

briefing

Turkey

Religious Freedom Profile

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I. Executive Summary

Freedom of religion and belief, including the freedom to manifest and to proselytise a religion or belief, are protected in Turkey by the Turkish Constitution and Turkish Criminal Law. These freedoms are further protected by binding international human rights treaties to which Turkey is a party. These treaties include the Treaty of Lausanne of 1923, the UN International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR).

However, these promising legislative advances are overshadowed by a long history of human rights abuses in Turkey, which has resulted in social and political pressure on today's minority ethnic and religious communities, and has also contributed to the decline of these populations.

European Union (EU) negotiation talks and accession requirements have resulted in some welcome new legislation pertaining to freedom of religion and belief in Turkey. However, the implementation of this legislation is often fraught with difficulties, and religious persecution continues as a result of direct or indirect involvement of the state structures: an increasing number of mob attacks against Christians were reported between 2007 and 2009.

This briefing highlights the current concerns of religious minorities in the country, and seeks to provide background information on their legal and socio-political contexts.

2. Recommendations

CSW urges the international community to:

- Call for a cessation of state-fuelled propaganda campaigns against ethnic and religious minorities;
- Urge the Turkish state to denounce openly nationalist mob attacks on non-Muslims and to ensure that any police, intelligence and military officers involved in mobilising and organising youths for these attacks are brought to justice;
- Encourage the Turkish authorities to remove religious affiliation from national identity cards;
- Encourage the Republic of Turkey to grant legal recognition to all religious groups, and to make sure that local authorities comply with the legal provisions;
- Take measures to assist and encourage the Turkish authorities to promote inter-faith harmony and understanding;
- Urge the Turkish authorities to grant the Christian community the right to elect their own Patriarchs, including non-Turkish citizens, and allow them to receive expatriate clergymen for service in their congregations;
- Request the Turkish state to return all of the confiscated properties from non-Muslim foundations and seek to compensate their financial losses;
- Call for the reopening of Halki theological seminary and the establishment of clerical and theological institutions for all religions.

3. Recent developments

3.1. EU accession and deteriorating commitments to change

The present government in office has been the most active in pursuing Turkey's long-standing goal of becoming a full member of the EU. The ruling party, the Justice and Development Party (AK Party), led by Prime Minister Tayyip Erdogan, holds the majority of seats in the Turkish Grand National Assembly. This has enabled it to pass legislation swiftly in conjunction with EU accession talks.¹

3.1.1. Religious affiliation records

In the past, before Turkey's increasing openness and commitment to EU integration under the ruling AK Party, a Muslim convert to Christianity had to undergo the serious, social risk of filing an official application through the courts in order to change his or her religious identity. The court would decide whether or not a convert's new religion was acceptable before the individual's records could be changed. This procedural absurdity, which made it almost impossible for converts to change their ID, was eventually revoked in 2003.

In place of this process, a convert was obliged to produce a baptismal certificate received from one of the officially accepted Christian churches: Armenian, Greek, Catholic and Anglican. This still posed a problem for converts since most are members of Turkish Protestant churches, which are not recognised by the government. Over the last three years, however, the implementation of EU criteria has meant that a simple letter, written by the convert to the authorities, can change the convert's identity documents. Turkish citizens can now officially declare their religion of choice, and can even opt to leave the section on their ID which records religious affiliation, blank.

3.1.2. Registration of places of worship

The Law of Associations (*dernek*), makes it possible to register religious associations. The government has been encouraging churches to register as associations in order to grant them legal status. The complications of this new law as yet remain unclear and many churches are hesitant to register. The Chairman of the Legal Committee of the Alliance of Protestant Churches of Turkey, states that "while this [law] appears to be a breakthrough, the practical outworking has yet to be observed. We are encouraging other churches to follow suit, but we are equally cautious on this untested ground where the authorities still hold the initiative to block, shut or confiscate [church buildings]."² The association status offers churches various freedoms to gather to worship, publish literature, propagate their faith and employ staff. However, churches report that finding suitable property and opening places of worship remains difficult, and they are often hindered by local authorities.

3.1.3. Community foundations

In February 2008, the Turkish Parliament passed a new Foundations Law (No. 5737), which significantly improves the rights of new non-Muslim foundations. It allows foreigners to open foundations (Article 5) and to hold official positions (Article 6). Foundations are permitted to become members of international organisations, to receive foreign finance (Article 25)

¹ The potential membership of any country to the EU is evaluated by the Copenhagen Criteria laid out in 1993 by the European Council at Copenhagen. The criteria cover three main areas of reform: political (a consolidated democracy, rule of law, well-established human rights regime, and protection of the rights of minorities), economic (a consolidated market economy, free movement of goods, capital, labour and services) and legislative alignment with the EU member countries.

² *Summary and Update of the Legal Situation of the Protestants in Turkey*, Alliance of the Protestant Churches of Turkey, September 2005, pp 1

and to have international links fostered by opening sister branches in other countries. The law also allows foundations to purchase property (Article 12) and to pursue commercial interests (Article 26).

However, while the AK Party's attempts to address the problem of non-Muslim foundations are welcome, they do not go far enough. In 1974, the High Court of Appeals ruled that foundations had no right to acquire new properties and were only entitled to retain those that were listed in 1936. This ruling resulted in the confiscation of a significant number of properties owned by minorities and, to date, minorities have not been able to reclaim them. Although the new Foundations Law provides the potential to reclaim some of the unjustly confiscated properties which are still under the custody of the Turkish state, it does not address the issue of hundreds of properties sold to third parties or transferred to Muslim foundations.

Vocal opposition to the passing of this law reflects the antipathy of the Turkish state towards non-Muslims. Former President of the Turkish Republic, Ahmet Necdet Sezer, added his support to the opposition when he vetoed the proposal in November 2006, arguing that it contradicted the interests of the Turkish nation, and the moral values and history of 'Turkishness'. He stated that the law would give "economic and political power" to foundations. Following the election of Abdullah Gul as the new President of Turkey, the proposed law was passed in February 2008. However, the opposition party, CHP, has challenged the law at the Constitutional Court, saying that it "contradicts the fundamentals of the Turkish Republic and provisions of the Lausanne Treaty".

Many questions remain unanswered as to how the new developments on association and foundation laws will be applied, and whether or not the Turkish state will seek to ensure their full implementation.

3.1.4. Slowdown of EU accession reforms

The commitment of the AK Party Government to implement reforms in line with EU criteria has declined due to increased domestic political tensions. Increased attention has been given to internal matters such as efforts to lift the ban on headscarves, a case subsequently brought for closure against the AK Party and the current Kurdish initiative of the party.

The most direct outcome of this slowdown is apparent in the level of recorded human rights abuses. Although torture, mistreatment and the arbitrary use of power by the Turkish police force have significantly improved over the last five years, 2007 to 2009 have seen an increasing number of cases of torture, and a disproportionate use of power by the police in dealing with public demonstrations.

The Turkish Daily News, citing the findings of the Human Rights Foundation of Turkey, noted that 193 people said they were subjected to violence or mistreatment in 2005, while the figure rose to 222 in 2006 and 310 in 2007. In the first five months of this year [2008], the number was 112.³ Although these numbers are significantly lower than the figures in 2000 (1,023 recorded allegations of abuse), it is disconcerting that positive reforms in human rights may be lost as the new 2007 police law gives further permission for police to stop, search and arrest suspects.

Weakening popular support for EU membership, in addition to increased anti-American attitudes and right-wing nationalism, have led to the increasing marginalisation of non-Muslims, often resulting in mob attacks.

³ "Turkey's human rights record not promising, say experts", Turkish Daily News 26 June 2008

3.2. Persecution of Christians

3.2.1. Attacks on Christians between 2006-2009

Physical and, at times, fatal attacks or threats of harm that have taken place between 2006 and 2008 include:

- On 3 August 2009, a young Turkish Christian, Ismail Aydin, was taken hostage in broad daylight in one of the busiest areas of Istanbul. The attacker held Mr Aydin at knife point, wrapping a Turkish flag over his head, shouting: 'Godless people, they are doing missionary work.'
- A youth vandalized a Christian bookshop belonging to the Turkish Bible Society in Adana in two, separate attacks on 7 and 12 February 2009. The windows and door of the shop were smashed. The bookshop had received various threats prior to the attacks.
- On Christmas day, 2008, police received a bomb threat at the Yeni Dogus Church in Izmir that was later found to be a false alarm.
- Death threats, signed by the Turkish Islam Brigade (Türk Islam Tugayi), were emailed to the website of Taksim Turkish Protestant Church in Istanbul on 13 December 2008.
- Police arrested a group of people planning an assassination attempt on the pastor of the Diyarbakir Protestant Church, Ahmet Guvener, on 19 August 2008.
- An armed assault was launched on 6 May 2008 by three men wearing surgical gloves against the Ankara Kurtulus Protestant church. The men threatened church members with guns before running away when they were told by the congregation that the Pastor was not in the church.
- On 14 and 15 April 2008, the Protestant church in Derince, Izmit, was stoned and consequently materially damaged by groups of youths.
- Life-threatening phone calls were made to various members of the Protestant church in Gaziantep, and to their families and businesses on 9 March 2008.
- The Izmit branch of Istanbul Protestant Church Foundation was stoned by five youths on 25 January 2008, causing material damage to the building.
- A last-minute arrest of a seventeen-year-old youth prevented an attack on Samsun Agape Church on 5 January 2008.
- Police prevented an attempt in Antalya on the life of Pastor Ramazan Arkan, a Christian with a Muslim background, on 30 December 2007.
- A Roman Catholic Priest, Adriano Francini, was stabbed in Izmir on 16 December 2007.
- On November 2007, kidnappers failed to abduct Pastor Orhan Picaklar, in Samsun.

- An arson attack on Istanbul Protestant Church Trust's Izmit Building took place on 3 September 2007.
- A petrol bomb attack was launched on the Eskisehir branch of Istanbul Protestant Church Foundation on 20 May 2007.
- An attack on 26 July 2007 caused material damage to Koca Mustafa Pasa Agape church in Istanbul.
- Physical assaults on two Georgian priests recorded in Artvin on 28 May 2007.
- An attack was made on Pastor Mehmet Sahin Coban's car and house on 1 May 2007. Pastor Coban, a Muslim-background Christian, has faced regular attacks on his house and church throughout 2006 and 2007.
- The properties of Samsun Agape Church, Samsun, were stoned on 28 January 2007.
- The torture and murders of two Turkish men, Necati Aydin and Ugur Yuksel, and one German national, Tillman Geske, were carried out by a group of young men in the office of the Christian publication company, Zirve Publications, in Malatya, Eastern Turkey, on 18 April 2007 .
- The Armenian Orthodox journalist Hrant Dink was murdered on 19 January 2007.
- More than fifteen attempted attacks and death threats have been made against the Christian radio station, Radio Shema, Ankara, throughout 2007.
- Roman Catholic priest Andrea Santoro was murdered in Trabzon on 5 February 2006.
- In January 2006 Pastor Kamil Kiroglu, a Muslim-background Christian, was attacked in Adana and forced to revert to Islam.

3.2.2. Reasons behind increasing attacks

Although all of these incidents involved mobs and non-state actors, it is the Turkish state who is responsible for propagating discriminatory and dangerous attitudes towards non-Muslims. The Turkish state has created a culture of impunity, failing to bring to justice those responsible for the attacks and failing to address effectively the reasons behind them.

The Turkish state has used campaigns to influence public opinion on Muslim apostates and Christian activities in Turkey. Prior to 2005, apostasy in the media was limited to sensational news items across the country, which reported that missionaries were covering Turkey like a 'spider's web', luring young Turks into their traps with offers of money and employment. In 2005, the issue re-emerged and occupied the media following high-level statements from politicians and commentators who spoke about the grave danger the 'Christianization of Turkey' posed to national security.

On one, frequently-cited occasion, Rahsan Ecevit - wife of the respected, late Prime Minister, Bulent Ecevit - warned that the Turkish nation was facing a great danger because of the EU

alignment process, which had opened doors for religious groups to promote their faith. Mrs Ecevit stated:

Churches have even spread into meeting in flats in residential buildings. Our citizens are being Christianized through various means. America tops the list of those who await the increase of Christian population in Turkey. America thinks that if the Christian population increases, it would be easier to dismantle Turkey. America dreams to actualize her Grand Middle East Project in this way.⁴

In response to this subject resurfacing, Turkish police submitted a report on missionary activities to the National Security Council, in February 2005. A similar report which highlighted the national threat posed by missionary activities was submitted to the Council in 2001 by the National Intelligence Agency.⁵

Proselytization, conversion and public expressions of faith are rights protected by the Turkish constitution and Penal Code, as well as by international human rights treaties to which Turkey is a party, such as the ICCPR and the ECHR. As many public commentators, politicians and religious leaders in Turkey have stated over the years, this means that such activities “sadly” cannot be punished criminally or officially stopped.

Instead, the Turkish state has taken steps to address the issue by briefing security and military forces on missionary activities, sponsoring and disseminating reports, holding seminars on missionary activities, preaching sermons in the mosques, publishing sensationalist articles in the newspapers and having state officials speak publicly about the dangers posed by missionary activities.

In an interview with CSW, one Turkish, Muslim-background Christian described the shock he experienced during a National Security briefing given to army officers. A picture of his own pastor, a Muslim-background Christian, was projected on a screen describing the pastor as a national security threat. In the briefing, high ranking intelligence officers told the new recruits that the Turkish nation faces serious dangers from the separatist Kurdish terror, Islamist groups and the activities of non-Muslims, particularly Christians.

The Directorate of Religious Affairs sent a sermon to be preached at the local mosques on 11 March 2005, in which all Muslims were called on to protect and enshrine Islam against missionary work, which was described as the embodiment of the crusades:

Some powers, afraid of the incredible expansion of Islam, had formed crusading armies to wipe out Muslims. They failed because the crusaders were fighting a self-confident society whose members believed in justice. The same powers are trying to sever our people's links to Islam because they see it as the biggest obstacle to their domination. These highly organized forces are using ethnic differences and economic and political hardship to entice our children.⁶

One week after this sermon was preached nationwide, the International Protestant Church of Ankara received a bomb threat, and in April the same church was attacked with Molotov cocktails.

The Directorate's call to defend Islam was echoed widely by officials, social commentators and academics, who asked society to be vigilant against missionary activities and conversion.

⁴ Rahsan Ecevit, “Misyonerlerin Amaci Turkiye'yi Parcalamak”, Zaman Gazetesi, 05 January 2005

⁵ Tarik Isik, “Sagci da Solcu da Misyonerlik alarmi veriyor” Radikal Gazetesi, 20 April 2007

⁶ “Missionaries the New Crusaders”, Turkish Daily News, 24 February 2005

Mehmet Aydin, then a State Minister, stated before the Turkish Parliament on 27 March 2005 that, “the goal of missionary activity is to break up the historical, religious, national and cultural unity of the people of Turkey”, and that Christian missionaries have “ulterior political motives,” and their activities “have a historical background.”

This official attitude continued throughout 2006 and 2007 amidst fatal attacks on Christians. After the grotesque murders of two, Turkish apostates and one German missionary on 18 April 2007 in Malatya, Niyazi Guney from the Ministry of Justice declared before the Justice Commission at the Turkish Grand National Assembly that missionary activities in Turkey were a lot more dangerous than terror attacks, and that there was a strong parallel with the end-days of the Ottoman Empire.⁷

Mehmet Aydin and Niyazi Guney were referring to the fall of the Ottoman Empire, when non-Muslim subjects, such as Greeks, Bulgarians and Armenians, sought to declare their independence from Turkish rule by enlisting the help of foreign powers and missionaries. This played a significant role in the call for a homogenized nation state, whose citizens would speak one language, adhere to one religion and refer to themselves as Turks. In this scenario, a non-Muslim cannot be considered a Turk, and as is widely said in Turkey, “a Turk has no friend besides another Turk!”

In addition to official statements, the Turkish media reported widely on missionaries, accusing them of bribing vulnerable Turkish youths with money, sex with under-age girls, visas for the US and Europe, employment and alcohol if they converted to the Christian faith. Their great end was to turn these youths against their mother nation. Even though the state runs an effective media watchdog, the Supreme Board of Radio and Television (RTUK), to monitor and control the media, these slanderous accusations were never challenged, criticised or punished, despite the fact that the RTUK’s mandate includes intervention for stopping racist and provocative reporting.

The same official attitudes continue to show themselves in school textbooks. In the Ministry of Education’s compulsory text book for 8th grade students in primary education, entitled “Primary Education, History of Republic Reforms and Atatürkizm”, it states:

Missionary activity is not ordinary propagation of religion. It cannot be considered under freedom of thought and freedom to express opinion. It is a systematic and organized movement that forces people to change their religion. Missionaries have political, cultural and economic aims in addition to religious aims. They try to fulfill their goals with significant material support from foreign forces, non-governmental organizations and from their own supporters. Missionaries abuse financial difficulties that people experience. They translate texts related to their religion into various languages and distribute them for free and use written and visual media for their propaganda. They constitute a threat to our nation’s national unity and wholeness.

This dangerous move by the Turkish state has only served to cement deep-seated suspicions towards non-Muslims, and widespread beliefs in conspiracy theories. The State’s propaganda has moulded a virtually unanimous social attitude toward missionaries, and has established a greatly desired scapegoat in a turbulent period of the Turkish Republic.

On 11 October 2006, Gendarmerie officials stormed the residence of two Muslim-background Turkish Christians, Hakan Tastan (37) and Turan Topal (46), with a search warrant, before confiscating computers and documents from Mr Tastan and Mr Topal’s office in Istanbul. The

⁷ Tarik Isik, “Sagci da Solcu da Misyonerlik alarmi veriyor” Radikal Gazetesi, 20 April 2007

two men were taken to Silivri where they were subjected to interrogation by military officials and then taken to the prosecutor.

Mr Tastan and Mr Topal, who both work for a local Bible correspondence course, were accused of “insulting Turkishness”, inciting hatred against Islam, disrespecting the Turkish Army, promoting sexual promiscuity, promising money to convert Muslims to Christianity, and gathering personal information about people with whom they were in contact. During their first court hearing on 23 November 2008, a group lead by ultranationalist lawyer Kemal Kerincsiz held an impromptu press conference and protest, asking the court to find them guilty on these charges. The court is yet to give an official verdict. The previous prosecutor handling the case stated officially that the men had committed no crimes and that there was no hard evidence with which to accuse them. In addition, several witnesses have changed their testimonies and denied their initial allegations, further calling into question the legitimacy of the men’s arrest.

Alignment with EU criteria on human rights has been interpreted by nationalist and right-wing groups as an attempt to undermine Turkey by strengthening minorities. The AK Party government has been continually accused of ‘selling out’ the Turkish nation to the West. Interestingly, as the AK Party was accused of having a secret Islamist agenda to bring Shari’a into the country, they were also accused of being secret Jews and Western agents trying to bring Turkey under Western domination.

Increasing unemployment and social unrest in the country, coupled with calls from politicians and the Armed Forces to defend the nation from internal enemies who work for foreign powers, 2006 and 2007 saw attacks on non-Muslims in Turkey, swell. Of particular note were attacks on Muslim-background Christians carried out by nationalist youths, encouraged or organised by members of nationalist parties and security and intelligence officers.

On 18 April 2007, two Turkish men, Necati Aydin and Ugur Yuksel, and one German national, Tillman Geske were brutally murdered by a group of young men in the office of the Christian publication company, Zirve Publications in Malatya, Eastern Turkey. The Turkish media widely published statements by the murderers claiming to have committed the murders ‘to protect the nation and religion’. Devlet Bahceli, Head of the Turkish Nationalist Party, has summarised the mainstream reaction to the murders: “We condemn these murders, but missionaries are not innocent.” CSW was present at the burial of Mr Aydin and was dismayed that civilian police officers recorded on film the faces of every attendee. Such close filming is practised regularly for the purposes of ‘marking’ individuals who pose a possible, national threat.

CSW has been closely monitoring the ongoing court hearings of the accused murderers of Mr Aydin, Mr Yuksel and Mr Geske. We have repeatedly expressed concerns over the prosecutors’ reluctance to pursue the connections of the accused murderers with official intelligence officers and nationalist party members. Similarly, the lawyers representing the families of the murdered men have regularly drawn attention to the fact that the prosecutor’s case file focuses more on the activities of the murdered Christian men and the Christian publication company they work for, rather than on the accused murderers. There has been serious mishandling of crucial evidence: a series of video tapes recorded during the questioning of one of the accused men during his hospital treatment, which allegedly included a full confession of the crime and planners behind the attack, has been lost. CSW continues to question the court’s handling of the case, and to document how such malpractice could contribute to a culture of impunity that could lead to further attacks.

These actions and non-actions of the Turkish state have unquestionably put its non-Muslim citizens in a vulnerable situation and have also fostered a dangerous public opinion towards

apostates. According to the 2008 report of Pew Global Attitudes Project, 74% of Turks hold unfavourable views towards Christians and 76% hold negative views of Jews, which is the highest percentage in the survey. On the list of countries with high anti-Christian attitudes, Turkey is followed by 60% in Pakistan and 55% China and 46% Egypt.⁸ Pew's 2004 survey records a 49% negative attitude of Turks towards Christians, and subsequent surveys in 2005 and 2006 have noted a steady rise. Ironically, Turkey has one of the smallest numbers of Christians in the world.

The current persecution of Muslim-background Christians in Turkey does not stem from Islam, nor is it caused by Islamist groups. It has grown out of a secular nation-state that believes that conversion to Christianity or Judaism is synonymous with treason and that those who convert are recruits for Western and Israeli agencies whose aim is to destroy Turkey from within. It is a well established fact that sanctioned and publicised disinformation is a significant factor in the dehumanisation and marginalisation of minority groups, and plays an important role in ethnic and religious violence. Current, violent attitudes towards Christians in the country reflect these trends.

4. Background

The Republic of Turkey was founded as an independent state in 1923 with the recognition of the Treaty of Lausanne, which also secured the legal protection of the country's minorities. The founding fathers of the Turkish Republic, led by Mustafa Kemal Ataturk, adopted a secular vision for a modernised country and implemented radical changes such as the end of the caliphate system, the separation of religion and the state, and the banning of religious schools, sects and dress codes. From the outset, the Turkish version of secularism has not been so much about a strict division of religion and state, but rather "state control of the official form of Islam", as the country still struggles with Islamist factions seeking to establish an Islamic state.

The Directorate for Religious Affairs (Diyanet Isleri Mudurlugu) regulates mosques, employs imams (Islamic clergy), writes sermons to be preached at the mosques and produces educational material under the direct authority of the Prime Ministry. The General Directorate for Foundations (Vakiflar Genel Mudurlugu) regulates the activities and properties of non-Muslim religious groups, as well as Muslim charitable foundations.⁹ The Turkish Armed Forces serve as a safety net for the implementation of Kemalist principles and discharge officers known to have ties with, or sympathy towards, Islamist groups. Modern Turkey is caught between two poles of Islam and secularist identity, a legacy of a strong nationalist vision which was born out of the collapse of the Ottoman Empire.

4.1. Legal provisions

The 1982 Constitution of the Republic of Turkey includes various provisions on equality and freedom of religion and belief;

Article 10;

"All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

⁸ Pew Global Attitudes Project, *Unfavourable views of Jews and Muslims on the increase in Europe*, 17 September 2008, p14

⁹ According to the *International Religious Freedom Report 2005*, US State Department, the Bureau of Democracy, Human Rights, and Labor, November 2005, Section II; Diyanet oversees 75,000 registered mosques and that there are only 161 minority foundations recognised by the Vakiflar.

No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.”

Article 15;

“In times of war, mobilisation, martial law, or state of emergency, the exercise of fundamental rights and freedoms can be partially or entirely suspended, or measures may be taken, to the extent required by the exigencies of the situation, which derogate the guarantees embodied in the Constitution, provided that obligations under international law are not violated.

Even under the circumstances indicated in the first paragraph, the individual's right to life, and the integrity of his material and spiritual entity shall be inviolable except where the death sentence has been decided upon; no one may be compelled to reveal his religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties may not be made retroactive, nor may anyone be held guilty until so proven by a court judgment.”

Article 24;

“Everyone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.”

Article 115 of the Turkish Criminal Code, “Hindrance of the Free Exercise of Belief, Thought and Opinion” penalises actions that violate the rights of religious minorities. According to Article 115, any attempt to force a person to declare or change his or her religious, political or social convictions, and any attempt to stop a person from declaring and propagating such convictions is punishable by imprisonment for one to three years. This punishment is also extended to any attempt to hinder religious worship services by way of threat, physical force or other illegal means.

Furthermore, Article 119/1-e stipulates that if the crime is committed by state officials, the punishment will be doubled. Articles 37 to 45 of the Treaty of Lausanne deal with the protection of religious and ethnic minorities. Article 38 ensures that all residents of Turkey have the right to exercise any faith or belief, in private or public.

Article 90 of the Turkish Constitution notes the supremacy of international law over domestic law:

“International agreements duly put into effect bear the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the ground that they are unconstitutional. In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”

Turkey is a signatory party to two key international human rights covenants, the International Covenant on Civil and Political Rights and the European Convention on Human Rights, both of which stipulate provisions on freedom of religion and belief.

These comprehensive and promising legislative provisions are overshadowed by the fact that Turkey has the third most cases pending at the European Court of Human Rights.

4.2. Religious and ethnic minorities

Today, 99% of Turkish society is considered to be Muslim, of which 80% is Sunni and 20% Alevi and other Shi'ite. The remaining one per cent of non-Muslims comprise roughly 60,000 mainly Orthodox Armenians; 2,500 Greek Orthodox; 24,000 Jews;¹⁰ 10,000 Bahá'ís; an estimated 15,000 Syrian Orthodox (Syriac) Christians; 5,000 Yezidis; 3,300 Jehovah's Witnesses; 6,000 Protestants (3,500 Muslim-background Turkish Christians, remaining expatriates) , and small, undetermined numbers of Bulgarian, Chaldean, Nestorian, Georgian, Roman Catholic and Maronite Christians.¹¹ There are no constitutionally-recognised groups with the legal status of ethnic minorities in Turkey. However, in accordance with the Lausanne Treaty, Section III, articles 37-44, three non-Muslim groups, the Greek Orthodox, Armenians, and Jews are granted a special minority status.

4.2.1. Muslim minorities

State control over religious affairs results not only in problems for non-Muslim groups, but also for minority Muslim groups. The State, via the Directorate for Religious Affairs, promotes a single interpretation of Islam, called Hanafi. This poses a particular problem for non-Sunni Muslims such as Shiites, Sufis and especially for the Alevi, who are not regarded as Muslim by some Sunnis due to their non-orthodox beliefs and practices, and are legally treated as Sunnis. In a few instances, this polarised relationship between Sunnis and the Alevi has resulted in physical attacks against them, as in 1978, 1993 and 1995, in Kahraman Maras, Sivas (where 30 people died), and in Istanbul respectively.¹²

Although exact numbers are unknown, an estimated five to twelve million Alevi live in Turkey. They have repeatedly requested that their beliefs and practices are included in compulsory religious education materials written by the Directorate. They also demand Alevi representation in the structures and work of the Directorate. However, in September 2005, the Religious Affairs Minister, Mehmet Aydın, expressed his desire to reject Alevi requests for representation.¹³ This has implications on the legal status of Alevi worship and cultural centers (*Cemevi*), since they are not mosques which are regulated by the Directorate.

¹⁰ As stated by *Interim report of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination on religion or belief*; Addendum I, Situation in Turkey, United Nations, August 2000, Section I; 1.7, p 4

¹¹ As stated the *International Religious Freedom Report 2005* , U.S. State Department , the Bureau of Democracy, Human Rights, and Labour , November 2005, Section I

¹² *Official General Report on Turkey* (January 2002), The Council of the European Union , 15 April 2002, 3.3.3., p 93

¹³ “Autonomy for Religious Body” , Turkish Daily News, 23 September 2005

In January 2005, a group of Alevi applied to purchase property in Ankara in order to open a *Cemevi*. Their application was rejected by the municipal authorities based upon a letter sent by the Directorate, which argued that Alevi do not need to have a new *Cemevi* since there were local mosques in which they could worship. In the same month, the Directorate issued similar letters to municipal authorities in Istanbul, stating that *Cemevi(s)* violate Islamic principles and the Turkish law.

Although the AK Party government has frequently spoken of their plans to address concerns of the Alevi community, AK Party officials still maintain that Muslims worship in mosques, and since Alevi are Muslims, they do not need any other religious centre to worship, thus categorically rejecting Alevi the right to worship and assembly. Alevi register their *Cemevi(s)* as associations, not as recognised places of worship. An expert on Alevi at the Middle East Technical University in Ankara, Aykan Erdemir recently noted that “from promotions to bids and contracts, from employment to nomination to key state posts, being a Sunni conservative is a great advantage over being an Alevi.”¹⁴

4.2.2. *Non-Muslim minorities*

TRADITIONAL CHRISTIAN CHURCHES

The spiritual head of the nearly 250 million strong Eastern Orthodox Church, the Ecumenical Patriarch, is still located in Istanbul, Turkey, as he has been throughout Church history. The title ‘Ecumenical’ is an ecclesiastical title dating back to the Second and Fourth Ecumenical Councils (AD 381 and 451 respectively), in which the Bishop of Constantinople (today Istanbul) was chosen to be the ‘first among equals’ of the other Eastern Church families. This role is still observed today by the Ecumenical Patriarch. However, it should be noted that this privileged position is not like that of the hierarchical judicial structure of the Roman Catholic Church. The Turkish Government continues to reject the title ‘Ecumenical’ for the Patriarch, arguing that the Patriarchate is a Turkish institution functioning to meet the religious needs of the Greek community living in Turkey. The use of the term ‘Ecumenical’ by the international community is perceived by Turkey to be a threat against national unity, and over the years there have been demonstrations and attacks against the Patriarchate by various nationalist groups.

Since the 1955 riots against the Greek communities in Turkey, there has been a mass exodus of around 40,000 Greeks from Turkey.¹⁵ The increasingly jeopardised existence of the Ecumenical Patriarchate and the future of the remaining small Greek community in Turkey are directly linked to official policies. The government requires all heads of minority groups, including the Armenian Patriarchate and the Chief Rabbi, to be Turkish citizens, which becomes an acute problem as the number of candidates continues to decrease. In addition to this, in 1971, Turkey prohibited schools from teaching Orthodox theology, and closed the only training facility for Orthodox clergy in Turkey, the Halki Theological Seminary, making it impossible to train new clergy in Turkey. A list of possible candidates is submitted to the governor of Istanbul, who decides on the election of a new Patriarch.

There remain a small number of schools for the education of minorities. However, there are significant problems in running schools which are not allowed to instruct in their own languages. All of the minority schools must have an assistant headmaster who is a non-Orthodox Turk, in addition to the headmaster who can be Orthodox and who is a Turkish

¹⁴ “Alevi charge AKP with double standards”, Turkish Daily News, 14 June 2008

¹⁵ *Interim report of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination on religion or belief*; Addendum I, Situation in Turkey, United Nations, August 2000, Section III; B.63, p 14

citizen. Only children with minority names and denominational ties in accordance with the religious affiliation of the school are allowed to enrol.

Another significant problem for non-Muslim minorities is the status of property owned by the minority foundations (*vakif*), which are registered under the General Directorate for Foundations (*Vakiflar Genel Mudurlugu*). In 1974, the High Court of Appeals ruled that the foundations had no right to acquire new properties except those that were listed by them in 1936. This ruling has resulted in the confiscation of a significant number of properties owned by minorities and, to date, minorities have not been able to reclaim their lost properties.

NON-TRADITIONAL CHRISTIAN CHURCHES

Evangelical Christians who are of Turkish origin remain the most vulnerable minority group. Their numbers are estimated to be around 3,500, and a vast majority are converts from Islam. Since they began to meet in congregations less than twenty years ago, the state and society do not regard them as belonging to recognised ethnic or religious minorities, and they are perceived as sectarian groups posing a threat to national security. This is evident both officially and in the day-to-day experiences of Turkish Christians. Ihsan Ozbek, a Turkish pastor, offers a glimpse of some of the experiences they face: "There is a price to pay for being a Christian in Turkey. And they make you pay it. You're taken in by the police, you get slapped around, you are maligned within society, you can't hold a government job, and your security checks come up negative. Just because you're a Christian, the police come and bother you and your neighbours."¹⁶

Until the recent legislative changes, it was impossible for Turkish Protestant churches to have any legal basis for exercising their constitutional rights of freedom of religion and worship. The new associations law enables Turkish churches to be registered as 'associations', but still not as 'churches'. The Turkish churches, particularly those who have not applied for an association status yet, continue to report practical difficulties and pressure from local authorities.

During 2008, there have been extended debates on whether or not a Turk can be a Christian and whether a non-Muslim can be called a Turk. The consensus has been that a Turk is a Muslim and a Christian cannot be a Turk. This theoretical discussion has dire consequences for Turkish Christians, almost all of whom are first generation converts from Islam to Christianity. The serious outcome of sensationalist media attacks and state supported marginalisation of Turkish Christians is deeply worrying. A quick glance at the list of attacks on Christians between 2006 and 2008 provided above reveals that they are particularly vulnerable to nationalistic mob attacks.

JEWES

Historically, Jews have enjoyed a peaceful existence throughout the duration of the Ottoman Empire and the subsequent Republic of Turkey. The State of Israel and the Republic of Turkey enjoy a close relationship based on mutual benefits in the fields of military technology, intelligence and trade. However, over the past few years there have been a growing number of accounts of Anti-Semitism in Turkey.

The bombing of two synagogues in Istanbul in November 2003,¹⁷ and an increasing number of anti-Semitic publications and rhetoric by nationalist and Islamist groups portraying secret Jewish lobbies working to overpower Turkey and Islam with Zionist ideals, has put the

¹⁶ As cited by columnist Türker Alkan in *Radikal* newspaper, 17 May 2002

¹⁷ See: http://news.bbc.co.uk/1/hi/world/middle_east/3275853.stm

Jewish community in a precarious position. During 2007 and 2008, nationalist groups regularly accused the AK Party, Prime Minister Erdogan and President Gul, as having close links with 'zionists' and 'Jewish lobbies'. Books which argued that Mr Erdon and Gul are actually Jewish topped best-seller lists.

Ishak Alaton, a widely respected Jewish businessman, publicly argued that the proposals from Jewish and other non-Muslim businessmen were turned down on the basis of their ethnic and religious affiliation alone.¹⁸ Mr Alaton noted that "this paranoia, this xenophobia, this enmity toward non-Muslims, this anti-Semitism" was hindering the development of Turkey.

According to the Third Report of the European Commission Against Racism and Intolerance on Turkey, "there is now a feeling of insecurity in the Jewish community because of these [bombings of the Synagogues in 2003] and other incidents, such as physical assaults on individuals purely because they are Jewish, at least one of which proved fatal."¹⁹ As the report highlights, while the state maintains strong control mechanisms and legislation which are regularly used to control the media when it clashes with state interests, hate speeches and incitements against ethnic and religious minorities are given free reign. Local security forces provide police personnel for the protection of the main religious centres, but the Jewish community in Turkey remains a target for dangerous propaganda.

BAHÁ'ÍS

The small Bahá'í community in Turkey has faced considerable physical harassment, legal difficulties and negative media propaganda over the years. The Bahá'í faith is largely unfamiliar to the Turkish population, fuelling further suspicion. Directorate of Religious Affairs see Bahá'í faith as a missionary movement, rather than a religion. It is still impossible for Bahá'ís to change their religious affiliation on national identity cards, although they now have the option of leaving the religious affiliation section blank. In June 2005, the Bahá'í community in Edirne received an official permit to renovate a place of worship.²⁰

5. Conclusion

Turkey has come a long way on human rights and religious freedom issues since the start of the EU accession process. However, weakening impetus for change and for EU membership has resulted in the slowing of reforms. Active participation of police, intelligence and military officers in attacks against non-Muslims is a worrying trend. CSW continues to monitor events in Turkey closely.

¹⁸ "Ishak Alaton'dan 'yeter artik uyanin' cigligi", Referans newspaper, 22 April 2008

¹⁹ *Third Report on Turkey*, European Commission Against Race and Intolerance, 15 February 2005, Section I:95 ; pp 25

²⁰ *International Religious Freedom Report 2005*, U.S. State Department, the Bureau of Democracy, Human Rights, and Labor, November 2005, Section II