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2011 Report on International Religious Freedom - Turkey

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom, and in practice, the government generally respected religious freedom. However, some constitutional provisions restricted this right. The government's actions demonstrated a trend of improving respect for and protection of the right to religious freedom. Notably, the government issued a decree facilitating the return of or compensation for property confiscated from religious community foundations in previous decades. The government continued to impose limitations on Muslims and other religious groups, including restrictions on Muslim religious expression in government offices for the stated reason of preserving the "secular state." The government did not clarify the legal authority under which the Greek Orthodox Halki seminary could reopen after being closed for 40 years. Authorities continued their ban on wearing Muslim religious headscarves in government offices as well as public primary schools, although the ban was not enforced in universities and ignored in some workplaces. Members of some religious groups stated they were effectively blocked from careers in state institutions because of their religion. Some religious groups also faced restrictions on freedom of worship, difficulties in registration with the government, property ownership, and the training of their followers and clergy. Although engaging in religious speech and persuasion are legal, some Muslims, Christians, and Baha'is faced restrictions and occasional harassment for alleged proselytizing or providing religious instruction to children.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Threats against non-Muslims created an atmosphere of pressure and diminished freedom for some non-Muslim communities. Many Christians, Baha'is, Jews, and Alevis faced societal suspicion and mistrust, and some elements of society continued to express anti-Semitic sentiments. Additionally, persons wishing to convert from Islam sometimes experienced harassment and violence from relatives and neighbors.

Embassy and consulate officials, as well as frequent U.S. government visitors, took close interest in religious freedom in the country. During the year, embassy and consulate representatives met frequently with government officials and representatives of religious groups to discuss matters related to religious freedom, including legal reforms

aimed at lifting restrictions on religious groups and property restitution issues.

Section I. Religious Demography

According to the government, 99 percent of the population is Muslim, the majority of which is Hanafi Sunni. According to representatives of various religious communities, the actual percentage of Muslims is slightly lower.

In addition to the Sunni Muslim majority, academics estimate that there are between 15 million and 20 million Alevis, followers of a belief system that incorporates aspects of both Shia and Sunni Islam and draws on the traditions of other religious groups indigenous to the region.

There are several other religious groups together constituting less than 1 percent of the country's population, mostly concentrated in Istanbul and other large cities. While exact membership figures are not available, these religious groups include approximately 500,000 Shiite Caferi Muslims; 60,000 Armenian Orthodox Christians; 22,000 Jews; 20,000 Syrian Orthodox (Syriac) Christians; 10,000 Baha'is; 5,000 Yezidis; 5,000 Jehovah's Witnesses; 5,000 members of various other Protestant sects; approximately 3,000 Iraqi Chaldean Christians; and up to 2,500 Greek Orthodox Christians. There also are small, undetermined numbers of Bulgarian Orthodox, Nestorian, Georgian Orthodox, Roman Catholic, Syriac Catholic, and Maronite Christians.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. The constitution establishes the country as a secular state and provides for freedom of belief, worship, and the private dissemination of religious ideas. The constitution prohibits discrimination on religious grounds.

The penal code prohibits imams, priests, rabbis, and other religious leaders from "reproaching or vilifying" the government or the laws of the state while performing their duties. Violations were punishable by prison terms of one month to one year, or three months to two years if the crime involved inciting others to disobey the law.

There are legal restrictions against insulting a recognized religion, interfering with such a religious group's services, or defacing its property.

The law requires eight years of compulsory secular education, after which students may pursue studies at general state schools or vocational high schools, which include imam hatip (Muslim preacher) vocational high schools. Students are permitted to enroll in summer Qur'an classes provided by the Directorate of Religious Affairs (Diyanet) after completing the fifth grade (typically at the age of 11), which is the only legal form of Qur'an instruction in the country. Individuals who complete the eighth grade or reach 16 years of age can attend year-long Qur'an courses provided by the Diyanet. Nonetheless, during the year non-state organizations taught unofficial and illegal Qur'an courses outside the Diyanet's control. The state did not take action against these unofficial courses.

The government interprets the 1923 Lausanne Treaty as granting special legal minority status exclusively to three recognized groups – Armenian Orthodox Christians, Jews, and Greek Orthodox Christians – although the treaty referred broadly to "non-Muslim minorities" without listing specific groups. Since this recognition does not extend to religious leadership organs, the administrations of these religious communities do not have legal personality.

The state provides training for Sunni Muslim clerics; religious communities outside the Sunni Muslim mainstream do not have a system to train leadership inside the country

within the current legal framework, as they are not allowed to operate their own clerical training institutions. Coreligionists from outside the country assume informal leadership positions in some cases, but the leaders of the Armenian Apostolic, Greek Orthodox, and Jewish communities must be Turkish citizens according to a mandate by the Istanbul Governorate (where these leaders reside), in an arrangement dating to Ottoman times. The government has granted citizenship to 20 of the 26 Greek Orthodox metropolitans who have applied for citizenship, which widened the pool from which Patriarchs are selected. This process is discretionary and not enshrined in law.

The government considered Alevism a heterodox Muslim sect and did not financially support religious worship in this belief system.

The government does not recognize conscientious objection to military service, and those who opposed mandatory military service on religious grounds faced charges in military and civilian courts, as well as prison sentences.

Registration with the government was not mandatory for religious groups; however, unregistered religious groups have no legal standing and can face greater harassment than registered groups. All organizations, including religious groups, have the opportunity to register as an association or a foundation. Religious groups must associate themselves with a charitable or cultural cause in order to register.

The General Directorate of Foundations (GDF) regulates all charitable foundations with a religious affiliation and assesses whether the foundations are operating within the stated objectives of their organizational statute.

While both foundations and associations receive equal protection by law, associations must be nonprofit by definition and may receive financial support only in the form of donations. A foundation has greater fiscal freedom and may earn income through companies and rent-earning properties. However, the process for establishing a foundation is substantially lengthier and more expensive than that for establishing an association. Parliament determines on an annual basis the minimum capital requirement for creating a foundation. During the year the minimum was set at approximately 50,000 lira (\$33,300).

There were several categories of foundations, including religious community foundations, education foundations, and aid foundations. At the beginning of the year there were 161 religious community foundations, the vast majority of which existed during the Ottoman Empire and were grandfathered into the country's foundation system. From 1936 until August 2011, religious groups were not able to register as new religious community foundations and gain the legal rights held by such foundations.

On August 27, Prime Minister Erdogan announced a decree that communities whose properties had been expropriated by the state could apply for them to be returned, or to receive compensation for properties that had been sold to a third party. The decree also permitted the formation of new religious community foundations to account for oversights in the 1936 law and the reopening of foundations that had previously been closed and administered by the GDF.

Other religious groups that were not recognized in the Ottoman Empire nor applicable under the August decree may apply to register as a "new foundation" promoting charitable works but not for a religious purpose. For example, the foundation may not focus its activities on a particular religious or ethnic community. To begin the process, applicants must pay a sum, determined by the GDF, according to the extent of their intended activities. Religious community foundations are the only religious groups that may own real estate. A foundation of any category may be closed only by a court judgment, which provides some protection for religious community foundations.

The process for a religious community to become an association can take as little as three months, with no capital requirement. A group must submit a registration application to the provincial governor's office and may immediately begin operating

while awaiting confirmation from the governor's office that its bylaws are constitutional. Associations can be closed by court orders, and they have fewer legal rights and protections at the local level. Associations are bound by the civil code not to discriminate on the grounds of religion, ethnicity, or race. As a result, associations focused on support for one religious group were not permitted.

The GDF regulated activities of all religious community foundations and their affiliated property, including 75 Greek Orthodox foundations; 42 Armenian Orthodox foundations; and 19 Jewish foundations; as well as Armenian Catholic, Armenian Protestant, Syriac Orthodox, Syriac Catholic, Chaldean, Bulgarian Orthodox, and Georgian Catholic foundations. An August decree allowed for new religious community foundations to be formed, and in December the GDF approved a new Jewish Foundation in Izmir.

The government oversees Muslim religious facilities and extracurricular Qur'anic courses through the Diyanet, which is under the authority of the prime ministry. The Diyanet is responsible for regulating the operation of more than 81,900 registered mosques and employing more than 75,700 local imams, Qur'an instructors, muezzins, and other religious workers, who are all civil servants. Municipalities pay for the utility bills for those mosques located within their boundaries.

The constitution establishes compulsory religious and moral instruction in public primary and secondary schools, with content determined by the Ministry of National Education's Department of Religious Instruction. Only Greek Orthodox, Armenian Orthodox, and Jewish religious foundations may operate schools under the supervision of the Education Ministry. The curricula of these schools included information unique to the cultures of the three groups. Previously the ministry verified if the child's father or mother was a Turkish citizen from that minority community before the child could enroll. In September the government gave non-Turkish citizens of these three groups, including children of Armenian migrants, permission to enroll in these community schools. Other religious communities may not operate schools of their own.

Under the law, religious services may take place only in designated places of worship. Municipal codes mandate that only the government can designate a place of worship, and if a religion has no legal standing in the country, it cannot register a site.

The constitution provides that no one shall be compelled to reveal his or her religious beliefs. Although there is a space in which to list one's religious affiliation on national identity cards, citizens may choose not to include a religion on their cards. Many religious groups complained that by not including an identity or listing something other than Muslim, individuals were precluded from jobs in the state bureaucracy or government and discriminated against in the private sector.

A few religious groups, such as the Baha'i, Alevi, and Yezidi, were unable to state their religious identity on their national identity cards because their religions were not included among the available options. Despite a 2006 regulation allowing persons to leave the religious identity section of their identity cards blank or change the religious identity section by written application, the government continued to restrict applicants' choice of religion. Applicants must either leave the religious identity section blank or choose from the following: Muslim, Greek Orthodox, Christian, Jew, Hindu, Zoroastrian, Confucian, Taoist, Buddhist, no religion, or other.

The 2011 European Court of Human Rights (ECHR) ruling that suggested (but did not mandate) omitting any reference to religion on national identity cards was not implemented by the end of the year. The ruling was in response to a case brought by an Alevi man who wished to list "Alevi" as his religion. There were reports that local officials harassed persons who converted from Islam to another religion when they sought to amend their identity cards. Some non-Muslims maintained that listing their religious affiliation on the cards exposed them to discrimination and harassment.

The government observes the following religious holidays as national holidays: three days at the end of Ramadan (Ramazan Bayrami) and four days for the feast of the

sacrifice (Kurban Bayrami).

Government Practices

There were reports of abuses of religious freedom in the country, including the imprisonment of an individual for his religious beliefs. Due to Jehovah's Witnesses' stance as conscientious objectors to military service, members continued to face difficulties. According to Jehovah's Witnesses officials, members faced prosecution and fines for their refusal to serve in the military. One objector, Baris Gormez, had been charged 13 times for "disobedience of orders" and at year's end remained in prison, where he had been since 2007. On November 22, the ECHR found that the country violated the right to a fair trial and freedom of religion, conscience, and thought in the case of Yunus Ercep brought by the Jehovah's Witnesses community. The Jehovah's Witnesses had an additional application with the ECHR in the case of Fethi Demirtas, which remained pending at year's end.

The government continued to impose limitations on Muslim and other religious groups and imposed significant restrictions on Muslim religious expression in government offices and state-run institutions for the stated reason of preserving the "secular state." However, in state buildings, including universities, there are often mescits (small mosques), in which Muslims may pray.

Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats), banned officially since 1925, remained active and widespread. Some prominent citizens reportedly continued to associate with tarikats, cemaats, and other Muslim organizations.

Some religious groups reported difficulties opening, maintaining, and operating houses of worship. Non-Muslim religious services, especially for religious groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments rented in the name of a congregant. While police and prosecutors did not attempt to prevent or prosecute such gatherings, landlords were hesitant to rent to these groups.

Members of recognized non-Muslim religious communities were legally exempt from compulsory religious and moral instruction in primary and secondary schools but in practice faced difficulty obtaining exemption, particularly if their identification cards listed Islam. A May Ministry of Education circular directed school principals to excuse Jehovah's Witness students from this class on the basis that they are Christians, a title the community rejects, though they are pleased with the circular exempting their children from this class. The government claimed the compulsory instruction covered the range of world religions, but religious groups asserted that the courses largely reflect Hanafi Sunni Islamic doctrine.

Alevi children received the same compulsory religious education as all Muslim students, and many Alevis alleged discrimination in the government's failure to include any of their distinct doctrines or beliefs in religious instruction classes in public schools. A 2007 ECHR decision allowed an Alevi parent to request that his daughter be exempted from her school's compulsory religious education. However, parents faced difficulties obtaining these exemptions. During the year, Alevis had nearly 20 court cases pending against the Ministry of Education alleging discrimination. Material on Alevis was added to the religious course curriculum after the ECHR decision, but many Alevis believed it to be inadequate and, in some cases, incorrect.

No law explicitly prohibited religious speech or religious conversions; nevertheless, many prosecutors and police regarded religious speech and religious activism with suspicion. Government and state officials occasionally threatened or pressured Christians and Baha'is engaging in religious advocacy. Anti-missionary rhetoric remained in required school textbooks, and police officers occasionally reported students who met with Christian missionaries to their families or to university authorities.

Religious groups generally faced administrative challenges when seeking to employ foreign religious personnel because there is no visa category for religious workers.

Authorities continued to monitor the activities of churches but generally did not interfere with their religious activities. However, significant restrictions were placed on the administration of the churches. The government previously maintained that only Turkish citizens may be members of the Greek Orthodox Church's Holy Synod and participate in patriarchal elections, but in 2010 Prime Minister Erdogan offered citizenship to non-Turkish metropolitans who chose to apply for it. Of 26 metropolitans that applied, 20 received Turkish citizenship, four applications were rejected, and the remainder had not been approved at the end of the year.

The Higher Education Council continued not to enforce the ban on the wearing of headscarves by students in universities. This decision did not extend to students in primary and secondary schools, and the ban remained in force for civil servants in public buildings, although some government offices unofficially allowed employees to wear headscarves. The government at times disciplined or fired women who worked in the public sector as nurses or teachers and wore headscarves.

Alevis freely practiced their beliefs and built cem houses (places of gathering), although these have no legal status as places of worship. Representatives of Alevi organizations maintained they often faced obstacles when attempting to establish cem houses. They said there were approximately 1,000 cem houses in the country, which was an insufficient number to meet their needs. Alevis also charged there was bias in the Diyanet, which did not allocate specific funds for Alevi activities or religious leadership. The Diyanet budget was reserved for the majority Sunni community, covering the salaries of imams and other costs. The government did not pay for utilities in cem houses or other facilities not recognized by the government as places of worship, as it did for mosques affiliated with the Sunni majority. Some local municipalities granted free utilities to cem houses. On November 1 an Ankara court decided a local cem house was entitled to be recognized as a legal house of worship. Some Alevi groups wanted cem houses brought under the authority of the Diyanet, while others feared that such a step would bring too much government control over their religious practices.

The Armenian Orthodox and Ecumenical Greek Orthodox patriarchates continued to seek legal recognition of their status as patriarchates, rather than conglomerations of community foundations. Without legal personality they did not have the right to own and transfer property as patriarchates, and all property was held in associated foundations. Because the government required all places of learning to be under the control of the state, the Greek Orthodox and Armenian Orthodox patriarchates chose not to train their clerics in the country.

The Ecumenical Greek Orthodox Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The seminary was closed in 1971 after the patriarchate chose not to comply with a state requirement that it be nationalized, so as to avoid the seminary being administered by the state. At year's end, the government had yet to clarify the legal authority under which the Greek Orthodox Halki seminary could reopen.

In 1974 the High Court of Appeals ruled that community religious foundations had no right to acquire properties beyond those listed in their 1936 declarations, and the state then seized control of properties acquired after 1936. Two separate foundation law amendments in 2003 and 2008 allowed the 161 non-Muslim religious foundations recognized by the GDF to acquire property and to petition for the return of 696 religious community foundation properties expropriated as a result of the 1974 ruling. Though religious communities claimed additional properties, the amendments did not allow the communities to reclaim all of the properties affiliated with foundations expropriated and sold by the state over the years, nor did it allow the communities to claim rights to property acquired prior to 1936 but not included on the list.

In March the country implemented a March 2009 ECHR judgment and transferred the

property titles of the Kimisis Theodokou Greek Orthodox church on the island of Bozcaada (Imvros) to the Bishop of Imvros and Tenedos.

Many local officials continued to impose zoning standards on churches, such as minimum space requirements, that are not imposed on mosques. In numerous instances Protestant groups faced the requirement of having to purchase 27,000 square feet of land to construct a church, even for very small congregations. Many municipalities denied approval on various grounds to Protestant groups seeking to build churches. In the few cases where a municipality granted this authority, the provincial governor withheld permission.

Restoration or construction may be carried out on buildings and monuments considered "ancient" only with authorization of the regional board for the protection of cultural and national wealth. In the past bureaucratic procedures and considerations relating to historic preservation impeded repairs to religious facilities.

Beginning in 2008 the Undersecretariat of the Treasury, the Department of Forestry, and nearby villages initiated a series of court cases against a Syriac monastery in Midyat to claim ownership of parcels of land inside and outside the monastery walls. Local courts decided in favor of the monastery in two cases and against the monastery in another. A fourth case was pending at the end of the year. A series of appeals from both the monastery and the plaintiffs proved inconclusive by year's end. The monastery did not have legal status and was represented by a foundation established during the Ottoman Empire.

Several Protestant churches reported difficulties in obtaining permission to modify rented space and to use public space for community activities as other civil groups may do.

Improvements and Positive Developments in Respect for Religious Freedom

During the year, the government as well as local municipalities took steps to improve religious freedom. Notably, the government allowed community foundations to regain property that had been confiscated in previous decades and allowed certain new community foundations to be formed.

As happened in 2010, the government again permitted annual religious worship services to be held in religiously significant sites that had previously been converted to state museums, such as Sumela Monastery near Trabzon, Akdamar Church near Van, St. Peter's Church in Antakya, St. Nicholas' Church near Demre, and the House of the Virgin Mary near Selcuk. Some municipal leaders called for these sites to be opened to worship more frequently.

The municipality of Diyarbakir contributed support and a third of the money to the renovation of St. Giragos, an abandoned Armenian church in the city. Several municipalities around the country initiated plans to convert former churches, which had been standing abandoned or used as commercial venues, to cultural centers or museums with an emphasis on the religious significance of the building.

As of July, graduates of imam hatip schools no longer faced an automatic minimal reduction in their university entrance examination grades if they applied for university programs other than theology, making it easier for them to study in any program they wish.

In December, the government officially commemorated the Alevi holy day of Ashura for the first time.

In December, the GDF established a Jewish Foundation in Izmir, the first new religious community foundation.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, and practice. Threats against non-Muslims during the year created an atmosphere of pressure and diminished freedom for some non-Muslim communities. Public officials increasingly extolled the virtues of religious pluralism, which nonetheless was viewed by many as a threat to Islam and to "national unity." Muslims, Christians, Jews, Baha'is, and members of other religious communities faced societal suspicion and mistrust.

On July 25, Ogun Samast, the confessed murderer of Armenian-Turkish journalist Hrant Dink in 2007, received a 20-year sentence in a juvenile court for murder and unlawful possession of a weapon. The ongoing trial of the other accused murderers and conspirators continued at year's end. Because ethnicity and religion are often inextricably linked, it is difficult to categorize this incident specifically as either ethnic or religious intolerance.

The Medical General Board of the Istanbul Forensic Medicine declared in June that the accused murderer of Bishop Luigi Padovese, a Roman Catholic bishop who was the apostolic vicar for Anatolia, was mentally sound at the time of the fatal attack in Iskenderun on June 3, 2010. This decision annulled the report issued by an Adana mental hospital in November 2010 declaring the suspect mentally unstable. The prosecution continued at year's end.

The trial of five suspects involved in the 2007 alleged torture and killing of three members of a Protestant church in Malatya continued at the end of the year.

Jewish leaders in the country expressed concern about anti-Semitism in the country and believed occurrences of anti-Semitic graffiti and threats were directly related to events in the Middle East. They expressed satisfaction with the cooperation and protective services provided by Turkish authorities for their community leaders and synagogues.

On April 24, an Armenian citizen serving in the army, Sevag Balikci, was killed by another soldier while both were on active duty. His death was initially described as a friendly fire accident, but in December reports emerged that alleged he was murdered because he was celebrating Easter. The military investigation into the case continued at the end of the year.

A variety of newspapers and television shows continued to feature anti-Christian and anti-Jewish messages, and anti-Semitic and anti-missionary literature was common in bookstores.

Some pastors and some of their congregants reported receiving threatening telephone calls or messages during the year, and some Protestant churches reported vandalism and damage. Several Protestant pastors, some Protestant church legal advisors, and several Protestant churches across the country received heightened police protection due to threats.

There were reports that some religious groups were evicted from their rented worship space.

Section IV. U.S. Government Policy

The U.S. government discussed religious freedom with the government and civil society as part of its overall policy to promote human rights. The vice president, the secretary of state, and many lower-level U.S. government officials met with government officials, religious leaders, and media outlets to emphasize the U.S. interest in religious freedom. The U.S. ambassador, the consul general in Istanbul, and the consul in Adana, as well as staffs of all three posts, maintained close relations with religious leaders and religious groups.

In meetings with cabinet members and other officials, the ambassador and U.S. officials regularly discussed government policy regarding Muslims and other religious groups, as well as specific cases of religious discrimination and other topics concerning religious freedom.
