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State of the World's Minorities and Indigenous Peoples 2010 - Turkey

Contributed by Nurcan Kaya

In 2009, Turkish state policy on minorities began to be discussed openly for the first time in the history of the Republic. At a congress that took place on 23 May 2009, Prime Minister Erdogan stated, 'Many things were done in this country for years. People from different ethnic backgrounds were expelled. This was the result of a fascist approach.' Government representatives organized workshops with representatives of Roma NGOs, Alevi NGOs and non-Muslim minorities, which were welcomed by some but criticized for not resulting in any concrete progress.

The 'Ergenekon case' (concerning suspects accused of involvement in an alleged military coup in October 2008) continued in 2009. It saw the accused brought before the courts for the first time. A military-backed strategy aimed at reducing public support for the ruling Justice and Development Party (AKP) and reportedly drafted in April 2009, was disclosed by daily newspaper *Taraf* in June 2009. Likewise, the 'Cage Operation Action Plan', allegedly drawn up in March 2009 to target, harass and attack non-Muslim minorities, and mentioning the killings of three Zirve Publishing staff, the 2007 murder of journalist Hrant Dink and the 2006 murder of Father Santoro, a Catholic priest, was also published by *Taraf* in November 2009. The plan apparently sought to blame the AKP for those deaths, Turkish media reported, and was meant to garner support for the suspects in the Ergenekon case.

In addition to killings of non-Muslims since 2007, the accused in the Ergenekon case are reportedly linked to various extra-judicial killings that took place in the 1990s in south-eastern Turkey. While a section of Turkish society and intellectuals has been supporting the prosecution of these acts, in the hope that Turkey will face its past and make a fresh start that will ensure equal treatment of all citizens, the military, nationalists, republicans and the main opposition party have been strongly critical.

Another important positive development was the 'Democracy Opening', which was initially called the 'Kurdish Opening'. Announced by the Minister of the Interior in July 2009, it aimed to bring about equality for all citizens, including Kurds, Alevis, Roma and non-Muslim minorities. The Minister of the Interior met journalists, NGO staff and representatives of different sections of society in August 2009 to discuss finding a peaceful solution to the Kurdish question. Later, the minister briefly shared the contents of these talks in a speech before parliament on 13 November 2009. As with the Ergenekon case, the opposition and nationalists accused the government of betraying the state.

While the minister's opening was welcomed by the pro-Kurdish Democratic Society Party

(DTP), many Kurds and intellectuals, it was criticized by others for being unclear. Moreover, the initiative was followed by various developments that did not fit with its stated aims. The DTP was closed down, 37 party members were banned from political activities and two MPs were removed from office following a decision by the Constitutional Court in December 2009. Soon after, many members of the DTP, including some mayors, were detained following accusations that they were members of the banned Kurdistan Workers' Party (PKK) or the Kurdistan Communities Union (KCK), which is alleged to be the urban arm of the PKK.

Despite the government's initiatives, no concrete progress was achieved during 2009 regarding the treatment of minorities. The government remains reluctant to review constitutional provisions. Ethnic minorities, including Caucasians, Kurds, Laz and Roma, are not recognized as minorities and are therefore not fully guaranteed a number of rights or services, including access to media in their own languages and mother tongue education or training.

In 2009, several racist attacks against Kurds and Kurdish politicians took place. Some human rights organizations, such as the Contemporary Jurists' Association, criticized public officials for not taking effective measures to prevent these attacks or conduct proper investigations. The military still has influence on the country's political discourse as well as on its judiciary, and there is a separate judiciary for members of the military services.

Religious minorities

Changes are needed to Turkey's policies and legal and administrative mechanisms regarding the treatment of religious minorities. The government still refers only to the 1923 Treaty of Lausanne, which, while guaranteeing specific rights to non-Muslim minorities, has not kept up with developments in international human rights standards. Moreover, Turkey continues to violate the Treaty of Lausanne by applying it only to Armenians, Rums (members of the Eastern Orthodox community) and Jews. This leaves other non-Muslim groups, such as Assyrians, Baha'is, Chaldeans, Protestants and Yezidis outside the scope of the Treaty. Furthermore, Turkey has limited the property and education rights of Armenians and Rums, in violation of the Treaty.

The Law on Foundations (Law no. 5555) that entered into force in February 2008 allows non-Muslim foundations to apply to recover properties seized by the state in the 1970s, but only if they are still in the hands of the state. According to the European Commission's 2009 *Turkey Progress Report*, 1,393 applications were lodged by non-Muslim foundations to recover their properties before the deadline of August 2009. The law does not guarantee the return of, or compensation for properties belonging to non-Muslim foundations that were seized and sold to third parties.

Discrimination and racist attitudes towards non-Muslim minorities are widespread. The cases brought against the accused of the racially motivated murders of the Armenian journalist and human rights activist Hrant Dink and the Christian staff of the Zirve Publishing House in Malatya are still pending. The police officers, who were accused of negligence for failing to protect Dink despite having received intelligence that his murder was being planned, remain in their posts. No case was brought against them in 2009 despite attempts by human rights lawyers.

Alevi are still not acknowledged as a diverse group, different from Sunni-Muslims. Their places of worship, 'Cemevis', are not recognized by authorities. Alevi children are obliged to attend compulsory 'religious culture and ethics' classes which focus on Sunni Islam, despite the ECtHR's ruling in *Hasan and Eylem Zengin vs. Turkey*, issued on 9 October 2007, which found that the classes violated the Alevi children's right to education under Article 2 of the first Protocol to the ECHR.

Beginning in June 2009, government representatives organized workshops with Alevis to discuss their problems and possible solutions for the first time. Bianet, an online news agency, reported in November 2009 that these workshops were criticized by some Alevis

for not being sufficiently concrete in finding any solutions. Alevi NGOs organized a conference in November 2009 to demand equal treatment, including the removal of the compulsory classes from the school curriculum and the official recognition of Cemevis as places of worship.

The very small Jewish community in Turkey, comprising approximately 23,000 people, is facing increasing discrimination. According to a 2008 Pew survey on European attitudes toward Jews and Muslims, 76 per cent of respondents in Turkey had a negative view of Jews, compared to 49 per cent in 2004. A 2009 study on radicalism by Yilmaz Esmer, a professor at Bahçeşehir University, showed that 64 per cent of Turks in 34 cities stated that they do not want Jewish neighbours. In response, the community has initiated an outreach programme. For example, Chief Rabbi Ishak Haleva is conducting inter-faith prayer services at the Neve Shalom synagogue in Istanbul, the site of previous extremist attacks, including a car-bombing in 2003 that left more than a dozen people dead and many injured.

Timur Topuz, President of the Board of the Istanbul Protestant Churches Foundation estimates that there are 5,000 Protestant Christians in Turkey. Although the Law on Constructions (Law no. 3194) allows new churches to be built and opened, Protestants report that they face bureaucratic obstacles when seeking recognition from municipalities. According to the regulations, places of worship need to be at least 2,500 square meters – a requirement which is almost impossible to meet. However, the Istanbul Protestant Church did gain legal status, despite not meeting this requirement. Protestant churches also have problems when setting up non-profit foundations. According to Topuz, their foundation is the only one that is officially recognized. Although missionary activities are legal in Turkey, prejudice and harassment are common against Protestants. They receive threats by email, phone or post; mostly these are not properly investigated and judicial proceedings are slow. Another problem is that non-Turkish citizen Protestants are not allowed to volunteer at their churches. According to Topuz, American, British and German volunteers in Izmit were expelled on the basis of not having work permits, although they were volunteering at their church.

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