

Speech on U.S. Perspectives on Freedom of Religion or Belief in Turkey

by Elizabeth Prodromou, Commissioner, U.S. Commission on International Religious Freedom
at the International Archon Religious Freedom Conference

"Religious Freedom: Turkey's Bridge to the European Union"

November 16-17, 2010, Brussels, Belgium

Sponsored by the Order of St. Andrew and the Pammakaristos Brotherhood

Archons of the Ecumenical Patriarchate

Introduction

Good afternoon.

I'm Elizabeth Prodromou and I serve as vice chair of the U.S. Commission on International Religious Freedom (or USCIRF). This is an independent, bipartisan commission created by the United States Congress by the International Religious Freedom Act of 1998 (IRFA).

Our mandate is to monitor the status of freedom of thought, conscience, religion, and belief, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, the Secretary of State, and members of Congress.

Today I am here to discuss the status of freedom of religion or belief in Turkey. My remarks will reflect the observations and findings of USCIRF, which are discussed at greater length in our 2010 Annual Report.

In November 2006, a delegation from the Commission traveled to Turkey for eight days -- to Ankara and Istanbul. As the Commission had not previously reported on Turkey, the trip was a fact-finding visit to examine religious freedom conditions in Turkey.

As a result of our findings on that trip, in 2007, USCIRF began reporting on Turkey in its Annual Report, and the following year, it placed Turkey on our "Watch List" of countries requiring close monitoring due to the serious nature and extent of the religious freedom violations engaged in or tolerated by their governments.

Turkey has remained on our Watch List ever since, including this year. The Commission has expressed its concerns at the 2009 and 2010 OSCE meetings and has written President Obama and Secretary of State Clinton, particularly about

Turkey's treatment of religious minorities, as well as general religious freedom conditions.

The Commission acknowledges recent signs of possible improvement in the status of freedom of religion or belief in Turkey and regarding the rights and freedoms of religious minorities in particular.

Hopeful signs include the government's allowing the liturgical celebration of Greek Orthodox believers, led by the Ecumenical Patriarch, at Sumela monastery; permitting a Roman Catholic mass at the Saint Paul Church in Tarsus and allowing an Armenian Orthodox service at the Aktamar Orthodox Church in Lake Van; relaxing its enforcement of the headscarf ban that could allow women, whether covered or uncovered, to attend university; reports that Turkey will comply with the ECHR ruling and return the Buyukada Orphanage building to the Ecumenical Patriarch; and supporting a constitutional referendum that will create an ombudsman's office in Turkey.

More broadly, we see a fresh willingness to discuss and openly debate religious freedom issues across Turkish society, including the media -- issues that had long been taboo under the Kemalist model of secularism.

Nonetheless, the Commission remains concerned about serious, ongoing violations of freedom of religion or belief in Turkey. The real question for USCIRF work is whether the positive signs we see will become part of permanent, legal reforms that can address and eliminate those problems which have kept Turkey on our Watch List until now.

Key Commission Findings

When analyzing religious freedom in Turkey, we see four factors that shape the conditions that cause the Commission to monitor Turkey and that have led to the Watch List designation.

First, Turkey has a tradition of **political** freedom going back to Mustafa Kemal Ataturk's 1920s program of nation-state building which established a republic and a constitution.

Second, arising from this program, the Turkish government and constitution display an aggressive secularism that severely restricts **religious** freedom in the public square, while seeking full government control over all religious activity.

According to the State Department's 2009 religious freedom report, "the government imposes limitations on Islamic and other religious groups and significant restrictions on Islamic religious expression in government offices and state-run institutions, including universities...."

Third, while every religious group in Turkey is adversely affected by the restraints on religious freedom, religious minorities such as the Alevis and Christians face particularly severe restrictions compared to the Sunni majority.

Finally, since its election in 2002, AKP government policies embody some of the mixed signals on religious freedom that the government has been sending. On the one hand, the AKP, a party with Islamic roots, is reevaluating the policy of secularism as full government control over religion, recognizing that this has produced state violations of rights and practice. On the other hand, it is unclear whether the policy changes implemented by the AKP are intended to apply to all of the country's citizens, or mainly Sunni Muslims.

U.S. Policy on Human Rights and Freedom of Religion or Belief in Turkey

Now, if these are the reference points for the Commission's work on religious freedom issues in Turkey, it also bears mention that the EU has shared USCIRF's concerns about freedom of religion or belief in Turkey, and in February 2008, the Commission of the EU revised the accession partnership with Turkey and set human rights and religious freedom goals for Ankara.

Indeed, both USCIRF and the EU view Turkey's interpretation of ICCPR's Articles 27 & 18 as problematic. Specifically, Turkey has imposed conditions on its commitment to various rights for religious minority groups covered by the Lausanne Treaty, and these conditions have undermined guarantees to "profess and practice" religion in Article 27, and wider religious freedom pledges in Article 18.

In the fall of 2010, following the popular referendum that approved the AKP's constitutional reform package to restructure judicial institutions, Prime Minister Erdoğan said that these reforms would "pave the way to EU accession and global integration for Turkey." Unfortunately, none of these amendments deal with rights of religious freedom.

Indeed, in its most recent report on Turkey, the European Union concluded that, despite such signs of progress, "attacks against individuals who belong to minority

religions still occur.” It added that “a legal framework in line with the [European Convention on Human Rights] has yet to be established, so that all non-Muslim religious communities and the Alevi community can function without undue constraints, including as regards training of clergy.” It urged further efforts “to create an environment conducive to full respect of freedom of religion in practice.”

USCIRF Issues of Concern

So, clearly, on both sides of the Atlantic, governments are in basic agreement on USCIRF’s concerns about religious freedom restrictions affecting both the majority Muslim population and minority religious faiths.

Let me take a few moments to describe just a short list of our concerns which have kept Turkey on our Watch List. While especially important for minorities, there are also issues that apply to the Sunni majority, as well -- and, taken as a whole, help to illustrate USCIRF’s considerations. These restrictions pertain, among other things, to religious garb, Alevis, non-Muslim minorities’ legal status, national identity cards, and property issues.

Above all, I want to reiterate a key concern for USCIRF regarding Turkey’s current policies on these and other issues relating to freedom of religion or belief, namely, the failure to implement permanent legal reforms despite an expressed willingness to consider real change. This will be clear as we move through these issues.

Restrictions on Religious Garb

Despite some signs of change, Turkish law continues to ban religious garb in state buildings, including public and private universities, the parliament, courts, and schools.

Perhaps most well known are the limitations related to the ban on the turban (headscarf), which has required women in Turkey to choose between the right of religious freedom and right to an education. In February 2008, the Turkish parliament voted to change the 1982 constitution to guarantee all citizens the right to attend university, regardless of dress. In June 2008, however, the Turkish constitutional court ruled these amendments a violation of Turkish secularism. As a result, the headscarf ban remains in effect.

The Turkish higher education authority (the Council of Higher Education or YOK), issued a circular in autumn 2010 that students should not be excluded for breaking the dress code, and many universities reportedly are not enforcing the headscarf ban. Reportedly, Erdogan has said that a new law easing the headscarf ban can only occur after next summer's national elections in June 2011.

In another decision on religious garb, in February 2010, the ECHR ruled that a Turkish court violated the rights of 127 members of a Sufi brotherhood, *Aczimendi tarikaty*, by sentencing them for wearing religious dress in public.

But, the ban on public religious dress is more extensively targeted at and more comprehensively applied to non-Muslim groups, as all Christians and Jews are prohibited from wearing clerical garb in the public sphere *writ large*, not only in state buildings.

Restrictions on Alevis

What about restrictions on the Alevis? The restrictions are myriad and the Commission has been following these. To summarize in terms of key issues which Alewives want addressed: legal status for Alevi houses of worship; the abolishment of compulsory religious education classes; an end to the building of mosques in Alevi villages; the return of Alevi properties confiscated under a 1925 law; religious affiliation on national identity cards; and forms of indirect discrimination against Alewives that are tolerated by the Turkish government. Despite some progress, including regular workshops with the Alevi community, many Alevis reportedly remain unsatisfied with their treatment by the Turkish government.

Restrictions on Legal Status of Non-Muslim Minorities

Concerning the treatment of non-Muslim religious minorities in Turkey, we see the same pattern of improved rhetoric and symbolism on the one hand and the absence of permanent legal action on the other.

In 2010, President Abdullah Gul proclaimed publicly that he is the president of non-Muslims as well as Muslims. In April, he was the first Turkish president to visit a synagogue and a Greek Orthodox church in the city of Hatay.

Yet, while the 1923 Lausanne Treaty guarantees religious freedom for all non-Muslim Turkish religious minorities in Turkey, the government has failed to

provide these guarantees and further, argues that these obligations are limited to the Greek Orthodox, Armenian Orthodox, and Jewish communities. Moreover, the Turkish government denies legal recognition to these communities and to all other minority religious communities.

Here again, the gap between rhetoric and gestures, versus changes in the law and practice, is instructive. The Turkish government still does not recognize the Ecumenical Patriarchate of the Greek Orthodox Church as a legal entity and does not recognize the titles of Ecumenical Patriarch nor of the Armenian Patriarch.

Although in January 2008, Prime Minister Erdoğan stated that Patriarch Bartholomew's Ecumenical title was an internal church issue, the Turkish government continues to refuse to acknowledge the ecumenicity of the Patriarch.

In March 2010, the Venice Commission of the Council of Europe stated that there is no factual or legal reason for the Turkish government not to acknowledge the ecumenical status. At the October 2010 OSCE Review Conference, a Turkish delegate said that while the Turkish government does not use the Greek patriarch's title, the church is free to use that title.

The denial of legal personality generates a range of consequent and/or associated problems for religious freedom. These include, for example, interference in the internal function of religious communities; the imposition of arbitrary citizenship requirements on the Ecumenical Patriarch and hierarchs in the synod; and the application of a property rights regime by which the Turkish government has used convoluted regulations and undemocratic laws to confiscate hundreds of religious minority properties.

Perhaps well-known is the case of the Buyukada Orphanage. In 2008, the ECHR ruled in a case by the Greek Orthodox Ecumenical Patriarchate that Turkey was in violation of the European Convention on Human Rights in regard to the Turkish expropriation of the Greek Orthodox orphanage on Buyukada island. Although Turkey has not yet complied with the ECHR ruling, according to an October 2010 press report, the Buyukada site and its deed will be returned to the Ecumenical Patriarchate. Here again, however, restrictions on the right to repair religious property render the return merely a symbolic gesture.

Also well-known is the case of the case of the Mor Gabriel Monastery of Turkey's Syriac Orthodox Christian community as well. Currently there are five legal suits over the Turkish government's attempted seizure of land belonging to the 1,600-

year-old Mor Gabriel monastery, the Syriac Patriarch's residence from 1160 to 1932.

Roman Catholics also have had property confiscated by the Turkish government. Protestants in Turkey, who number about 3,000, are mainly ethnic Turkish converts. They often meet in the churches of other denominations or private homes; police sometimes prosecute participants.

Jehovah's Witnesses reportedly experience harassment, although they gained association status in 2007. Early 2009 saw the reversal of court decisions based on zoning laws against two Jehovah's Witnesses places of worship.

In November 2006, the Turkish parliament, as part of EU accession reforms, passed a new law on Lausanne religious minority foundations, easing procedures and allowing non-Turkish citizens to establish such foundations. Although the *Vakiflar* was still allowed to expropriate properties, it enabled religious minorities to recover limited categories of expropriated property, but not those sold to third parties or under government control. Then-President Sezer vetoed the law. In February 2008, the parliament passed a similar law, but that law still exempts property sold to third parties and the *Vakiflar*'s expropriation authority continues. President Gul signed this legislation, supported by Prime Minister Erdoğan.

Other Restrictions on Non-Muslim Minorities

There are other restrictions and violations of religious freedom that the Commission continues to monitor. Amongst those are questions relating to the will and capacity of the police, penal system, and judiciary to protect and prosecute when it comes to violent crimes against religious minorities or acts of violence against properties belonging to religious minority communities. Examples that raise such questions include the assassination of Hrant Dink in January 2007, the killings of Protestant publishers in Malatya in April 2007 and the killing of the Roman Catholic Bishop of Izmir in July 2010; and desecration of Greek Orthodox cemeteries in November 2010.

Reports on rights of religious freedom from Turkey's Jewish community are mixed. Jewish community representatives say they can worship freely and their places of worship usually receive Turkish state protection if needed.

Nevertheless, there has been growing anti-Semitism in some sectors of society. In 2003 and 2004, synagogues were attacked in Istanbul. More recently, Erdoğan left

a G-8 roundtable to protest comments by Israeli President Peres on the Gaza campaign and anti-Semitic posters appeared at anti-Israel demonstrations and in many Turkish newspapers. Jewish organizations received anti-Semitic hate mail.

Moreover, in the wake of the Mazi Marmara flotilla incident, anti-Semitic articles in the press have increased and anti-Israel demonstrations in Turkey included placards with anti-Semitic slogans.

Conclusion

As I conclude, I want to reiterate the paradoxical pattern we see as we assess Turkey's progress on matters of religious freedom and belief. Again, we see that the Turkish government is increasingly willing to discuss these issues openly and to take limited steps to address them. But we also see how these efforts have failed to convert enlightened sentiment into permanent law. That is precisely why Turkey remains on the Watch List of the U.S. Commission on International Religious Freedom.

To help move things forward, our Commission recommends that U.S. policy especially focus on Turkey's compliance with international commitments on freedom of religion or belief.

In that light, USCIRF would like the United States to encourage the Turkish government to address the long-standing lack of full legal recognition for religious minorities, including Alevis; Greek, Armenian, and Georgian Orthodox; Roman and Syriac Catholics; Protestants; and Jews. As President Obama noted in his April 2009 address to the Turkish parliament, the United States should continue to urge Turkey to permit all religious minorities to train religious clergy in Turkey, including by reopening the Greek Orthodox Theological Seminary of Halki.

USCIRF would also like the United States to work with Turkish authorities to allow women the freedom to express their religious or non-religious views through dress in order to respect both their beliefs and the secular status of the Turkish republic, as well as to remove legal restrictions on the wearing of clerical garb by non-Muslims in public.

In conclusion, while governmental attitudes on religious freedom are improving in Turkey, the time has come for concrete legal action, so that the religious -- or secular -- choice of every Turkish citizen will be equally regarded under the law.

Thank you.