

TURKEY

The Turkish government has long imposed burdensome regulations in the name of secularism and denied full legal status to religious groups, violating the religious freedom rights of all religious communities. These restrictions, including policies that deny non-Muslim communities the rights to train clergy, offer religious education, and own and maintain places of worship, have helped lead to their decline, and in some cases, their virtual disappearance. State secularism has significantly impacted the Sunni Muslim majority and minority Alevis which some view as a unique sect of Islam, and religious minorities including the Greek, Armenian, and Syrian Orthodox Churches; Roman Catholic and Protestant Churches; and the Jewish community. For the first time, USCIRF in 2012 recommends that Turkey be designated a “country of particular in concern.”*

Background

Turkey has a democratic government, with an energetic civil society and media. Under the 1923 founding constitution, the Republic of Turkey is a secular state that protects the freedom of belief and worship. However, Turkish policies subject Islam to state control through the *Diyanet* (the Presidency of Religious Affairs), and systematically restrict the religious minorities’ ability to function through the *Vakıflar* (the General Directorate for Foundations), threatening their survival.

The ruling Justice and Development Party (AKP), led by Prime Minister Erdoğan, favors accession to the EU and the democratic integration of Islam into public life. As part of its EU accession process, Turkey in 2010 adopted some reforms relevant to religious freedom. In its platform for the June 2011 elections, the AK Party pledged to replace Turkey’s current constitution, which was drafted by a military government in 1982, with a civilian constitution that, in the words of Prime Minister Erdoğan, would be “short, compact, open, focused on the individual, and committed to freedom.” However, the constitutional redrafting process, which is underway, likely will continue for years, partly because some consider irrevocable the Constitution’s first three articles, which include the definition of Turkey as a secular state. The AKP faces continuing opposition from the “deep state,” comprised of the judiciary, military, and entrenched supporters of traditional Turkish secularism who seek to exclude religion from public life. Although the Turkish government has arrested those suspected of violent hate crimes that others have linked to religion, prolonged trials related to the alleged Ergenekon Conspiracy (see below) highlight judicial weakness on religious freedom violations.

Turkish society and the government are grappling with religious and ethnic diversity, but serious questions remain as to the ruling AKP’s will – or ability – to match its ad hoc gestures with action and fully recognize Turkey’s religious and ethnic diversity by codifying religious freedom in law and practice.

Religious Freedom Conditions

Although most religious minority communities in Turkey acknowledge that Prime Minister Erdoğan’s government has made positive gestures towards them in recent years and recently has taken some positive steps on property, education, and religious dress, these actions largely have been unconnected to permanent, institutional, or legal reforms. Rather, rights and privileges largely have been granted on an ad hoc basis, leaving open the possibility that they could be revoked. In addition, members of these minority groups continue to face societal discrimination and occasional violence, partly because most are both religious and ethnic minorities and, therefore, some ethnic Turks view them with suspicion.

Restrictions on Religious Minorities: Turkish law provides religious minorities with limited and varying legal opportunities to own property, conduct religious services, and open schools, hospitals, and other institutions, and regularly interferes in the internal governance of all non-Muslim religious minorities. Local officials often use zoning laws and purported security concerns to restrict these groups’ ability to open and maintain houses of worship. The closure for more than 40 years of the Greek Orthodox Theological Seminary of Halki and continuing efforts to confiscate land surrounding the Syriac Mor Gabriel Monastery, essentially depriving these communities of the right to train clergy, have fueled a decline in their numbers. In addition, the government does not officially accord the ecclesiastical title of “ecumenical” to the Ecumenical Patriarch, and has interfered in the selection procedure of the Armenian Patriarchate’s religious leadership. However, in early July 2011, the first Syriac church in 90 years opened in Turkey, as well as a Syriac cultural and religious center.

Restrictions on Alevi: The Alevi are Turkey's largest religious minority community. Some Alevi identify as Shi'a Muslim, while others reject Islam and view themselves as a unique culture. The Alevi are seeking to resolve with the government five key issues: legal status for Alevi houses of worship; the abolishment of compulsory religious education classes; the end to the building of Hanafi Sunni Mosques in Alevi villages; the return of confiscated Alevi properties; and the establishment of a museum at the Madimak Hotel in Sivas where Alevi were killed in a 1993 arson attack.

Restrictions on the Practice of Islam: Turkey does not officially permit the individual or communal practice of Islam outside of government-regulated institutions. The *Diyanet*, which reports to the Prime Minister and is funded in the national budget, officially allows the propagation of only the Hanafi Sunni school of Islam, oversees 85,000 Hanafi Sunni mosques, pays imams' salaries, and employs a Mufti in every province who must report back monthly. Only recently were imams allowed to write and deliver their own sermons without interference from the Diyanet, although it continues to suggest sermon topics.

The Jewish Community and Anti-Semitism: The Jewish community reported that their status in Turkey is better than that of Jews in other majority Muslim countries. Nevertheless, al-Qaeda linked terrorists attacked a synagogue in 2003, other violent attacks have occurred on Jewish property, and anti-Semitism has increased in some sectors of Turkish media and society. In February 2011, Jewish community leaders stated that popular perception of their community is "directly linked to events in the Mideast."

Conscientious Objectors: Turkish law does not include a provision for alternative military service, though the Turkish parliament is discussing options for legally recognizing conscientious objection and offering alternatives to military service. The ECtHR recently has ruled on two Turkish conscientious objector/Jehovah's Witnesses cases. In November 2011, the ECtHR found that Turkey violated Articles 6 (fair trial) and 9 (freedom of religion, conscience and thought) of the European Convention and in January 2012 the ECtHR found Turkey violated Articles 3 (mistreatment and torture), 6, and 9. In mid-February 2012, Barış Görmez, a 33-year-old Jehovah's Witness who had been imprisoned since 2007 for being a conscientious objector, was acquitted of all charges stemming from his conscientious objection and released from a Turkish military prison.

Education: The constitution establishes compulsory religious and moral instruction in public primary and secondary schools, and the Ministry of National Education's Department of Religious Instruction determines the curriculum. Until a 2010 change in the curriculum to include information on all religions as well as atheism, classes focused largely on Islam. Although non-Muslim children can be exempted from the classes, some individual schools failed to honor this exemption. In addition, there have been cases reported of children experiencing societal discrimination because they had been excused from the classes.

Religious Dress: Turkish secularism bans religious dress, including headscarves, in state buildings, including public and private universities, the parliament, courts, and schools. Legally, only the titular head of any religious group may wear religious garb in public facilities. Non-Muslim clerics face more stringent restrictions on clerical dress than Muslim clerics.

National Identity Cards: Religious affiliation is listed on Turkish national identity cards, but some religions are not on the official list of options. A 2006 law allowed individuals to leave the religion section blank, but the government still restricts applicants' choice of religion. Individuals who leave the option blank encounter difficulties in opting out of Islamic religion classes.

The Alleged Ergenekon Conspiracy and Violence against Religious Minorities: Turkish authorities have taken action against the Ergenekon conspiracy, an underground, ultra-nationalist movement with ties to the military, security forces, the judiciary, and secularist political elites. Allegedly, Ergenekon plotters planned to overthrow the AKP and have been implicated in planning and carrying out violence against religious minorities. By March 2010, Turkish courts had charged nearly 200 alleged Ergenekon members, including police and army officials, businessmen, academics, politicians, journalists, and organized crime figures. Observers have widely divergent views on whether the so-called Ergenekon case represents progress or regression on the Turkish road to democratization and the rule of law. Some claim that current government officials are themselves engaged in politically manipulating the Ergenekon investigation, pointing out that many of the detainees are prominent critics of Prime Minister Erdoğan's government and individuals who support strict secularism.

Recommendations for U.S. Policy

The U.S. government engages Turkey as an important strategic partner. Turkey is a NATO ally and permits a U.S. airbase in Incirlik, Turkey. During the past year, high-level U.S. officials, including Vice President Joseph Biden, Secretary of State Hilary Clinton, U.S. Deputy Secretary of State William Burns, and Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, travelled to Turkey. Each addressed religious freedom and human rights matters, including the reopening of the Greek Orthodox seminary of Halki. Since the turbulent events of the “Arab Spring,” the United States has relied heavily on Turkey’s relationships with Syria, Libya, Egypt, and Iran to ease tensions in the region. The United States’ bilateral and multilateral agenda with Turkey focuses on regional stability and security, including in Iraq and Afghanistan, trade and investment, and counterterrorism. In addition to designating Turkey as a CPC, the U.S. government should:

- Urge Turkey to comply with its international commitments regarding freedom of religion or belief;
- Encourage the Turkish government to end the longstanding denial of full legal recognition for religious communities and permit religious minorities to train religious clergy in Turkey, including by reopening the Greek Orthodox Theological Seminary of Halki;
- Encourage the government to allow women the freedom to express their religious views through their dress; and
- Urge Turkey to end the prohibition on religious minorities wearing religious dress in public.

Northern Cyprus

In September 2010, the U.S. House of Representatives called on USCIRF in H.Res 1631 to “investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military.” Consistent with this resolution, the USCIRF delegation investigated only religious freedom issues in northern Cyprus. USCIRF did not examine or comment on the legal status of northern Cyprus or ongoing reunification efforts.

The United States officially does not recognize the “Turkish Republic of Northern Cyprus.” The U.S. government discusses religious freedom with Turkish Cypriot authorities and supports international efforts to reunify the island. In the context of reconciliation between the Republic of Cyprus and northern Cyprus, the United States provides funds for programs, such as the Bicomunal Support Program and the Cyprus Partnership for Economic Growth program. These programs promote civil engagement, business, and trade between the Republic of Cyprus and northern Cyprus, and seek to preserve cultural heritage sites on the island.

The USCIRF delegation found three main issues in northern Cyprus: 1) the inability of Orthodox Christians, other religious communities, and clergy to access and hold services at their places of worship and cemeteries in the north, particularly those in Turkish military bases and zones; 2) the disrepair of churches and cemeteries and issues relating to the preservation of religious heritage, such as iconography, mosaics, and other religious symbols; and 3) the lack of schools and opportunities for young people in the north, which has led to an exodus of Greek Cypriots and other religious minorities. These combine to limit the freedoms of the remaining members of these communities, including religious freedom and any meaningful perpetuation of these minority faiths in the north.

Please see USCIRF’s 2012 Annual Report for a more extensive review and recommendations on Turkey and Northern Cyprus.

*Four Commissioners dissented from the recommendation that Turkey be designated a CPC. Their views are contained in the Annual Report.