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# TURKEY

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## Key Findings

While the Turkish government has implemented some reforms in recent years to improve religious freedom, including regarding minority communities' property rights, religious dress, and education, significant concerns remain. Turkish secularism, as codified in the 1982 constitution, requires absolute state control over religion, which leads to governmental interference and restrictions that hinder full religious freedom in the country. As a constitutional secular state no religious community, including the Sunni Muslim majority, has full legal status. The government limits all religious groups' rights to own and maintain places of worship, train clergy, and offer religious education. This has been particularly detrimental to the smallest minority communities and their ability to transmit their faith to future generations. Other concerns include the listing of religious affiliation on national identity cards, societal discrimination, anti-Semitism, and persistent religious freedom violations in the Turkish-occupied northern part of Cyprus. Finally, it should be noted that the overall landscape for democracy and human rights has deteriorated significantly during the past year, including serious new restrictions on internet freedom, privacy, and media freedom, with troubling implications for freedom of religion or belief in Turkey. Based on these concerns, USCIRF places Turkey on Tier 2 in 2014.<sup>21</sup>

## Background

In February 2014 USCIRF travelled to Turkey and met with religious leaders and community representatives, government officials, and NGOs. In these meetings, USCIRF received reports that over the last year, the Turkish government has continued to take positive steps with regard to religious minorities concerning

property and education, as well as dress for Muslim women. Nevertheless, USCIRF also heard views from some religious minority communities that conditions had worsened and that the steps taken were negligible, as well as concerns that the improvements, which are not codified in law, could be easily revoked, especially in the current political climate. Additionally, some communities were extremely disheartened by persistent rumors that the Hagia Sophia in Istanbul would be reopened as a mosque; the former church, which has been a museum since 1935, is a symbol of Christian history, legacy and acceptance to Turkey's small Christian communities.

Turkey's legal climate centers on its 1982 constitution. It provides for freedom of belief, worship, and the private dissemination of religious ideas and prohibits discrimination on religious grounds, but no religious community has full legal status and all are subject to state control. Following his 2011 re-election, Prime

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Minister Erdoğan pledged to replace the 1982 constitution with one "focused on the individual, and committed to freedom." A parliamentary drafting commission was established, which collected information and recommendations from civil society and religious minority representatives. After more than 16 months, the commission disbanded over disagreements unrelated to religious freedom.

<sup>21</sup> Commissioner William J. Shaw dissented from the decision to place Turkey on Tier 2. See his statement in appendix.

Despite the significant constitutional impediments to full religious freedom protections, the Turkish government has shown that some improvements, such as relating to property rights and religious dress, are possible without a new constitution as long as there is sufficient political will. Recognition of this dynamic in Turkey makes the government's continued failure to follow through on the long promised reopening of the Halki Seminary, a disturbing indication of a lack of genuine will to resolve this longstanding religious freedom violation.

### **Religious Freedom Conditions 2013–2014**

#### **Interference in Internal Religious Affairs**

The Turkish government continues to require that only Turkish citizens can be members of the Greek Orthodox Church's Holy Synod. Although the Prime Minister in 2010 approved dual citizenship for 25 Metropolitan, others were denied. The government's role in deciding which individuals may be part of the Greek Orthodox Patriarchate represents interference into their internal affairs. The government also has inter-

according to the government, at more than 2.5 billion Turkish Lira – have been returned or compensated for. However, 1,000 applications were denied, 800 for lack of information and 200 for other reasons. Some communities allege bias, consider the process very slow, and claim that compensation has been insufficient.

Since 2008, there has been an ongoing dispute over the Turkish government's attempted seizure of some territory of the 1,600-year-old Mor Gabriel Monastery, the Syriac Patriarch's residence from 1160 to 1932. In September 2013, the government announced that it would return Mor Gabriel to the appropriate Syriac Foundation and it has handed over the deed for 244,000 square meters (over 60 acres) of land. A case concerning an additional 320,000 square meters (nearly 80 acres) claimed by the community is pending before the European Court of Human Rights.

#### **Education**

The constitution makes religious and moral instruction compulsory in public primary and secondary schools, with a curriculum established by the Ministry of

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ferred in the selection process of the Armenian Patriarchate's leadership, and denies religious minority communities the ability to train clergy in Turkey. The Greek Orthodox Theological School of Halki remains closed, as it has been since 1971, despite promises and public statements of support for its reopening by Prime Minister Erdoğan and President Gül. The Armenian Orthodox community also lacks a seminary.

#### **Religious Minority Properties**

The Turkish government throughout its history has expropriated religious minority properties. Beginning in 2003 and especially since the issuance of a 2011 decree, the government established a process to return some properties or pay compensation when return is not possible. Since 2011, 340 properties – valued,

National Education. In recent years the course, which had primarily focused on Islam, has been expanded to include all religions and atheism. [Note: The USCIRF delegation was unable to verify representations about the content of these courses.] Non-Muslim children can be exempted, although there are reports of societal and teacher discrimination against children who opt out. Additionally, after complaints by religious minority communities, the Ministry of Education states that it has made an effort to revise textbooks so as not to portray minorities in a derogatory manner.

#### **Religious Dress**

Pursuant to Turkish secularism, the government has long banned religious dress, including the wearing of headscarves, in state buildings, including public

and private universities, the parliament, courts, and schools. In the past, women who wore headscarves, and their advocates, have been expelled from universities and have lost public sector jobs, such as nursing and teaching. In September 2013, the Turkish government lifted the headscarf ban for women in public institutions and at schools. However, the ban still exists in areas that require a uniform, such as military and police offices, and in some courts. In addition, under Turkish law, only the titular head of any religious group may wear religious garb in public facilities, although there were no reports that the government or local police uphold this law in practice.

### Alevis

Alevis comprise 15 to 25 percent of Turkey's total population. Although the Turkish government and many Alevis view them as heterodox Muslims, many Sunni Muslims do not accept that definition and consider them non-Muslims. Some Alevis identify as Shi'a Muslim, while others reject Islam and view themselves as a unique culture. Alevis worship in *cemevi* (gathering places), which the Turkish government does not consider legal houses of worship and thus cannot receive the legal and financial benefits associated with such status.

### Anti-Semitism

Representatives of the Jewish community told USCIRF that their situation in Turkey is better than that of Jews in other majority Muslim countries and in parts of Western Europe. Jews in Turkey are able to worship freely, and their synagogues generally receive government protection when needed. However, concerns exist over rising anti-Semitism in society and in the media. Additionally, references to the "interest rate lobby" by some government officials, including the Prime Minister, are viewed by some interlocutors as coded language for members of the Jewish communities.

### Northern part of the Republic of Cyprus

Turkey has occupied nearly 1/3 of northern Cyprus since 1974. In the last year minority communities were denied access to their religious places of worship and cemeteries that are within the boundaries of Turkish military zones or bases.

## Recommendations for U.S. Policy

As it engages Turkey as an important strategic partner, the U.S. government, at the highest levels, should continue to raise religious freedom issues with Turkish government counterparts. Specifically, USCIRF recommends that the U.S. government should urge the Turkish government to:

- Revive the multi-party constitutional drafting commission with the goal of drafting a new constitution consistent with international human rights standards on religious freedom;
- Fully implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities;
- Fulfill private and publicly stated promises that the Greek Orthodox Halki Seminary would be reopened, and permit other religious communities to open and operate their seminaries as well;
- Permit religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs;
- Publicly rebuke government officials that make anti-Semitic or derogatory statements about religious communities in Turkey;
- Remove the space listing religious affiliation on official identification cards to comply with the 2010 European Court of Human Rights ruling that it violates freedom of religion or belief under the European Convention; and
- Ensure that, with respect to the northern part of the Republic of Cyprus, Turkish military authorities and Turkish-controlled local authorities end all restrictions on the access, use, and restoration of places of worship and cemeteries for religious minorities.