not-for-Profit Law. 'NGO Law Monitor:' Turkey, dated 21 April 2015 <http://www.icnl.org/research/monitor/turkey.html> Date accessed: 7 September 2015.

⁵ US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Executive Summary). Dated 25 June 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

⁶ Amnesty International. Amnesty International submission for the Universal Periodic Review of Turkey, June 2014. <http://www.refworld.org/docid/54c10ad04.html> Date accessed: 8 January 2016

investigations into hundreds of Kurdish political party officials and activists, including mayors, detaining many on terrorism charges, including in cases where the evidence consisted of non-violent political association and involvement in peaceful protests or press conferences.⁷

4.2.4 However, the same report by Human Rights Watch noted:

‘In a rare positive development, the five organizers of Taksim Solidarity and 21 co-defendants were acquitted in April [2015] of criminal charges relating to the 2013 Gezi park protests. The group was charged with forming a criminal gang, inciting and participating in unlawful demonstrations, and refusing orders to disperse. The court decision cited at length Turkey’s obligations to uphold the right to peaceful assembly under the European Convention on Human Rights.’

4.2.5 See [Prosecution of human rights defenders](#) and [Demonstrations](#) for further information on this subject.

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4.3 Police powers and the judiciary

4.3.1 Amnesty International stated the following in the Annual Report 2014/15, published February 2015: ‘Following the 2013 Gezi protests and the rupture with former ally Fethullah Gülen, the authorities became more authoritarian in responding to critics. They undermined the independence of the judiciary, introduced new restrictions on internet freedoms and handed unprecedented powers to the country’s intelligence agency.’⁸

4.3.2 Human Rights Watch provided the following information in the World Report 2016, which covered events in 2015 and was published in January 2016: ‘Long-standing defects in Turkey’s justice system include threats to judicial independence, a pattern of ineffective investigation into abuses by security forces and other state actors, excessively long proceedings, and politically motivated prosecutions.

‘The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement. During 2015, prosecutors, judges, and police officers with perceived links to the Gülen movement were jailed and charged with plotting against the government and membership of a terrorist organization. The main evidence being cited against judges and prosecutors at time of writing was decisions taken in the course of their professional duties rather than any evidence of criminal activity.’⁹

4.3.3 Amnesty International published the following in March 2015:

⁷ Human Rights Watch. ‘World Report 2016,’ Turkey, dated January 2016. <https://www.hrw.org/world-report/2016/country-chapters/turkey> Date accessed: 28 January 2016.

⁸ Amnesty International. ‘Annual Report 2014/15,’ Turkey, dated 25 February 2015. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 18 September 2015.

⁹ Human Rights Watch. ‘World Report 2016,’ Turkey. <https://www.hrw.org/world-report/2016/country-chapters/turkey> Date accessed: 28 January 2016.

'A range of security reforms in a bill passed by Turkey's Parliament today [27 March 2015] will give the country's police forces broad and dangerous new powers to detain people and use firearms to quell dissent, Amnesty International said. The organization said the bill facilitates the already widespread practice of arbitrary detentions during protests and paves the way for further human rights violations including politically motivated criminal investigations and violations of the right to life...

'The articles passed – which amend 14 different laws or decrees – have been hotly debated. The timing is seen as especially contentious given parliamentary elections in June. The "Law amending the Law on powers and duties of the police, other laws and decrees" – widely referred to simply as the "domestic security package" – has been the subject of intense debate in Parliament since 17 February.

'Amnesty International said the bill's provisions on the use of police force contradict international human rights standards. Under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the use of lethal weapons should only be justified to protect people against imminent threats to life or serious injury and only when other less lethal means have failed. "Authorizing the police to use firearms to protect property where there is no imminent threat to life flies in the face of international standards on policing and is likely to lead to further violations of the right to life," said Andrew Gardner.

'The bill also contains vaguely worded provisions giving powers to the police to detain individuals without a prosecutor's order. The provisions allow for such detentions of up to 24 hours in individual crimes and up to 48 hours for crimes committed in the context of violent incidents at protests. The application of these provisions are very likely to result in further arbitrary detentions.

'Other provisions erode the independence of prosecutors and the obligation to ensure that they can carry out their work without undue interference. Regional governors are granted the power to issue direct orders to police in the investigation of crimes...'¹⁰

- 4.3.4 For further information about the police and judiciary see the country information and guidance on [Turkey: Background information including actors of protection and internal relocation](#).

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5. The situation for human rights defenders

5.1 Overview

- 5.1.1 The International Center for Not-for-Profit Law noted that Turkey had a vibrant civil society with civil society organizations (CSOs) working in

¹⁰ Amnesty International. 'Turkey: Draconian reforms give police wide-ranging powers to repress dissent,' dated 27 March 2015. <https://www.amnesty.org/en/latest/news/2015/03/turkey-gives-police-broad-powers-to-repress-dissent/> Date accessed: 8 September 2015.

numerous areas.¹¹ However, the US State Department's Country Report for Turkey mentioned that Government restrictions on human rights organisations had been a problem during 2014.¹²

5.1.2 Human Rights Watch noted the following in its World Report 2015, published in January 2015: 'In the wake of the mass protests in the summer of 2013 that began in Istanbul and spread to other cities, the government continued a policy of controlling media and the Internet and clamping down on critics...

'Readiness to limit freedom of expression, restrictive approach to freedom of assembly, and readiness to prosecute demonstrators while tolerating police violence against them, were among features most damaging to Turkey's democratic credentials and international reputation during the year...'¹³

5.1.3 The US Department of State's Country Reports on Human Rights Practices for 2014, published in June 2015, stated: 'The government vilified and prosecuted individuals sympathetic to some religious, political, and cultural viewpoints... Security forces used excessive force to disperse protests, detaining hundreds of demonstrators and charging many under the antiterror law...'¹⁴

5.1.4 In September 2015, EuroMed Rights, FIDH, the Human Rights Association (İHD), the Human Rights Foundation of Turkey (HRFT) and the Helsinki Citizens' Assembly were: 'deeply alarmed by the deteriorating situation in Turkey. A strong security offensive launched by the authorities over the past two months under the pretext of countering terrorism has led to grave violations of the right to life, severe limitations to the right to freedom of assembly and expression, crackdown on independent media and repressive actions targeting human rights organisations and activists...

'Human rights organisations and activists are also prevented from conducting their activities, particularly when monitoring the situation and providing free legal and medical aid. The risk of them facing administrative charges and judicial investigations, possibly imprisonment, is high. The house of İHD Şırnak Branch's President Emirhan Uysal, was raided by police forces and lawyer Deniz Sürgüt was arrested and sent to prison. Both are charged with accusations of joining a press conference on "autonomy" and being member of an illegal organisation and carrying and commercialising guns, respectively.'¹⁵

¹¹ International Center for Not-for-Profit Law. 'NGO Law Monitor:' Turkey, dated 21 April 2015 <http://www.icnl.org/research/monitor/turkey.html> Date accessed: 7 September 2015.

¹² US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Executive Summary), dated 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

¹³ Human Rights Watch. 'World Report 2015 (Events of 2014);' Turkey. Dated 29 January 2015. <https://www.hrw.org/world-report/2015/country-chapters/turkey> Date accessed: 18 September 2015.

¹⁴ US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Executive Summary), dated 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

¹⁵ International Federation for Human Rights. 'Turkey: Rights groups strongly condemn escalating violence and human rights violations in counter-terrorism operations', dated 22 September 2015. <http://www.refworld.org/docid/5617af53c.html> Date accessed: 8 January 2016

- 5.1.5 The same UN Human Rights Council report also noted that the International Service for Human Rights stated that ‘HRDs continue to complain of judicial harassment and growing repression of civil society as well as failure to hold perpetrators accountable.’ The Helsinki Citizens Assembly and CIVICUS: World Alliance for Citizen Participation noted that ‘a number of HRDs have been detained and imprisoned under specious charges.’¹⁶
- 5.1.6 The UN Human Rights Council noted in its October 2014 report that: ‘LLG [London Legal Group] and JS5 [a joint submission by Lawyers for Lawyers Foundation, The Law Society of England and Wales, Lawyers’ Rights Watch Canada and Fair Trial Watch] noted that lawyers defending client’s civil and political rights are frequently subjected to judicial harassment as the state wrongly identifies them as accomplices. They noted lack of effective guarantees for lawyers to perform their duties without interference and reprisals.’¹⁷
- 5.1.7 Freedom House gave Turkey a rating of 3.5 for freedom, a rating of 4 for civil liberties, and a rating of 3 for political rights, where 1 was best and 7 was worst in each category.¹⁸
- 5.1.8 See [Police powers and the judiciary](#) and [Harassment of human rights defenders](#) for further information on these subjects.

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5.2 Human rights monitoring bodies

- 5.2.1 The US Department of State’s Country Report for Turkey for 2014, published in June 2015, provided the following information about governmental human rights bodies:

‘The government created the Human Rights Agency in 2012 as a replacement to the Human Rights Presidency. Its purpose is to act autonomously within the government to protect and promote human rights. During the year the agency published reports about a potential mass grave in Sanliurfa, a juvenile prison in Sincan, prisoners’ access to health services, and the Gezi Park protests.

‘The Ombudsman Institution, established in 2012, operates under the parliament but as an independent complaint mechanism for citizens to request investigations and research and to make suggestions regarding

¹⁶ UN Human Rights Council. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Turkey, dated 27 October 2014, paragraph 49.

A/HRC/WG.6/21/TUR/3 <http://www.refworld.org/docid/54c10a344.html> Date accessed: 8 January 2016

¹⁷ UN Human Rights Council. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Turkey, dated 27 October 2014, paragraph 36, A/HRC/WG.6/21/TUR/3 <http://www.refworld.org/docid/54c10a344.html> Date accessed: 8 January 2016

¹⁸ Freedom House. ‘Freedom in the World 2015;’ Turkey, dated 28 January 2015. <https://www.freedomhouse.org/report/freedom-world/2015/turkey> Date accessed: 18 September 2015.

government practices and actions, particularly concerning human rights issues. As of August 25 [2014], it had received 3,562 complaints alleging human rights violations related to public personnel, government training, and labor and social security issues. The institution gave 56 recommendations and 18 partial recommendations and rejected 113 cases. The EU progress report assessed that the institution had yet to gain the full trust of civil society, that it should have more authority to make spot checks on its own initiative, and that parliament should follow up on its recommendations.

'The Ministry of Justice's Human Rights Department is the sole authority in the ministry for human rights issues. It has responsibility for facilitating the implementation of the country's obligations under the ECHR [European Convention on Human Rights] and coordinating the execution of ECHR decisions.

'The parliamentary HRIC [Human Rights Investigation Commission] functioned as a national monitoring mechanism. The members of the Commission conducted on-site inspections of detention centers and prisons and maintained dialogue with NGOs. It provided reports to the relevant government offices for action. By August 25, the HRIC had received 1,147 complaints of alleged human rights violations related to issues including judicial processes, prison conditions, practices of state officials, social security issues, financial aid requests, and rights for soldiers, workers, and persons with disabilities.'¹⁹

5.2.2 Amnesty International noted in its June 2015 submission for the Universal Periodic Review that:

'The Ombudsman Institution, with the first Ombudsman appointed in November 2012, is a useful if under-utilised addition to Turkey's human rights framework. However, the National Human Rights Institution, also established in June 2012, continues to lack guarantees of independence and resources and has so far proved to be ineffective and irrelevant.'²⁰

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5.3 Demonstrations

5.3.1 In April 2015, the International Center for Not-for-Profit Law published the following information concerning the 2013 'Gezi Park' demonstrations in Turkey:

'In May 2013, protests took place across Turkey over a wide range of issues, including freedom of the press, expression, assembly, and the government's encroachment on Turkey's secularism, although the initial cause of the protests was a government [sic] plan to remove Gezi Park, which is one of the few remaining green spaces in the center of the European side of Istanbul. As protests, strikes and sit-ins grew, the government initiated a number of

¹⁹ US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Section 5. Government Human Rights Bodies), dated 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

²⁰ Amnesty International. Amnesty International submission for the Universal Periodic Review of Turkey, June 2014. Available at: <http://www.refworld.org/docid/54c10ad04.html> Date accessed: 8 January 2016

severe police crackdowns, which led to 11 deaths and thousands of injuries. The EU Progress Report on Turkey for 2013 said, "The excessive use of force by police and the overall absence of dialogue during the protests in May/June have raised serious concerns."²¹

5.3.2 Amnesty International published the following in March 2015 regarding the Gezi Park protests:

'Between 28 May and mid July 2013, demonstrations known as the Gezi Park protests took place in all but two of Turkey's 81 provinces, ranging between crowds of a few hundred to tens of thousands. Security forces across Turkey repeatedly used abusive and arbitrary force against peaceful protesters, sometimes with fatal consequences. At least four protesters died as a direct result of police use of excessive force, including 15-year-old Berkin Elvan and 22-year-old Abdullah Cömert, who were hit in the head by tear gas canisters fired at close range. More than 8,000 people were injured, some very seriously, during the wave of protests.'²²

5.3.3 Freedom House stated the following in its report, 'Freedom in the World 2015,' published in January 2015: 'While in 2014 Turkey did not experience anything as dramatic as the massive 2013 antigovernment protests originating in Istanbul's Gezi Park, large demonstrations to mark May Day and the anniversary of Gezi led to clashes between police and protesters. These included the use of tear gas and water cannons by police, as well as hundreds of arrests.

'Protests in Istanbul in February [2014] over proposed controls on the internet, and those in May [2014] in Soma over a mine disaster that killed more than 300 miners, also turned violent. In the latter case, both Erdoğan and one of his advisers were caught on video assaulting people during a visit to the town, spurring additional protests.'²³

5.3.4 Amnesty International provided the following information on the 2014 May Day demonstrations in its Annual Report 2014/15, published in February 2015:

'On 1 May [2014], 39,000 police and 50 water cannon vehicles were used to prevent trade unionists and others from marching on Taksim Square, the traditional location for May Day demonstrations. May Day demonstrations had taken place in Taksim Square for several years. In 2013 and 2014 they were banned and clashes ensued between police and demonstrators trying to reach the square. The authorities announced that Taksim would be permanently off-limits for all large demonstrations and instead offered two

²¹ International Center for Not-for-Profit Law. 'NGO Law Monitor:' Turkey, dated 21 April 2015 <http://www.icnl.org/research/monitor/turkey.html> Date accessed: 7 September 2015.

²² Amnesty International. 'Turkey: Draconian reforms give police wide-ranging powers to repress dissent,' dated 27 March 2015. <https://www.amnesty.org/en/latest/news/2015/03/turkey-gives-police-broad-powers-to-repress-dissent/> Date accessed: 8 September 2015.

²³ Freedom House. 'Freedom in the World 2015;' Turkey, dated 28 January 2015. <https://www.freedomhouse.org/report/freedom-world/2015/turkey> Date accessed: 18 September 2015.

locations outside the centre of the city where demonstrations could take place. This policy was replicated in other cities across Turkey.²⁴

5.3.5 Amnesty International further reported that in 2014:

‘The rights of peaceful demonstrators were denied by the authorities, with protests banned, prevented or dispersed with the use of excessive, unnecessary and often punitive force by police officers. People who attended demonstrations deemed unlawful by the authorities faced prosecution, often on trumped-up charges of violent conduct. The restrictive Law on Meetings and Demonstrations continued to be a barrier to freedom of peaceful assembly, despite superficial amendments in March [2014]. It unfairly restricted the time and location that assemblies could take place, while requiring overly burdensome notification from the organizers and discounted any possibility of spontaneous demonstrations.’²⁵

5.3.6 Amnesty International stated the following in March 2015: ‘The Turkish government has sought to justify the bill [the “domestic security package” which became law in March 2015, giving police new powers of detention and use of firearms] on the basis of violent demonstrations that took place in south-eastern Turkey during October 2014 in which up to 50 people died, hundreds were injured and major damage was caused to public and private property....’²⁶

5.3.7 Human Rights Watch noted in a report dated January 29, 2015 that:

‘A swathe of security measures were introduced after the World Report went to press to increase police powers of search and arrest, and broaden the circumstances in which lethal force may be used against demonstrators. Some of the measures became law in December while others have yet to be adopted by parliament. The changes are likely to worsen impunity for abuses by state officials against civilians. An example of government intolerance of demonstrations and criticism was the prosecution during 2014 on alleged coup plot charges of members of a football fan club who took part in the protests in 2013 over the government’s development plans for Gezi Park, in central Istanbul.’²⁷

5.3.8 The Human Rights Watch World Report 2016, which covered events of 2015 and was published in January 2016, stated:

‘The authorities frequently impose arbitrary bans on public assemblies and violently disperse peaceful demonstrations, in some cases using powers

²⁴ Amnesty International. ‘Annual Report 2014/15;’ Turkey, dated 25 February 2015. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 18 September 2015.

²⁵ Amnesty International. ‘Annual Report 2014/15;’ Turkey, dated 25 February 2015. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 18 September 2015.

²⁶ Amnesty International. ‘Turkey: Draconian reforms give police wide-ranging powers to repress dissent,’ dated 27 March 2015. <https://www.amnesty.org/en/latest/news/2015/03/turkey-gives-police-broad-powers-to-repress-dissent/> Date accessed: 8 September 2015.

²⁷ Human Rights Watch. ‘Turkey: Authoritarian Drift Undermines Rights’, dated 29 January 2015. <https://www.hrw.org/news/2015/01/29/turkey-authoritarian-drift-undermines-rights> Date accessed: 9 January 2015

conferred by a new domestic security law passed in March. For the first time ever, the Istanbul governor's office banned the annual Istanbul Gay Pride march in June 2015, citing vague concerns about counter-demonstrations. Police dispersed groups who had assembled peacefully using tear gas and water cannons.'²⁸

- 5.3.9 See also [Police powers and the judiciary](#) for further information about the bill of March 2015. See [Prosecution of human rights defenders](#), [Harassment of human rights defenders](#) and [Barriers to freedom of expression](#) for further information.

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5.4 Police violence

- 5.4.1 Amnesty International published the following in March 2015:

'On multiple occasions, Amnesty International has documented how Turkish police and security forces used tear gas and water cannon in excessive, unwarranted and arbitrary ways to disperse protesters, and fired at unarmed protesters using rubber bullets and plastic bullets, killing and seriously wounding some. Thousands more have been beaten by police and security forces. Protesters, human rights activists and journalists have been arrested and detained.

'The adoption of the bill [the "domestic security package" of March 2015] is the latest in a series of measures to repress dissent in Turkey. In December 2014 Amnesty International expressed concern about the Turkish authorities' purchase of large amounts of tear gas and other chemical riot control agents from a South Korean company.'²⁹

- 5.4.2 Amnesty International stated the following in the Annual Report 2014/15, published in February 2015:

'Excessive and abusive force by police officers during demonstrations, including the firing of tear gas canisters directly at demonstrators from close range, and the use of water cannon and beatings of peaceful protesters, remained common. Ministry of Interior guidelines, introduced in June and July 2013 to combat excessive and unnecessary force, were mostly ignored. In a number of cases, police used live ammunition during demonstrations, resulting in deaths and injury.'³⁰

- 5.4.3 In June 2014, Amnesty International made a submission to the Universal Periodic Review of Turkey, noting: '...little or no indication that the authorities have attempted to bring policing in line with international human rights standards on the use of force or even the Ministry of Interior's own regulations. Administrative and criminal investigations into alleged abuses by

²⁸ Human Rights Watch. 'World Report 2016,' Turkey, dated January 2016.

<https://www.hrw.org/world-report/2016/country-chapters/turkey> Date accessed: 28 January 2016.

²⁹ Amnesty International. 'Turkey: Draconian reforms give police wide-ranging powers to repress dissent,' dated 27 March 2015. <https://www.amnesty.org/en/latest/news/2015/03/turkey-gives-police-broad-powers-to-repress-dissent/> Date accessed: 8 September 2015.

³⁰ Amnesty International. 'Annual Report 2014/15,' Turkey, dated 25 February 2015. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 18 September 2015.

law enforcement officials have been characteristically flawed, resulting in near total impunity for police abuses.³¹

- 5.4.4 The same Amnesty International submission also noted: ‘The increased politicization of the judiciary threatens the right to a fair trial, and the increased number of prosecutions to punish the exercise of the right to freedom of expression further entrench the impunity for human rights abuses enjoyed by law enforcement officials.’³²
- 5.4.5 See also [Police powers and the judiciary](#) and the country information and guidance on [Turkey: Background information including actors of protection and internal relocation](#).

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5.5 Prosecution of human rights defenders

- 5.5.1 Amnesty International stated the following in the Annual Report 2014/15, published in February 2015: ‘Criminal prosecutions threatening freedom of expression continued to be brought against journalists, activists and other dissenting voices, despite the adoption of legislative amendments intended to improve the law in 2013. Alongside anti-terrorism provisions, laws on defamation and provoking religious hatred were frequently used...’³³
- 5.5.2 Human Rights Watch noted in a report dated January 29, 2015 that:
‘Over the year, there was an increase in prosecutions of individuals for “insulting” public officials for critical statements about government corruption or intolerance, and on occasion people were placed in pretrial detention for “insult.” At the end of the year, Hidayet Karaca, the head of Samanyolu TV, was imprisoned pending the completion of a criminal investigation against him on dubious terrorism charges.’³⁴
- 5.5.3 Human Rights Watch further stated the following in the World Report 2015, published in January 2015:
‘In the year after the Taksim Gezi Park protests in Istanbul and anti-government protests in other cities across Turkey, thousands of demonstrators faced legal proceedings. In some cases the courts acquitted defendants at the first hearing, but other trials continued at time of writing. Some defendants charged with terrorism offenses and still on trial spent up to 10 months in pretrial detention before being bailed.
‘In June, the trial began of five organizers of Taksim Solidarity, a platform of 128 nongovernmental organizations supporting the Gezi Park campaign and sit-in. They were charged with forming a criminal gang, inciting and

³¹ Amnesty International. Amnesty International submission for the Universal Periodic Review of Turkey, June 2014. <http://www.refworld.org/docid/54c10ad04.html> Date accessed: 8 January 2016

³² Amnesty International. Amnesty International submission for the Universal Periodic Review of Turkey, June 2014. <http://www.refworld.org/docid/54c10ad04.html> Date accessed: 8 January 2016

³³ Amnesty International. ‘Annual Report 2014/15,’ Turkey, dated 25 February 2015. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 18 September 2015.

³⁴ Human Rights Watch. ‘Turkey: Authoritarian Drift Undermines Rights’, 29 January 2015. <https://www.hrw.org/news/2015/01/29/turkey-authoritarian-drift-undermines-rights> Date accessed: 9 January 2015

participating in unlawful demonstrations, and refusing orders to disperse. Their trial with 21 codefendants continued at time of writing. In September, an Istanbul prosecutor indicted 35 people associated with the Beşiktaş football club fan group Çarşı for their participation in the Gezi protests on a range of charges including an alleged coup attempt against the government.

'Trials continued of Kurdish political activists, journalists, students, and lawyers on widely used terrorism charges such as "membership of an armed organization." The evidence against them in most cases concerned nonviolent political association and protest.'³⁵

5.5.4 The US Department of State's Country Reports on Human Rights Practices for 2014, published in June 2015, noted, 'In some cases, prosecutors sought long prison sentences for individuals who used social media to send updates on protests.'³⁶

5.5.5 Human Rights Watch noted the following in their World Report 2015, published in January 2015:

'... in March [2014] the government took the welcome steps of abolishing the Special Heavy Penal courts whose remit was terrorism offenses, and cutting the maximum period for pretrial detention to 5 years (from 10), resulting in the release on bail of many defendants. Among those bailed were hundreds of defendants tried for alleged links to the outlawed Union of Kurdistan Communities (KCK), including human rights defender Muharrem Erbey, bailed in April after spending over four years in pretrial detention on terrorism charges. The abusive application of terrorism charges remains a serious problem.'³⁷

5.5.6 The US Department of State reported the following in their Country Reports on Human Rights Practices for 2014, published in June 2015:

'Muharrem Erbey, president of the HRA [Human Rights Association] in Diyarbakir and vice president of the national HRA, who was arrested in 2009 on KCK-related charges, was released after four years and three months in prison after the court re-evaluated the evidence in his case. He was not acquitted, however, and his case continued. Many international human rights organizations asserted that Erbey's prosecution was a consequence of his work at the HRA [Human Rights Association] and as a human rights lawyer. In a similar case, in December a court sentenced the Siirt branch executive of the HRA, Abdullah Gurgun, to eight years and six months in prison for being a member of a terrorist organization and making propaganda for an

³⁵ Human Rights Watch. 'World Report 2015,' dated 29 January 2015. (Turkey; Freedom of expression, association and assembly). http://www.hrw.org/sites/default/files/wr2015_web.pdf Date accessed: 28 August 2015.

³⁶ US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Executive Summary), dated 25 June 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

³⁷ Human Rights Watch. 'World Report 2015 (Events of 2014);' Turkey, dated 29 January 2015. <https://www.hrw.org/world-report/2015/country-chapters/turkey> Date accessed: 18 September 2015.

organization. Gorgen asserted the sentencing was connected to his criticism of authorities during Kobani-related protests in October.³⁸

- 5.5.7 See [Barriers to freedom of expression](#) for further information on this subject. See also the country information and guidance on [Turkey: Kurds](#) and [Turkey: Journalists](#) for further information about these groups.

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5.6 Harassment of human rights defenders

- 5.6.1 The Observatory for the Protection of Human Rights Defenders noted in a report dated 21 December 2015 that: 'The Observatory has been informed by reliable sources about the continuous harassment of the Human Rights Association (İHD) members, orchestrated in the context of a broad wave of arrests targeting human rights defenders in Turkey.

'According to the information received, on December 10, 2015 early in the morning, the police arrested Mr. Atilla Yazar, İHD Şanlıurfa branch co-president, at his house. He was released later in the afternoon. Mr. Yazar was arrested for allegedly violating the Law on Public Meetings and Demonstration (No. 2911) because he was participating in a protest that took place in Şanlıurfa, following the October 10 tragedy that left scores of people dead and wounded in Ankara.

'Several other NGO representatives were also arrested or harassed by the police. ...

'The Observatory condemns the continuous harassment of İHD members, which are only an illustration of a wider trend of repression against human rights defenders in Turkey. It further denounces that the Turkish authorities are overstepping the law, which increasingly threatens freedom of association, assembly and expression, further shrinking space for civil society.

'The Observatory recalls that on September 30, 2015, three İHD members were also arrested during a police operation launched against Kurdish political parties and non-governmental organisations in Siirt province in South-East Turkey. The operations resulted in the arrest of at least ten people. During the illegal raid, the police confiscated books, reports and other documents, as well as computers belonging to İHD.

'More recently, on November 28, 2015, Mr. Tahir Elçi, President of the Bar Association in South-East Diyarbakir province and member of İHD, was shot in the face by unidentified men in a gun attack after delivering a statement along with other lawyers at a press conference organised by the Bar Association in Diyarbakir.'

³⁸ US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights), dated 25 June 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

'The Observatory therefore calls upon the Turkish authorities to end the widespread crackdown against human rights defenders in the country and guarantee in all circumstances their physical and psychological integrity.'³⁹

- 5.6.2 The US Department of State described the situation for human rights groups in Turkey in their Country Reports on Human Rights Practices for 2014, published in June 2015:

'Domestic and international human rights groups operated throughout the country, but some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations, particularly in the Southeast. International NGOs reported difficulty obtaining residency permits for their staff and complained that documentation requirements were unclear. Human rights groups reported the government was sometimes unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. At times lawyers were detained when they attempted to intervene on behalf of protesters.'⁴⁰

- 5.6.3 In their report, Freedom in the World 2015, published in January 2015, Freedom House noted that the authorities have monitored and harassed some NGOs, most notably those affiliated with the Hizmet movement.⁴¹

- 5.6.4 The US Department of State reported on freedom of speech in Turkey in their Country Reports on Human Rights Practices for 2014, published in June 2015:

'Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints. Active debates on human rights and government policies continued in the public sphere, particularly relating to political Islam, Kurds, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. Government critics and human rights associations acknowledged that open debate on some topics, most notably Kurdish and Armenian issues, was more accepted than it was a decade ago;

³⁹ The Observatory for the Protection of Human Rights Defenders. 'Turkey: Continuous harassment of members of the Human Rights Association (IHD)', dated 21 December 2015.

<http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2015/12/d23542/>, Date accessed: 9 January 2015

⁴⁰ US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey (Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights), dated 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

⁴¹ Freedom House. 'Freedom in the World 2015;' Turkey, dated 28 January 2015. Section E. <https://www.freedomhouse.org/report/freedom-world/2015/turkey> Date accessed: 18 September 2015.

nonetheless, many who wrote or spoke on sensitive topics involving the ruling party risked investigation. Some opinion leaders reported they exercised self-censorship.

'The penal code criminalizes insults to the Turkish nation. The Ministry of Justice reported receiving 251 complaints brought under this law through July 31, of which it rejected 117. In one example, Filiz Akinci, who allegedly made a rude hand gesture and shouted at then prime minister Erdogan as he passed her house during a campaign visit to Izmir on March 16, was charged with insulting a leader. The prosecution asked for up to two years' imprisonment. After a first hearing on September 9 [2014], the trial remained pending.⁴² It has since been reported that Filiz Akinci was sentenced to 11 months and 20 days in jail. She was initially only sentenced to six months, but her sentence was increased because since the victim was a person of official public status. She was also ordered to pay a fine of 1,800 Turkish Lira (£417) to Erdogan's lawyer.⁴³

- 5.6.5 The US Department of State described freedom of association in their Country Reports on Human Rights Practices for 2014, published in June 2015: 'While the law provides for freedom of association, the government maintained several restrictions on this right.

'Under the law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. LGBT and women's groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines. According to the European Commission's October progress report, civil society organizations were subject to disproportionate state supervision--particularly through auditing--and restrictive interpretation of the law, causing many associations to seek court protection to defend their rights. For example, the LGBT rights group KAOS-GL reported the Governorship of Van Province filed a legal suit to dissolve Ekogenc (the Youth and Ecology Association) in Van because it used the term "sexual orientation" in its by-laws and did not have a "hierarchical" administrative structure. The case remained pending.'⁴⁴

⁴² US Department of State. 'Country Reports on Human Rights Practices for 2014,' Turkey (Section 2. Freedom of Speech), dated 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

⁴³ IB Times. 'Woman who "made obscene hand gesture" at President Erdogan jailed,' dated 20 January 2016. <http://www.ibtimes.co.uk/turkey-woman-who-made-obscene-hand-gesture-president-erdogan-jailed-1539137> Date accessed: 3 March 2016.

⁴⁴ US Department of State. 'Country Reports on Human Rights Practices for 2014,' Turkey (Section 2.b. Freedom of Association), dated 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Date accessed: 21 September 2015.

5.6.6 See [Legal situation](#) for further information on this subject. See also the country information and guidance on [Turkey: Kurds](#), [Turkey: SOGI](#), [Turkey: Women](#) and [Turkey: Journalists](#) for further information about these groups.

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Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the [Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the [Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

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