

2008 Annual Report of the U.S. Commission on International Religious Freedom

Other Countries under Review: Kazakhstan, Malaysia, and Turkey

Turkey

According to the State Department's 2007 *Annual Report on International Religious Freedom*, the constitution of Turkey "provides for freedom of religion and the government generally respects this right in practice." The Commission traveled to Turkey in November 2006. Throughout its visit, people of almost every tradition stated that, despite serious problems regarding the opening, maintaining, and operation of houses of worship, they were free to gather and worship as provided for in the country's constitution. Moreover, most groups reported that conditions for religious freedom had improved in the past decade and particularly due to the reforms undertaken by the government during the accession process to the European Union (EU). However, the Commission also learned of significant restrictions on religious freedom for Muslims as well as for religious minority communities, including state policies and actions that effectively prevent non-Muslims from sustaining themselves by denying them the right to own and maintain property, to train religious clergy, and to offer religious education above high school. This has led to the decline—and some cases, virtual disappearance—of some of these religious minorities on lands they have inhabited for millennia.

Secularism and Nationalism

Turkey's constitution establishes the country as a "secular state," according to the policy defined by the country's founder and first president, Mustafa Kemal Atatürk. Because Atatürk believed that religion was the primary cause for the Ottoman Empire's lag in modernization vis à vis Europe, he and most of Turkey's subsequent political leaders were determined to remove the influence of religion, including even expressions of personal belief, from public life in Turkey and to subject religion to state control. As such, the Turkish government's concept of secularism differs from the American version of separation of religion and state, as it reflects state control over—and even hostility toward—religious expression in the public sphere. Many contend that the Turkish state's interpretation of secularism has resulted in religious freedom violations for many of Turkey's citizens, including the majority and minority religious communities.

The absence of religion from public life has remained controversial for many Turks and at several times in the ensuing decades they elected governments that were less rigid on policies toward religious expression for Muslims. The Turkish military, which is constitutionally identified as the guardian of Atatürkist secularism, ousted those governments, in part because the military determined that secularism was under threat. Turkey's current governing party, the Justice and Development Party (known by its initials in Turkish, the AKP, or the AK Party), has roots in this movement for greater public religious expression. The AK Party won a plurality of 34 percent of the vote in national elections in November 2002, campaigning on a platform of Turkey's accession to the EU and the reintegration of Islam into public life in a manner consistent with modernity and democracy. Following his declared aim to pursue EU membership, Prime Minister Recep Tayyip Erdoğan instituted a number of democratic reforms, many of which have dealt with some of Turkey's most notoriously undemocratic practices.

After elections in July 2007 returned the AK Party to power with a stronger plurality, the Turkish Parliament voted to change the 1982 constitution to, in effect, allow women with scarves to attend university. Viewing this as a blatant strike against Turkish secularism, in March 2008, a public prosecutor filed a lawsuit with the Constitutional Court seeking to shut down the AK Party and ban Erdoğan and other AK officials from politics for five years. The Court agreed to hear the case, setting the stage for an historic confrontation between the secularist establishment, which, until the success of the AK Party, had been used to governing Turkey, and the newer elites, represented by the AK Party. The EU and the U.S. government have criticized the lawsuit, describing it as an attempt to overthrow the democratic order in Turkey.

In addition to the strict notion of secularism, the origins of the Turkish Republic left the Turkish political and military establishment with a highly nationalistic and narrow understanding of Turkish identity, which has also influenced the state's view of religious freedom and minority rights. Built into the founding of Turkish identity was the implicit understanding that non-ethnic Turks residing in Turkey are potentially suspect, since they allegedly harbor a secret desire to secede from and hence, dismember the country. This fear of territorial dismemberment, linked to a strain of virulent nationalism in Turkey, still holds sway in some sectors of society, resulting in state policies that undermine ethnic and minority religious communities.

The January 2007 murder of Hrant Dink, a Turkish citizen and respected journalist of Armenian ethnicity, is just one example of such extreme nationalism. Dink had been convicted under Article 301 of the Turkish Penal Code for "insulting" the Turkish state because of his use of the term "Armenian genocide" in public, although his conviction was converted to a suspended sentence following EU and other international pressure. Some reports suggested that the perpetrator targeted Dink because he was not a Muslim, indicating that for some, religious extremism has fused with the extreme nationalism. A trial began in July 2007, but is closed because the purported assailant is a minor; a total of 19 suspects are on trial. An Istanbul court is also looking into allegations of official negligence or collusion, as Amnesty International reported in January 2008 that Dink had reported threats to his life to the Public Prosecutor but that steps were not taken to ensure his protection. According to that indictment, one of the defendants also acted as a police informer and told police months in advance of plans to assassinate Dink. Two gendarmerie officers have since been charged with dereliction of duty; however, lawyers for Dink's family have called for more law enforcement officers to be brought to justice.

Muslims

The state carries out its management role with regard to the majority Muslim community through the Directorate of Religious Affairs, or the *Diyanet*. The state, through the *Diyanet*, controls and supervises the religious institutions of the Sunni Muslim population, managing all 80,000 mosques in Turkey and employing all imams as state functionaries. Religious practice and education (compulsory in the state schools for all Muslim children, though religious minorities are exempted) exclusively follow the Hanafi Sunni doctrine, although up to 20 percent of Turkey's Muslims are Alevis. Although Turkey is renowned for its Sufi orders and they continue to exist in Turkey, they have been officially prohibited since the 1920s.

Until recently, religious dress, including the wearing of a head scarf, was banned in all public institutions, including government buildings, universities, and schools. The state prosecutor's lawsuit against the AK government indicates the extent to which the "headscarf issue" is the most politically and popularly charged issue in Turkey today, reflecting this persistent tug of war between those promoting Ataturk's secularist legacy and those pressing for greater public expression of religion through religious symbols and clothing. Women wearing headscarves and their advocates have both lost their jobs in the public sector, including as nurses or teachers, and students wearing headscarves were not officially permitted to register for classes, even at private institutions. Members of the military have been charged with "lack of discipline" for performing Muslim prayers or being married to women who wear headscarves.

After the July 2007 elections, the Turkish Parliament approved constitutional changes to guarantee all citizens the right to attend university regardless of dress, stating that "no one can be deprived of his/her right to higher education." The change states that only traditional scarves—tied loosely under the chin—will be allowed; headscarves that cover the neck, as well as the full veil, would still be banned, as would all headscarves in government buildings.

Alevi, an offshoot of Shi'ism that many Sunnis—and even many Shi'a Muslims—view as heretical, are a minority Muslim community in Turkey that make up anywhere from 15 to 25 percent of the population. Alevi are reportedly currently able to practice their beliefs relatively freely and build *cem evleri* or "gathering houses," though there continue to be cases in which Alevi have been denied permission to build their meeting houses. However, none of the budget of the *Diyanet* goes to the Alevi community. Moreover, Alevi children must undergo the same compulsory religious education as all Muslims, which involves instruction only about Sunni Islam. A member of the Alevi community in Turkey took this issue before the European Court of Human Rights (ECtHR), which in October 2007 issued a ruling in favor of the Alevi, declaring that by making this religious education compulsory for all Muslims in Turkey, Alevi were being denied the "right of parents to ensure education in conformity with their own religious convictions." It remains now for the Turkish government to implement this decision.

The Recognized Religious Minorities

The 1923 Treaty of Lausanne, a peace treaty signed between Turkish forces and several European powers that formally established the Republic of Turkey, contained specific guarantees and protections for non-Muslim religious minorities in Turkey, which has since been interpreted by the Turkish government to refer only to the Greek Orthodox, Armenian Orthodox, and Jewish communities. Yet legal recognition of these and other religious minority communities has not been implemented in Turkish law and practice. The absence of legal personality has over the decades resulted in serious problems with regard to their right to own, maintain, and transfer property as a community and as individuals and to train religious clergy, leading in some cases to a critical decline in these communities on their historic lands. As noted above, the problems for the minorities stem in part from the fact that most are not only religious but also ethnic minorities, and have thus faced some suspicion about their loyalty from the majority community.

At the time Turkey was founded in 1923, there were approximately 200,000 Greek Orthodox Christians in the country. In 1955, by which time the number had fallen to 100,000, violent riots broke out targeting the Greek Orthodox community, resulting in the destruction of private and commercial properties, desecration of religious sites, and killings. Due to the fallout from those riots and other difficulties for the Greek Orthodox minority, the number of Orthodox Christians has fallen to its current level of about 2,500. In addition, though the Ecumenical Patriarchate's constituencies extend to Orthodox communities in the United States, Europe, and Australia, the Turkish authorities do not allow the Patriarch to use the term "ecumenical" in his title, recognizing him only as the head of Turkey's small (and decreasing) Greek Orthodox community. As a result, the government maintains that only Turkish citizens can be candidates for the position of Ecumenical Patriarch and for membership as hierarchs in the Church's Holy Synod. Yet, since the Turkish state does not allow the Greek Orthodox minority to train its clergy, the very survival of the Ecumenical Patriarchate and the Greek Orthodox community in Turkey are today at risk.

After the military coup in 1971, the Turkish state nationalized all private institutions of higher learning, including those for religious training. One result was the closure of the Halki School of Theology, which is the theological seminary on the island of Heybeli that, since the nineteenth century, had trained religious leaders of the Ecumenical Patriarchate and Orthodox Christian communities worldwide. Despite repeated government promises, the Halki Seminary remains closed.

The Armenian Patriarch, head of the Armenian Orthodox Church, similarly has no legal personality and there is no seminary in Turkey to educate clerics. As with the Ecumenical Patriarch, the Armenian Patriarchate experiences direct interference in the selection of its religious leadership, and the Turkish state also prevents Armenian Christians from operating an independent seminary to train new clergy members.

Many Jews report that the situation for Jews in Turkey is better than in other majority Muslim countries, as they are generally able to worship freely and their places of worship receive government protection when it is required. In addition, Jews operate their own schools, hospitals, and welfare institutions, as well as a newspaper. Nevertheless, there are concerns about attacks on synagogues and anti-Semitism in the media. In November 2003 and August 2004, synagogues were bombed by terrorists associated with al-Qaeda; 27 people were killed. The Turkish state took prompt action to arrest the perpetrators, reportedly carried out by a Turkish al-Qaeda cell. There is also increasing anti-Semitism in some media sectors that is generally coupled with anti-Americanism, particularly in media viewed as either nationalist or religious extremist. There are a growing number of specious stories about Israeli and U.S. misdeeds in Iraq, as well as pieces containing more conventional anti-Semitic stereotyping. All of these factors have resulted in an increasing sense of fear and insecurity among members of the Jewish community that had generally not been present before in Turkey.

Property Issues and the Law on Foundations

Many of the most serious problems faced by religious minorities in Turkey involve property rights and ownership. While the *Diyanet* runs Sunni Muslim affairs, another

government agency, the General Directorate for Foundations (*Vakiflar*), regulates all activities of non-Muslim religious groups and their affiliated houses of worship and other property. The establishment of a foundation is the mechanism through which a minority religious community can own property, including worship buildings, schools, and other institutions, given their lack of legal status in Turkey. While a foundation enables a religious community to become a collective legal entity, the rules governing the foundations have been found to be intrusive and in many cases, onerous.

Over the previous five decades, the state has, using convoluted regulations and undemocratic laws, confiscated hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, although Armenian Orthodox, Catholics, and Jews also reported such expropriations. In 1936, the government required all foundations to declare their sources of income; in 1974, the Turkish High Court of Appeals ruled that minority foundations had no right to acquire properties other than those listed in those 1936 declarations. Particularly since that time, the government has seized control of hundreds of properties acquired after 1936; religious minority foundations that are recognized by the state can acquire property, but previously appropriated property cannot be reclaimed. There is also no right to appeal these government actions.

In November 2006, the Turkish government, as part of the ninth reform package on EU accession, passed a new law governing foundations, making it easier to form a foundation and allowing non-Turkish citizens in Turkey to open foundations. The bill also enabled religious minorities to recover appropriated property, though it did not enable foundations to regain property that the state had sold to third parties, a category that reportedly involves a considerable amount of property. Then-President Ahmet Necdet Sezer vetoed the legislation. In February 2008, the newly elected Parliament passed a similar law that would return confiscated properties. Like the earlier version, this new law, while considered a positive first step, still does not apply to property sold to third parties.

Other Religious Minorities

Syriac Christians experience problems similar to those of the Greek and Armenian Orthodox, particularly in obtaining permission to maintain ancient sites. The number of Syriac Christians in the southeastern part of the country was once much higher, but government pressure and the war between the government and secessionist Kurdish forces have resulted in the migration of significant numbers. Roman Catholics have also had their property confiscated by the government. From 1993 – 1996, the Turkish government held political consultations at the Vatican, which concluded in an agreement between the University of Ankara and the Jesuit Consortium Gregorianum and the reopening of the chapel at Tarsus; however, in most cases the state has taken possession of Catholic property or prohibited its use for other purposes.

Roman Catholics, as well as Protestants, are also sometimes subject to violent societal attacks. In February 2006, an Italian Catholic priest was shot to death in his church in Trabzon, reportedly by a youth angered over the caricatures of the Muslim prophet in Danish newspapers. Government officials strongly condemned the killing. A 16 year-old boy was subsequently charged with the murder and sentenced to 19 years in prison. Also in February 2006, a

Slovenian Catholic monk was attacked in Izmir. In December 2007, a 19 year-old stabbed a Catholic priest outside a church in Izmir; the priest was treated and released the following day.

Protestants in Turkey, who number approximately 3,000, are primarily converts from other religions and are predominantly Turks by ethnicity. Protestant Christians often meet in the churches of other denominations, private homes, and in other places. Police sometimes bar Protestant groups from holding services in private homes and have detained and prosecuted individual Protestants for holding unauthorized gatherings. One of the most violent societal attacks occurred in April 2007, when three employees of an Evangelical Protestant publishing house in the city of Malatya were brutally murdered, reportedly by youths associated with a nationalist group. Five persons suspected of committing the murders were arrested soon after the attack, and five others were detained days later. Later evidence indicated that the five confessed murderers had links with local political officers, members of the special military forces, and regional members of Turkey's nationalist political party. Turkey's Interior Ministry in December 2007 opened a judicial investigation into the alleged collusion of public officials in these murders. In January 2008, one of the five on trial denied that the group intended to kill the three Christians, and blamed another suspect as the "ringleader" of the attack, who, he said, had "close relations" with the local police chief. The trial is continuing.