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USCIRF Annual Report 2011 - The Commission's Watch List: Turkey

[Covers April 1, 2010 to March 31, 2011]

FINDINGS:* The Turkish government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey. Turkey has a democratic government, with an energetic civil society and media, and the country's constitution protects the freedom of belief and worship and the private dissemination of religious ideas. However, the Turkish government's formal, longstanding efforts to control religion by imposing suffocating regulations and by denying full legal status to religious institutions results in serious religious freedom violations. The government has failed to take decisive action to correct the climate of impunity against religious minorities and to make the necessary institutional reforms to reverse these conditions. Instead, Turkey continues to intervene in the internal governance and education of religious communities and to confiscate places of worship. The alleged involvement of state and military officials in the Ergenekon conspiracy, which included alleged plans to assassinate minority religious leaders and to bomb mosques, is also of serious concern, as is the alleged use of preventive arrests to repress critics of the AK Party. Also concerning is the rise in anti-Semitism in Turkish society and media.

Due to these concerns, and others set forth in this chapter, USCIRF continues to place Turkey on its Watch List in 2011.** Turkey was first placed on the USCIRF Watch List in 2009, and the Commission notes with concern that conditions have deteriorated further since then, underscoring the need for continued vigilance in monitoring.

State secularism in Turkey has significantly restricted religious freedom, especially for religious minority communities, including the Greek, Armenian, and Syriac Orthodox Churches; Roman Catholic and Protestant Churches; and the Jewish community, but also for the majority Sunni Muslim community and the minority Alevis, which some view as a unique sect of Islam. The government officially permits the Hanafi school of Sunni Islam, but controls all official mosques and the training of Sunni Muslim clergy. However since 2007, imams reportedly may choose the content of sermons, indicating greater official openness. Despite Turkey's obligations under the Universal Declaration of Human Rights and the 1923 Treaty of Lausanne, the government has not recognized minority religious communities, such as the Ecumenical Patriarchate of the Greek Orthodox Church, as independent entities with full legal status. These restrictions, including policies that deny non-Muslim communities the rights to train religious clergy, offer religious education, and own and maintain places of worship, have led to the decline, and in some cases the virtual disappearance, of these communities in Turkey. Additionally, Turkey's military control over northern Cyprus supports a web of arbitrary regulations

implemented by the local Turkish Cypriot authorities, which results in serious limitations on religious freedom. These regulations limit the religious activities of all non-Muslims living in northern Cyprus and deny these religious communities the right to restore, maintain and utilize their religious properties. Such regulations are threatening the long-term survival of all non-Muslim religious communities in the area.

As part of its EU accession process, Turkey has adopted some reforms relevant to religious freedom, and although the Turkish government has arrested those suspected of violent hate crimes linked to religion and has instituted legal reforms to decrease military involvement in civilian politics, protracted trials underscore judicial weakness in correcting impunity on religious freedom violations.

PRIORITY RECOMMENDATIONS: The United States regards Turkey as an important strategic partner and continues to support Turkey's EU accession process. U.S. policy should place greater emphasis on Turkey's compliance with its international commitments regarding freedom of religion or belief. Specifically, the United States should encourage the Turkish government to end the longstanding denial of full legal recognition for religious communities and to permit religious minorities to train religious clergy in Turkey, including by reopening the Greek Orthodox Theological Seminary of Halki and returning the entire territory of the Mor Gabriel Syrian Orthodox monastery to its rightful owners. The United States should also encourage the Turkish government to allow women the freedom to express their religious or non-religious views through dress. The United States should also urge Turkey to end the prohibition on religious minorities wearing religious dress in public. With respect to northern Cyprus, the United States should urge the Republic of Turkey and the Turkish Cypriot authorities to abandon all restrictions on Christians and Jews regarding the access, use, and restoration of places of worship and cemeteries, to cease the ongoing desecration of these religious sites and items, and to end limitations on freedom of worship.

* House Resolution 1631 called on USCIRF to "investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military." To fulfill this congressional request, USCIRF travelled to Cyprus between February 19 and 21, 2011.

** Commissioner Eid voted against the Watch List recommendation, concluding that the situation in Turkey is not as serious as it is in Greece, which is not on the USCIRF's Watch List. Furthermore, Commissioner Eid is not in agreement with linking Turkey to matters of religious freedom in northern Cyprus without investigating matters of religious freedom in southern Cyprus as well. Resolution 1631 calls for the USCIRF to investigate violations of religious freedom in northern Cyprus, but there is no reference for not investigating violations of religious freedom in the south, especially since USCIRF is an independent, bipartisan federal body. Thus, violations of religious freedom in Cyprus, both north and south, should be reported in a separate chapter in the same manner as it is reported in the "2010 Report on International Religious Freedom" submitted to Congress by the U.S. Department of State.

Religious Freedom Conditions

USCIRF 2011 Visit

USCIRF traveled to Turkey between February 21 and 26, 2011. The delegation met with Turkish government officials, including the Deputy Prime Minister, the Minister for European Union Affairs and Chief Negotiator for EU Accession, the President of the *Diyanet* (Directorate of Religious Affairs), and the Director General of the *Vakıflar* (Directorate of Foundations). The Commission also met with the Ecumenical Patriarch of the Greek Orthodox Church, the Patriarchs of the Syriac and Armenian Orthodox Churches, the Chief Rabbi of Istanbul, and leaders and representatives from the Alevi, Protestant, Jehovah Witnesses, and Mormon communities. The USCIRF delegation also met with numerous Turkish journalists, academics, and civil society representatives.

Secularism in Turkish Politics

Under the 1923 founding constitution, the Republic of Turkey is a secular state. Secularism, equated as the ideology of Mustafa Kemal Atatürk, has been a continuous source of political-social tension. Atatürk and subsequent Turkish leaders adopted policies to subject religion to state control and remove the public influence of religion, including expressions of personal belief.

Over the decades, political parties that disagreed with the state's definition of secularism have been suppressed or banned. In 1960, 1971, and 1980, the Turkish military ousted governments, due in part to concerns that secularism was under threat. In the 1990s, the *Refah* (Welfare) Party confronted Turkish secularism and won a plurality in elections, but in 1997 was maneuvered out of power by a soft military coup and was forced to disband.

Despite its roots in the *Refah* Party, the platform of the ruling Justice and Development Party (known in Turkish as the AKP, or the AK Party), which was first elected in 2002, favors Turkey's accession to the EU and the democratic integration of Islam into public life. While some view the AKP as a moderate party that espouses Islamic religious values within a modern, democratic society, others contend that it has more radical intentions, such as the eventual introduction of Islamic law in Turkey. In July 2008, the Turkish constitutional court ruled that the AK Party had violated the constitution by serving as a center for "anti-secularist activities," but rather than ban the AK Party, the constitutional court reduced the party's state funding by half.

In September 2010, an AK Party constitutional reform package focusing on judicial reform was adopted by a wide margin in a popular referendum. The changes increased presidential appointments to the judiciary and granted parliament the power to prevent the closure of political parties. In a parliamentary speech, Prime Minister Erdogan said that these amendments would "pave the way to EU accession and global integration for Turkey." Critics, however, noted that the measures appeared to be aimed at solidifying AK Party power, particularly regarding the judiciary; Prime Minister Erdogan has promised more constitutional amendments after the June 2011 parliamentary elections.

Turkish society is coming to grips with religious and ethnic diversity, but questions remain as to the ruling AK Party's will – or ability – to fully recognize such diversity in law and practice. In this respect, the AK Party faces difficulty due to continuing opposition from the "deep state" – comprised of the judiciary, military, and entrenched supporters of traditional Turkish secularism, which is usually defined as excluding religion from public life. Most religious minority communities have noted that the ruling AK Party has made positive gestures towards them, but that the Turkish government had not made institutional reforms, particularly on corporate legal status. Rather, rights and privileges are granted on an ad hoc basis. In a February 2011 meeting with Deputy Prime Minister Bülent Arınç, USCIRF Commissioners expressed the view that further reforms should include religious freedom improvements, such as making religious education in state schools voluntary and officially recognize Alevi sites as houses of worship. After the June 2011 general election, many observers hope further constitutional reforms will be initiated to address these and other human rights issues.

Restrictions on the Practice of Islam

The government does not officially permit the individual or communal practice of Islam outside of government-regulated institutions. The majority Sunni Muslim community is under the control of the *Diyanet*, or Presidency of Religious Affairs, which reports directly to the Prime Minister. The *Diyanet*, which is funded from the national budget, only officially allows the propagation of the Hanafi Sunni school of Islam. Some propose that the *Diyanet* should be financed on a voluntary basis by individual taxpayers so only those citizens who benefit from its services would pay for it. Many Alevis, Turkey's largest religious minority, believe that the *Diyanet* should be abolished while some secularists and others believe that the *Diyanet* contradicts Turkish secularism.

The *Diyanet* oversees 85,000 Hanafi Sunni community mosques and pays imams' salaries. Most mosques are owned by the *Diyanet* foundation, which is legally independent of the

Diyanet. Mosques are also owned by local communities or individuals, and 22 mosques are owned by the secular Turkish army. Every province has an official mufti, also employed by the *Diyanet*, to which each imam in that province reports on a monthly basis. In a February 2011 meeting, *Diyanet* President Mehmet Gormez told USCIRF that all sermons were the same throughout Turkey until 2007, but since that time, each of Turkey's 81,000 imams decides on his own sermon, indicating greater official openness towards the country's Sunni Muslim majority. In addition, according to Gormez, the *Diyanet* produces information about religion for sermons, but it does not determine their content. He also said that, while there are no officially-approved translations among the many Turkish translations of the Koran, the *Diyanet* has undertaken a project to make a new compilation of the Koranic commentary known as the *Hadith*.

Other Islamic groups operating independently from the *Diyanet*, however, are technically banned under Turkish law, but generally are able to function freely. The Gülen movement, which includes an estimated one to eight million Sunni Muslims, lacks separate legal status in Turkey. Sufi brotherhoods and other Muslim social orders (*tarikats*) and lodges (*cemaats*) have been officially banned since 1925; nevertheless, they remain active and widespread. The Caferis, Turkey's main Shi'a Muslim community, which is comprised largely of Azeris and Iranians in eastern Turkey and in Istanbul, de facto are permitted to build and operate mosques and appoint imams. The leader of Turkey's Caferi community, Selahattin Gündüz, in March 2010 called for ending obstacles to opening non-*Diyanet* mosques.

The legal vacuum in which Muslim groups exist outside the *Diyanet* results in a lack of transparency on funding sources and other key communities have reported being subject to discrimination, including in public-sector employment.

Religious Dress for Muslims

Turkish secularism bans religious dress, including the wearing of headscarves, in state buildings, including public and private universities, the parliament, courts, and schools. Under Turkish law, only the titular head of any religious group may wear religious garb in public facilities; thus, for Muslims, only the *Diyanet* president can do so legally. Women who wear headscarves, and their advocates, have been expelled from universities and have lost public sector jobs, such as nursing and teaching.

In 2005, the European Court of Human Rights (ECtHR) ruled that in view of Turkey's constitutional definition of secularism, a Turkish university's headscarf ban did not violate the European Convention on Human Rights, even though it contravened religious freedom standards. In February 2008, the Turkish parliament voted to amend the 1982 constitution (written by a military-led caretaker government after the 1980 military coup) to guarantee all citizens the right to attend university. Under the amendment, only traditional scarves would be allowed; headscarves that cover the neck, as well as the full veil, would still be banned. In June 2008, the Turkish constitutional court ruled these amendments unconstitutional because they violated Turkish secularism. As a result, the headscarf ban at Turkish universities technically remains in effect, though reportedly many universities no longer enforce it.

In October 2010, the Turkish Higher Education Board (YOK) reportedly issued a directive that universities could not expel women for wearing headscarves, although USCIRF was told in February 2011 that the Council of Ministers had overturned that directive. Reportedly, Prime Minister Erdogan has said that any new law easing the headscarf ban can occur only after the 2011 national elections. In late March 2011, the *Yeni Safak* daily newspaper reported that students of Batikent High School and at Kastamonu Abdurrahmanpasa High School in Ankara were forced to remove their headscarves prior to taking the Transition to Higher Education Examination. According to the report, the Student Selection and Placement Center (ÖSYM) Web site indicated headscarves during the examination would be permitted. Students from Kastamonu Abdurrahmanpasa High School have reportedly filed a criminal complaint against the examination administrator. As of this reporting no further details are available.

In February 2010, the ECtHR 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. The plaintiffs had worn the garments in the street as they walked to a mosque, not in public institutional buildings where, according to the ECtHR, religious neutrality is required and can override the right to express one's religion. The ECtHR also ruled that the Turkish authorities had not proven that the plaintiffs' dress constituted a danger to public order or that they had proselytized, putting inappropriate pressure on passersby, either of which could have been restricted under the European Convention. The *Diyanet* President told USCIRF in February 2011 that in this case the Turkish government had paid the plaintiffs the required compensation.

Religious Dress for Non-Muslims

Non-Muslim clerics face more stringent restrictions on clerical dress than Muslim clerics. All Christian (Orthodox, Catholic, and Protestant) and Jewish clerics – with the exception of the highest-ranking cleric from each – are prohibited from wearing clerical garb anywhere in public, not only in state buildings. The Syriac Metropolitan, Yusuf Cetin, told USCIRF in February 2011, that the retired Metropolitan was prohibited from wearing his religious dress in public.

Restrictions on Alevis

The Alevis are Turkey's largest religious minority community and comprise 15 to 25 percent of the population or as many as 25 million people. Alevi beliefs and practices are a source of debate both inside the Alevi community and within Islam. Although the Turkish government (and many Alevi) views the Alevis as heterodox Muslims, many Sunni Muslims do not accept that definition. Some Alevis identify as Shi'a Muslim, while others reject Islam and view themselves as a unique culture. While *Diyanet* President Gormez told USCIRF that most Alevi want a closer relationship with the *Diyanet*, Ali Balkiz, the Alevi Bektasi Foundation's president, told USCIRF that his group believes that the *Diyanet* should not exist in a secular state.

In the past several years, the Turkish government has held regular workshops with the Alevi community to discuss their concerns, though some Alevis have complained that these include only the community's groups that are close to the government. The Alevis are seeking to address five key issues: legal status for Alevi houses of worship; the abolishment of compulsory religious education classes (see discussion under *Religious Education in State Schools*); an end to the building of Hanafi Sunni mosques in Alevi villages; the return of Alevi properties confiscated under a 1925 law; and the establishment of a museum at the Madimak Hotel in Sivas where Alevis were killed in a 1993 arson attack.

Alevis worship in what are called "gathering places" (*cemevi*) and in Ottoman times, the Alevi worshipped in Sufi dervish lodges (*tekke*), which were banned in 1925. The Turkish government does not officially recognize *cem* houses as houses of worship, but considers them to be "cultural centers." According to the Alevi Bektashi Foundation, the Alevi are denied local building permits because Turkish laws omit any reference to *cem* houses. According to a news report from "Today's Zaman," the State Minister Faruk Çelik released a final non-binding report from the workshops over the last several years. Reportedly, it indicates that all interested parties agreed in workshops that *cemevis* should have legal status. However, how legal status is interpreted in the future is still open for debate.

Ankara authorities are attempting to close down an Alevi association, the Cankaya Cemevi Building Association (CCBA), because its legal statute describes it as a place of worship. According to Forum 18, the Interior Ministry asked the CCBA to remove from its statute references to *cemevi* as a place of worship, but the CCBA refused. On the basis of that refusal, the Ankara prosecutor's office initiated a court case to shut down the CCBA. As of March 31, 2011, the case remains unresolved.

Restrictions on Non-Muslim Minorities

Turkey has a diverse but small (about 1% of the total population) non-Muslim minority population, one that is ancient and historically and culturally significant. Since Turkey is constitutionally secular, religious identity is not among the questions included in the census; therefore, official population statistics on Turkey's minority religious communities are unavailable. However, according to the State Department, current religious minority population statistics include 65,000 Armenian Orthodox Christians; 23,000 Jews; 15,000 Syriac Christians; 10,000 Baha'is; 5,000 Yezidis; 3,300 Jehovah's Witnesses; 3,000 Protestant Christians; and 1,700 Greek Orthodox Christians, as well as small Georgian Orthodox, Bulgarian Orthodox, Maronite, Chaldean, Nestorian Assyrian, and Roman Catholic communities.

In May 2010, Prime Minister Erdogan issued a circular noting that all non-Muslim minorities have the "right to enjoy and maintain their own identities and cultures in parallel to the national identity and culture of Turkey." It directed all government institutions and offices to prevent any infringements on the rights of non-Muslim minorities, so as to ensure they "feel that they are part of the Turkish nation." Among other issues, the circular highlighted the protection and maintenance of cemeteries placed under the control of municipalities, as well as the right of non-Muslim community leaders to initiate legal actions "against publications inciting hatred and enmity against non-Muslim communities."

Nevertheless, the Turkish government continues to impose significant restrictions on these minorities' rights to own, maintain, and transfer both communal and individual property, and to control internal governance, and to train religious clergy. These kinds of restrictions have led to a critical shrinkage of these communities, and in many cases, make it impossible for these religious institutions to chart a sustainable and vibrant future for themselves. In addition, members of these groups face societal discrimination and occasional violence. The problems for the Christian minorities – including on property rights, education, and in some instances, physical security – partly arise from the fact that most are both religious and ethnic minorities, and, therefore, are viewed with suspicion by some ethnic Turks.

- *Property, including Houses of Worship*

Turkish law places minorities in two general categories: 1) the three "non-Muslim minorities" which the Turkish government acknowledges as protected by the 1923 Lausanne Treaty (the Armenian Orthodox, Greek Orthodox, and Jewish communities), as well as three other religious communities that existed in Turkey in 1923 but which the Turkish government does not view as covered by that treaty (the Syriac Orthodox, Chaldean, and Roman Catholic communities), which together are referred to as the "Lausanne Treaty plus three;" and 2) religious communities not linked to a specific ethnic minority, such as the Protestant and Jehovah's Witnesses communities and the Baha'is.

The 1923 Treaty of Lausanne, a peace treaty between Turkish military forces and several European powers, contained specific guarantees and protections for non-Muslim minorities in Turkey. As a constitutionally secular state, however, Turkey does not recognize the corporate legal status of any religious minority communities. Instead, it has created a complex framework of laws and regulations that provide religious minorities with limited and varying legal opportunities to own property, conduct religious services, and open schools, hospitals, and other institutions. This framework includes the Lausanne Treaty, which the government only applies to the Armenian Orthodox, Greek Orthodox, and Jewish communities; the Foundations Law, which generally applies to the "Lausanne Treaty plus three" groups (One Istanbul Protestant Foundation was established in June 2001); and the Associations Law, which applies to all religious minorities. In addition, municipal and local officials often use zoning laws, implementation guidelines for religious facilities, and purported security concerns to restrict the ability of members of these groups to open and maintain houses of worship and conduct religious services.

Only the Armenian Orthodox, Greek Orthodox, and Jewish minorities have the right to

refer to their churches and synagogues as such. All other religious minority groups, including those established in Turkey at the time of the Lausanne Treaty, must officially refer to their houses of worship as cultural or community centers.

Under the Foundations Law, a government agency, the General Directorate for Foundations (*Vakıflar*), regulates the activities of all foundations in Turkey. The law allows foundations established by the "Lausanne Treaty plus three" groups to purchase, own, and sell property in accordance with appropriate zoning and safety rules. When the law was passed, 161 religious foundations, the vast majority of which existed during the Ottoman Empire, were grandfathered in. These foundations can administer property used for religious purposes or for revenue-generating activities, but they cannot conduct religious activity. In other words, the law makes a distinction between the individual legal entity of a foundation and the larger religious community with which it is affiliated. Consequently, minority groups cannot use funds from their properties in one part of Turkey to support their population elsewhere in the country.

In 2008, as a result of pressure from the European Union, the Foundations Law was amended to allow foundations to change their scope or purpose from that specified upon the original incorporation and to permit the Armenian Orthodox, Greek Orthodox, and Jewish communities to have one elected representative on the *Vakıflar*, but not other minority communities. The 2008 amendments also allowed religious groups covered by the Foundations Law to appeal through their foundations for the return of confiscated property that is under Turkish state control (but not property sold to third parties). However, these amendments did not solve the most fundamental problems of the basic Foundations Law. A 2009 Turkish Economic and Social Studies Foundation (TESEV) report highlighted some of these issues. For example, the *Vakıflar* has maintained the right to seize minority properties and the Turkish government has expropriated approximately 1,500 minority properties, in most cases without the permission or consent of the communities concerned. Further, the report indicated that the 2008 amended Foundations Law requires that in order for the property to be returned, it must be in the "possession" of the entity requesting its return. If a religious minority foundation is requesting a return of property, by definition they do not "possess" it, thereby setting up an impossible vicious circle.

In February 2011, USCIRF met with Dr. Adan Ertem, Director General of the *Vakıflar*, who reported on the results of the reform regarding property claims. He stated that the *Vakıflar* had received around 1,400 applications for the return of confiscated minority properties. Of these, he maintains that approximately 150 applications were immediately approved and the property returned. Some 940 applications had no documentation or insufficient documentation, so the *Vakıflar* extended the application deadline; however, of these, only about 500 were resubmitted. As of February 2011, approximately 50 of the resubmitted applications had been approved and the property returned; the rest are still in the review process. Dr. Ertem also told USCIRF that the *Vakıflar* was working to set up procedures for the Turkish government to pay compensation for foundation properties that had been sold to third parties between 1974 and 1999.

Under the Associations Law, which was adopted in 2004 and amended in 2007, any religious minority in Turkey may form a legally-recognized association. An association can be formed with a minimum of eight people, and has the right to conduct religious services and determine religious curriculum. An association cannot, however, own property; as a result, a minority community that cannot establish a foundation cannot own its own house(s) of worship. In addition, association status is granted and may be revoked by provincial governors, providing little long-term protection.

The Jehovah's Witnesses and approximately 20 Protestant churches have organized themselves into associations. Jehovah's Witnesses reported to USCIRF in February 2011 that despite their association status, they continue to experience official harassment of their worship services and positive lower court decisions on zoning issues are often reversed on appeal. In addition, a Christian was prosecuted in Istanbul in May 2010 for calling his association (set up to conduct Christian seminars) a church. He was acquitted after he claimed that his poor knowledge of the Turkish language had led to this

description. The Protestant community association in Antalya, comprised of four communities, told USCIRF in February 2011 that it has not been able to build a church to suit its needs and currently lacks a house of worship. Allegedly, the municipal authorities will not grant a building permit because the church's architect refuses to give his written approval for the building's design.

During its February 2011 visit, USCIRF was told that some religious minority groups choose not to register as foundations or associations because such registration makes their names and their religious faith matters of public record, leading to possible further societal discrimination or harassment.

In 2008, the ECtHR ruled that the Turkish government had violated Article 1 of Protocol No. 1 (protection of property) of the European Convention on Human Rights by expropriating a Greek Orthodox orphanage on the Turkish island of Buyukada. In June 2010, the ECtHR ruled that the orphanage must be returned to the Ecumenical Patriarchate, and in late November 2010, the deed was registered in the Patriarchate's name. Some observers have argued that by registering the deed to the Patriarch, the Turkish government had provided *de facto* legal recognition to the Patriarch. However, in January 2011 Deputy Prime Minister Bülent Arinc stated publically, "The institution represented by Greek Orthodox Patriarch Bartholomew does not have a legal personality under current Turkish law." He continued saying, "We are seeking an arrangement that recognizes the existence of the patriarchate but doesn't offer a legal personality to it, in line with the [1923] Lausanne Treaty and our laws."

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 June 2009, the local district court of Midyat ruled against the government. In January 2011, the Turkish Supreme Court overturned the lower court's decision and granted substantial parts of the monastery and adjacent religious center to the Turkish treasury. In meeting with USCIRF in February 2011, the Syriac Orthodox Patriarch verified that their foundation owns only one church, which is inadequate to meet the community's needs and which requires that the Syriac Orthodox Church must rely on the goodwill of other Christian denominations to use their churches. The Syriac Patriarch confirmed to USCIRF that an application was submitted to the proper government authorities to build a larger church, but since that location is near to the Istanbul airport, the community was told that the pending application requires approval by the Minister of Defense.

In August 2010 the Turkish government granted permission to the Greek Orthodox community to hold a liturgy service at the Sümela Orthodox Monastery in Trabzon, but each participant had to be pre-approved by the Turkish authorities. In September, several thousand worshippers were permitted to attend a service in the 1,000-year-old Akdamar Armenian Orthodox church on Lake Van, abandoned since the 1915 Armenian genocide and restored by the Turkish government in 2007. The event was marred because the Turkish government had not replaced the church's cross which was replaced a week later. In October, the Turkish government authorized a Muslim religious event at the historic Armenian Orthodox Cathedral of Ani. According to reports, the Turkish government permitted the leader of the Nationalist Action Party (MHP), Devlet Bahçeli, and forty heads of the party's provincial offices, to conduct a Muslim Friday prayer service in the Cathedral. His remarks indicate that it marked the start of Bahçeli's campaign for the 2011 general elections.

- *Interference in Internal Governance*

The Turkish government interferes regularly in the internal governance of all non-Muslim religious minorities. The government has interfered in the selection procedure of the Armenian Patriarchate's religious leadership, which lacks a legal procedure to replace Mesrop Mutafian, the current Patriarch, who is very ill. The Armenian Patriarchate falls under an 1863 regulation which sets procedures only after the Patriarch's death or resignation. In response to his illness, two factions in the Turkish Armenian community each approached the Turkish government with different requests in late 2009. The

Patriarchal Advisory Council asked for the selection of a Co-Patriarch, while the Council of Armenians in Turkey asked for the election of a new Patriarch. The Interior Ministry proposed a candidate for a new post of Patriarchal Vicar-General until Mesrop's death, and in July 2010, Archbishop Aram was selected by an Armenian Orthodox council to this temporary post. Nevertheless, the Patriarchal Advisory Council had rejected this proposal as not consistent with Armenian Orthodox Church tradition and because it placed the Turkish government in the role of arbitrator. The Turkish Embassy in Washington, in response to a USCIRF letter, rejected any claims of government interference in internal deliberations on this matter. The letter stated that "the Turkish legislation currently in force, limits the responsibilities of the relevant Turkish institutions only to taking the necessary measures that will ensure the safe and orderly conduct of the elections of the Patriarch." USCIRF met Acting Patriarch Aram who stressed, among other issues, that the Turkish government should allow some 12,000 Armenian children of economic migrants to attend Armenian minority schools in Turkey.

The Turkish government does not officially accord the ecclesiastical title "ecumenical" to the Ecumenical Patriarch. In March 2010, the Venice Commission, a Council of Europe advisory body, stated that there is no factual or legal reason, including the 1923 Treaty of Lausanne, for the Turkish government not to acknowledge the status of the Patriarch as "ecumenical," based on the historically-recognized title and prerogatives. During an official visit to Athens in May 2010, Prime Minister Erdogan said that the Turkish government has "no issue with the title of ecumenical." However, at a November 2010 public event in Brussels, Turkey's Minister for European Affairs stated that the government would not recognize the Patriarch's ecumenical status.

Until recently, the Turkish government had insisted that only Turkish citizens can be members of the Church's Holy Synod and vote in patriarchal elections. In 2004, the government did not block the Ecumenical Patriarch's appointment of six non-citizen metropolitans to participate rotationally on the Holy Synod, and in 2010, Prime Minister Erdogan approved dual citizenship for 25 Metropolitans (including from Austria, France, the United States and some parts of Greece) who fall within the jurisdiction of the Ecumenical Patriarch. Formal documentation has not yet been provided for those approvals. The line of succession for the Ecumenical Patriarch, and thereby the survival of the religious community, can only be elected through the Holy Synod. The Minister for European Affairs, in his meeting with USCIRF, cited the recent approval of dual citizenship as an important development, over the concerns expressed by the Commission that these ad hoc accommodations – while helpful – fail to ensure the level of institutional integrity and independence in intra-religious decisions contemplated by international human rights standards.

The inherited title of Alevi leaders is *Dede* (elder) for men or *Ana* for women, but the Alevi are not entitled to official or legal recognition of that title under a 1925 Reform Law, which, under the current Turkish Constitution, cannot be amended.

- *Training of Clergy*

The Turkish state has closed minority communities' seminaries, denying these communities the right to train clergy and thereby the ability to build church communities for succeeding generations. The Armenian Orthodox community, which is Turkey's largest non-Muslim religious minority, lacks a seminary in the country to educate its clerics and today has only 26 priests to minister to an estimated population of 65,000. In 2006, the Armenian Patriarch submitted a proposal to the Minister of Education to enable the Armenian Orthodox community to establish a state university faculty on Christian theology including instruction by the Patriarchate, but to date, the Turkish government has not responded to this request. According to the Acting Armenian Patriarch, his church has sent seminary students to Lebanon and Armenia.

In 1971, the government's nationalization of higher education institutions included the Greek Orthodox Theological School of Halki on the island of Heybeli, thereby depriving the Greek Orthodox community of its only educational institution for its religious leadership in Turkey. Furthermore, in November 1998, the school's Board of Trustees

was dismissed by the General Authority for Public Institutions. The Halki seminary remains closed. USCIRF was told by various Turkish officials in February 2011 that they are actively exploring with the Patriarchate the reopening of the Halki seminary. The USCIRF delegation also discussed with the Ecumenical Patriarch the potential benefits of forming a technical committee, comprised of representatives from the Ecumenical Patriarchate and the Turkish government, to collectively review all details relevant to an expeditious reopening of the Halki seminary.

- *Minority Schools*

The Turkish government maintains that there are only three officially-designated Lausanne minorities, and therefore accepts that only they may operate primary and secondary schools as communities under the supervision of the Ministry of Education. Until 2007, in violation of the Lausanne Treaty, these schools were required to appoint a Muslim as deputy principal; under a 2007 law, non-Muslims were allowed to take up the position. Nevertheless, regulations make it difficult for non-Muslim children to register and attend their community schools, thereby leading to the gradual disappearance of the community schools protected under Lausanne. School registration must be carried out in the presence of Ministry of National Education inspectors, who reportedly ensure that the child's father is from the relevant minority community.

According to the Acting Armenian Patriarch, the Turkish government does not allow some 12,000 school-age children of Armenian migrant workers to attend Armenian minority schools in Turkey. During its February 2011 visit, USCIRF raised this issue with various Turkish officials, who said that a solution to the problem would soon be forthcoming.

Religious Education in State Schools

The constitution establishes compulsory religious and moral instruction in public primary and secondary schools, with a curriculum established by the Ministry of National Education's Department of Religious Instruction. Until a 2010 change in the curriculum to include information on all religions as well as atheism, these classes focused largely on Islam. Although non-Muslim children can be exempted from the classes, there have been cases of individual schools failing to act on this policy. There also have been reported cases of societal discrimination as a result of children being excused from the classes. Christians also have complained that school history textbooks used in the classes refer to Christian missionaries in the 20th century as criminals.

Alevis have long objected to their children having to take part in compulsory religious education for Muslims. Some Alevis believe that these classes should be optional for members of their community, others have advocated for curriculum reform so that their religion is accurately presented, while others advocate for the abolition of required religion courses. A member of the Turkish Alevi community brought this issue to the ECtHR, which ruled in 2007 that religious education should be optional for Alevis since the curriculum was limited to Sunni Islam; that position was later upheld by a Turkish regional court. The Islamic religion curriculum for Turkish schools was modified in 2008, but some Alevis maintain that the new texts are still inadequate as they treat their community as a mystic order within Islam. The Alevi Bektashi Foundation told USCIRF in February 2011 that it views the ECtHR ruling as requiring the religious education requirement to be dropped. According to a news report from Today Zaman, the State Minister Faruk Çelik released a final report from the workshops that have been held over the last several years. According to the news report, new textbooks for the 2011-2012 school year will be released. The new textbooks reportedly will be revised to eliminate discriminatory wording and include corrected information about Alevism.

National Identity Cards

Religious affiliation is listed on Turkish national identity cards, but some religious groups, such as the Baha'is, are unable to state their religion because it is not on the official list of options. Although a 2006 law allowed individuals to leave the religion

section of their identity cards blank or apply to change the religious designation, the Turkish government reportedly has continued to restrict applicants' choice of religion. The Turkish government treats Jehovah's Witnesses as a "sect" within Christianity, and many Jehovah's Witnesses officially identify themselves as Christians; however, school administrators reportedly often view them as a separate religion and deny them exemptions from religious education classes. Individuals who leave the religious designation blank also encounter difficulties in opting out of Islamic religion classes. There were reports that local officials harassed Muslim converts when they tried to amend their identity cards.

In a case brought by an Alevi librarian, the ECtHR ruled in February 2010 that it is a violation of the European Convention for Turkish identity cards to require the listing of religious affiliation. Under the September 2010 Turkish constitutional amendments, personal ID data is supposed to remain private unless otherwise specifically authorized by the individual concerned, thereby addressing the ECtHR's concerns.

The Ergenekon Conspiracy and Violence against Religious Minorities

In recent years, Turkish authorities have acted against a conspiracy by Ergenekon, an underground, ultra-nationalist organization with ties to the military and security forces, as well as the judiciary and secularist political elites (collectively known as "the deep state"). Allegedly, Ergenekon has plotted to overthrow the AKP government and has been implicated in carrying out and planning violence against religious minorities. By March 2010, nearly 200 alleged Ergenekon members had been charged in Turkish courts, including police and army officials, businesspeople, lawyers, academics, politicians, journalists, and organized crime figures. The group has allegedly been implicated in the 2006 murder in Trabzon of a Catholic priest, Father Andrea Santoro, the 2007 murder of three Protestant employees, Necati Aydin, Ugur Yüksel and German national Tilmann Ekkehart Geske, of the Zirve Publishing House in Malatya, and the 2007 murder of a prominent ethnic Armenian journalist, Hrant Dink, in Istanbul. In March 2011, Turkish police detained 20 individuals, including a professor and members of the military, as part of a probe into the 2007 Malatya murders. That same month, seven individuals, including six journalists, were arrested as part of the Ergenekon probe. According to Prime Minister Erdogan, 27 journalists currently are imprisoned in Turkey, but none of them were arrested on journalism-related charges. Critics of the government and the Ergenekon investigation claim the journalists were arrested due to their anti-AK Party or anti-government articles or books.

Ergenekon plotters also allegedly planned to kill the Ecumenical and Armenian Orthodox Patriarchs, an Alevi leader, and a prominent Jewish business leader. In another Ergenekon-related case, a Turkish army general is alleged to have plotted to plant weapons in the homes of followers of Muslim preacher Fethullah Gülen to create fears of Islamic militancy. In early 2010, more than 30 current and retired military officers were arrested in 13 Turkish cities in connection with a separate alleged conspiracy to overthrow the AKP government, known as the "sledgehammer conspiracy." This conspiracy allegedly included plans to bomb two Istanbul mosques. Turkish military representatives have denied institutional involvement by the army. Others have alleged that the "sledgehammer conspiracy" data was forged, because some of the groups mentioned in the supposed evidence did not exist at that time.

Some analysts claim that current government officials are themselves engaged in political manipulation of the Ergenekon investigation, pointing out that many of the detainees, including those who were arrested preemptively, are prominent critics of Erdogan's government and individuals who support strict secularism. Observers have widely divergent views on whether the Ergenekon case represents progress or regression on the Turkish road to democratization and the rule of law. Turkish researcher and USCIRF Crapa Fellow Ziya Meral has noted that, although there have not yet been final verdicts in the Ergenekon cases, fatal attacks on Christians decreased after key public figures who called for being vigilant of Christian activities were arrested in the Ergenekon operation.

In September 2010, the ECtHR ruled that Turkey had violated the European Convention's guarantees of the rights to life, to freedom of expression, and to an effective remedy in failing to protect Turkish-Armenian journalist Hrant Dink, who was killed in Istanbul in January 2007, and in refusing to prosecute two gendarmerie officers despite evidence of involvement. Dink, with whom USCIRF met in Istanbul in 2006, had been convicted under Article 301 of the Turkish Penal Code for "insulting Turkishness" by referring to the 1915 killings of Armenians as genocide and, therefore, had become a target for extreme nationalists. The ECtHR underlined that all member states had the responsibility to create an environment where all individuals can participate in social discussions. In response to the ruling, the Ministry of Foreign Affairs announced that "all possible precautions will be taken to avoid the repetition of similar violations." In a February 2011 meeting with USCIRF, Mr. Dink's relatives expressed the hope that the Turkish State Audit Institution, which is under the President's office, will conduct its own investigation into his murder, as President Abdullah Gül suggested in January 2011. In March 2011, the Turkish parliament's Human Rights Commission completed an investigatory report on the Dink murder, which was sent to the Trabzon General Prosecutor's Office. Dink's alleged killer is from Trabzon province.

In June 2010, Bishop Luigi Padovese, the Vicar Apostolic of Anatolia, was murdered in the city of Iskenderun while en route to join the Pope in Cyprus. The vicar's driver, who suffered from psychological problems and has confessed to the crime, reportedly shouted "God is great" before committing the murder. The case is now reportedly under investigation as part of the Ergenekon conspiracy.

The Jewish Community and Anti-Semitism

Representatives of the Jewish community in Istanbul reported that their situation in Turkey is better than for Jews in other majority Muslim countries. Jews in Turkey are able to worship freely, and their synagogues generally receive government protection when needed. According to the Chief Rabbi, if Jewish property is vandalized, the Turkish police are generally responsive. Jews also operate their own schools, hospitals, two elderly persons' homes, and welfare institutions, as well as a newspaper.

Nevertheless, al-Qaeda linked terrorists attacked a synagogue in Turkey in 2003 and other violent attacks have occurred on Jewish property, and anti-Semitism has increased in some sectors of Turkish media and society. In meetings with USCIRF in February 2011, Jewish community representatives in Istanbul explained the rise in anti-Semitism as a function of Turkey's opposition to U.S. involvement in Iraq, the 2009 Israeli military campaign in Gaza, and the fall-out from the incident in which Prime Minister Erdogan left a roundtable at the G-8 meeting in Davos to protest comments by Israeli President Peres about the Gaza campaign. During the Gaza campaign, virulently anti-Semitic signs, posters, and caricatures appeared at anti-Israel demonstrations and in many Turkish newspapers. Jewish community organizations reportedly received anti-Semitic mailings and phone calls, due to general public opinion and some media reportage in Turkey that links the country's Jewish minority community to the policies of the Israeli state. As a result, criticism of Israeli actions may turn into acts of hostility and anti-Semitism against the Jews of Turkey.

Jewish community leaders told USCIRF that, after the May 2010 Marmari Free Gaza flotilla incident (the flotilla departed from Turkish-controlled northern Cyprus) between Turkey and Israel, Turkish government leaders at all levels, as well as political opposition parties, made public declarations distinguishing Turkish Jews from the Israeli government. Jewish community leaders reported that they received increased police protection, which prevented acts of vandalism. Nonetheless, Jewish community leaders told USCIRF in February 2011 that popular perception of their community and acts directed against Jews in Turkey are "directly linked to events in the Mideast."

Conscientious Objectors

Turkish law does not include a provision for alternative military service. Although a draft law was introduced in late 2008, as of this writing it has not been adopted. A July 2008

Ministry of Justice decree states that deserters can only be arrested and detained by police with a court warrant, so that conscientious objectors no longer can be arrested by the military at a recruitment office. Nevertheless, if an objector refuses conscription, or to wear a military uniform, these acts are treated under the Military Criminal Code as a refusal to obey orders and may initiate a cycle of prosecution and imprisonment. Conscientious objectors in Turkey fall mainly into two groups: pacifists who totally refuse any compulsory state service, including civilian service, and Jehovah's Witnesses, who reject military service but are willing to serve in an alternative capacity that is strictly civilian. Reportedly there are approximately 120 conscientious objectors in Turkey, about 30 of whom are Jehovah's Witnesses.

Baris Görmez, a 33-year-old Jehovah's Witness, has been imprisoned periodically since 2007 for being a conscientious objector. Since 2008, four conscientious objectors, including Görmez and three other Turkish Jehovah's Witnesses, have a pending case at the ECtHR. In July 2010, the ECtHR reportedly directed the Turkish government not to execute any sentence against Görmez until the Grand Chamber rendered a decision in another case concerning conscientious objectors in Armenia, but in January 2011, a Turkish military court sent Görmez back to prison where he reportedly has been beaten. Görmez, who is seven feet tall, was not provided a suitable bed and therefore had to sleep in contorted positions.

Enver Aydemir, a Muslim who refused to serve in the Turkish army, was placed in military detention in late 2009; in March 2010, he was sentenced to 10 months' imprisonment for desertion. Aydemir has alleged he has been tortured, and his father complained to the Turkish parliament's Human Rights Commission, which is investigating the case.

EU Accession and Legal Reforms

In March 2001, the EU adopted the Accession Partnership which required the Turkish government to implement numerous reforms to ensure that its laws are consistent with EU standards. In accord with this goal, since 2002 Prime Minister Erdogan has instituted a number of unprecedented domestic human rights reforms, including limiting convictions on incitement charges, narrowing the scope of defamation of the state, and strengthening the principle of equality between men and women. The Turkish constitution was amended to ensure the primacy of international and European human rights conventions over domestic law and Turkey has boosted efforts since 2002 to comply with ECtHR rulings. In February 2008, the Council of the European Union revised the accession partnership with Turkey and set goals that include human rights and religious freedom.

The Turkish government has ratified numerous major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). In 1966, it placed a reservation on Article 27 of the ICCPR, setting conditions on its commitment to cultural, religious, and linguistic rights for those religious minority groups covered by the Lausanne Treaty. Article 27 reads, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." The Turkish government reservation states, "The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes." Therefore, the reservation potentially undermines the guarantees to "profess and practice" religion in Article 27, and possibly the more extensive religious freedom guarantees in Article 18.

In its 2010 progress report, the European Union found that Turkey generally respected freedom of worship and noted that there had been the following specific improvements for non-Muslim religious minorities: "Ecumenical Patriarch Bartholomew celebrated on 15 August, after almost nine decades, the Divine Liturgy of the Dormition of Theotokos

at the Soumela monastery in the Black Sea province of Trabzon. On 19 September the first religious service since 1915 was held at the Armenian Holy Cross church on the Akhdamar Island in Lake Van. The Turkish authorities granted Turkish citizenship to fourteen members of the Greek Orthodox clergy. This facilitates the work of the patriarchate and of the Holy Synod. The Turkish authorities, including the State Minister for EU Affairs, the EU Secretariat-General and relevant line ministries, have had frequent meetings with the religious leaders of non-Muslim communities. In May 2010, the Prime Minister issued the first circular instructing all relevant authorities to pay due attention to the problems of non-Muslim Turkish citizens." The U.S. delegation at the 2010 OSCE Human Dimension meeting said, "the U.S. welcomes steps by Turkey to allow the liturgical celebration of Orthodox believers, led by the Ecumenical Patriarch, at the historic Sumela Monastery and renews President Obama's call for the Turkish authorities to reopen the Halki Seminary without further delay."

Issues in the Area Administered by Turkish Cypriots or Turkish Military in Cyprus

In September 2010, in Resolution 1631, the U.S. House of Representatives called on USCIRF to "investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military." To fulfill this congressional request, USCIRF travelled to Cyprus between February 19 and 21, 2011, and met with political authorities, religious leaders, and representatives from civil society and religious minority communities, including the Greek Orthodox, Maronite Catholic, and Jewish communities. The USCIRF delegation traveled into northern Cyprus and visited the Church of St. George, located within the borders of a Turkish military base, as well as the Church of St. Sinesios and St. Andreas Monastery, both located on the Karpas peninsula. The religious minority communities in northern Cyprus have been intimidated and substantially diluted through a web of arbitrary regulations and reported harassment by the authorities. Consistent with House Resolution 1631, the USCIRF delegation investigated the religious freedom issues in northern Cyprus only. USCIRF did not examine or comment on the legal status of northern Cyprus or ongoing efforts of reunification. The USCIRF delegation found three main issues in northern Cyprus: 1) the inability of Orthodox Christians, other religious communities, and religious clergy to access and hold services at their places of worship and cemeteries in the north, particularly those that exist within the borders of Turkish military bases and zones; 2) the disrepair of churches and cemeteries and issues relating to the preservation of religious heritage, such as iconography, mosaics, and other religious symbols; and 3) the lack of schools and opportunities for young people in the north, which has led to an exodus of Greek Cypriots and other religious minorities. These combine to hamper the freedoms of the remaining members of these communities, including religious freedom and any meaningful perpetuation of these minority faiths in the north.

The northern territory of the Republic of Cyprus falls under the economic, military, and political control of the Republic of Turkey. Turkey has approximately 35,000 to 40,000 military troops in northern Cyprus and provides an estimated US \$6 to 8 billion annually to subsidize the economy of the area. Overall, the degree of autonomy of the local Turkish Cypriot authorities vis-à-vis Turkey is very unclear, although most experts agree that Turkey exercises substantial control over the politics and security of the local Turkish Cypriot authorities. The presence of the Turkish military in northern Cyprus directly impacts all aspects of religious freedoms for religious minorities in the north, including the small Greek Orthodox Cypriot enclaved community living in the north and all religious minorities seeking access to the northern part of the island. USCIRF requested, but was denied, meetings with Turkish military officials in northern Cyprus, who communicated to the U.S. Embassy in Nicosia that USCIRF should raise its concerns about religious freedom in northern Cyprus with officials in Ankara. USCIRF made a request through the U.S. Embassy in Turkey for a meeting with the Turkish military, but no response was received.

- *Denial of Access to Churches and Cemeteries*

Since the 1974 invasion, the island of Cyprus was divided into two parts, with a UN Peacekeeping Force (UNFICYP) patrolling the "Green Line" between the two. The Green

Line was virtually impassible until 2003, when one crossing point was opened. There are now seven crossing points, and 13,000 crossings between north and south reportedly occur every day. With the exception of the Greek Orthodox Cypriot enclaved community – approximately 350 individuals living in the north – all non-Muslim minorities were displaced in 1974 to the southern part of the island under the control of the Republic of Cyprus. All access to northern Cyprus occurs at the crossing points, and every single aspect of religious freedom for Greek Orthodox, Armenian Orthodox, Maronite, and Jewish citizens of the Republic of Cyprus living in the south is subject to control by the Turkish Cypriot authorities and Turkish military.

Religious and civic leaders from religious minority communities reported to USCIRF that Turkish military bases and zones in the north include their historic churches and cemeteries, but that these are inaccessible. The Turkish military only allows access to churches in military areas on a limited basis, generally once a year for specific religious festivals. In March 2011, two Greek Cypriots were arrested and fined, and two former EU parliamentarians were detained but later released, for jumping the fence of the Turkish military zone of Varosha; the four individuals were attempting to visit religious sites. Other members of their group who did not enter the base, including the Bishop of Neopolis, who is also the Church of Cyprus' representative to the EU, were detained and questioned by Turkish Cypriot "police."

In areas not directly under the control of the Turkish military, there is greater access to religious sites, but some wide restrictions exist. On Christmas Day 2010, Father Zacharias, the only Greek Cypriot priest who resides in the north, was stopped in the middle of the Christmas Liturgy at the Church of St. Sinesios. The local Turkish Cypriot authorities forced all those in attendance, including Father Zacharias, out of the church. Some were physically pushed out and one young boy was kicked in the back. The Turkish Cypriot authorities claimed that permission was needed since the service fell on a day other than Sunday. Father Zacharias and community representatives told USCIRF that this was the first time in 36 years that they were unable to hold a service at the church and the first time the church was required to seek permission. Reportedly, Father Zacharias has held services on days other than on Sunday without ever needing permission. USCIRF addressed this issue with local Turkish Cypriot authorities who claimed that permission has always been required for services that do not fall on a Sunday. The Turkish Cypriot authorities claimed advance permission of thirty days was needed due to security concerns. The Turkish Cypriot authorities claimed that they had sent reminders to the church prior to Christmas to submit their application.

USCIRF met with representatives of the local administration of the Turkish Cypriot authorities, who reported that they would soon change their policy requiring permission for services that do not fall on a Sunday. On February 21, 2011, two days after the meeting, the Turkish Cypriot administration released a statement changing its policy, allowing Greek Orthodox Cypriots to hold services on any day and at any time in churches already in use in their areas of residence; previously the Turkish Cypriot authorities claimed that permission was needed for any day other than Sunday. For religious services in churches or monasteries that are not already in use, or for services administered by a priest other than the two priests already serving northern Cyprus, or for services that southern Greek Cypriots plan to attend, permission will be required 10 working days prior to the service, down from the previous requirement of 30 days. Lastly, when southern Cypriots apply for religious services through UN peacekeepers, the advance application requirement is also to be reduced from 30 days to 10 working days.

- *Disrepair of Churches and Cemeteries and Preservation of Religious Symbols*

The Republic of Cyprus and Christian and Jewish leaders report that approximately 500 monasteries, churches, and cemeteries in northern Cyprus have been purposely desecrated, are in ruins due to Turkish and Turkish Cypriot authorities' negligence, or are being used for non-religious purposes such as storage or community halls. During the visit to northern Cyprus, the USCIRF delegation visited several of these churches, including St. Andronikas and St. George.

The restoration and protection of churches is an issue in the ongoing reunification negotiations. In the case of St. Andreas Monastery, Greek Cypriots and Turkish Cypriots on several occasions have been close to agreement to repair and restore the monastery, but this has been frustrated by both sides thus far. The ownership of the monastery and its surrounding land has been an issue at the center of these talks. A Turkish Cypriot official told USCIRF that the "The Republic of Northern Cyprus" does not claim ownership over the monastery or its surrounding land, but it does see it as its protectorate. The Greek Cypriot population cannot make any changes or repairs, or restore anything in or around the monastery, even if the Church incurs all costs.

Cemeteries in northern Cyprus are largely in disrepair and in some cases deliberately desecrated. Head stones are broken or missing and religious symbols have been removed. Religious community representatives expressed their sadness to USCIRF that the cemeteries are in poor condition and that they cannot visit the ones that are located on military bases.

Iconography, mosaics, and other religious symbols have been damaged and looted from churches, and many can be found on the black market. Turkish Cypriot authorities claim that many of these items were removed from churches in order to protect them from looters and black market thieves and that they are being stored in several warehouses in Kryenia. USCIRF expressed concern over whether the ancient religious art was being stored and catalogued adequately.

- *Lack of Schools and Opportunities*

Economic conditions have been bleak in northern Cyprus for decades, due to an international embargo impacting the economy and banning other forms of investment. From this, there is lack of schools and opportunities in northern Cyprus for all the area's population. Economic problems fall particularly hard on northern Cyprus's enclaved Greek Orthodox population, which is estimated to consist of 350 mostly elderly people, as well as on the few remaining Maronites and Jews. While northern Cyprus has both public and private primary and secondary schools, the religious minority population does not have enough schools or teachers to educate their own youth outside of the established northern Cyprus school system. Religious community leaders told the USCIRF delegation that they have tried to provide incentives to teachers to move to and teach in the north.

In northern Cyprus, as in Turkey, the state controls religious education and teaching. This allows Turkish Cypriot authorities to censor textbooks that contain religious content. Further, as a result of the existing political situation, all textbooks meant for northern Cyprus must be submitted to the UN starting in June of each year for delivery to the schools. Also, all items entering northern Cyprus are subject to a customs duty, including items coming from Turkey.

In March 2011, a Greek Cypriot who works for schools in both the north and south, the director responsible for religious affairs at the Education Ministry, and the Metropolitan Bishop of occupied Trimithounta tried to cross into the north with books and other gifts, including icons of St. Barnabas, Bibles, and prayer books. They stated that the items were not for schools or teaching purposes, but were gifts for Greek Cypriot students and teachers. At the crossing, Turkish Cypriot officials confiscated the books, but let the three individuals continue on with the icons and other non-book items. Turkish Cypriot officials claimed that it would take 1-2 weeks for the books to be cleared. As of this reporting, it is not known if the books have been cleared.

The lack of education and opportunities in the north mean many young people move south for brighter futures. Religious minority women often return to the north to care for elderly relatives, but young Greek Cypriot men who leave the north for their required military service are prohibited from returning to the north to live, contributing to the declining population of these minority communities.

U.S. Policy

The U.S. government engages Turkey as an important strategic partner. Turkey is a NATO ally and there is a U.S. airbase in Incirlik, Turkey; the country has partnered with Azerbaijan and Georgia to open an oil pipeline from the Caspian Sea, thereby avoiding Russian-owned transit routes; and Turkey's proximity to Iraq and Iran has put it on the frontlines of U.S. foreign policy. The United States' bilateral and multilateral agenda with Turkey spans stability and security in countries such as Iraq and Afghanistan, trade and investment, and counterterrorism. Although bilateral relations were strained in 2003 when Turkey refused to allow U.S. troops to deploy through its territory to Iraq, relations have since recovered.

In his April 2009 visit to Turkey, President Obama emphasized the important U.S.-Turkey partnership which began in 1927 when the Turkish Republic was established, but the President also challenged Turkey to reopen the Halki island seminary. The United States continues to support Turkish accession to the EU, encouraging Turkey to continue the reforms necessary to complete the membership process, and arguing that a Turkey that meets EU membership criteria would be good for the United States, for the EU, and for Turkey. The bilateral and multilateral agenda with Turkey spans stability and security in Afghanistan, trade and investment, and counterterrorism. The United States has worked to criminalize the sources of material support for the Kurdish Workers' Party (PKK) by designating the PKK a Foreign Terrorist Organization; the United States has supported Turkish military operations against the PKK in northern Iraq. At the same time, the United States has criticized domestic limitations on human rights.

According to the State Department's 2010 *Annual Report on International Religious Freedom*, the Turkish government generally respected religious freedom, but continued to place "significant restrictions ... on Muslim religious expression in government offices and state-run institutions, including universities, for the stated reason of preserving the 'secular state.'" In addition, the report noted that minority religious groups continue to face "difficulties in freedom of worship, registration with the government, and the training of their followers and clergy." It also noted that members of minority groups, particularly Christians, Baha'is, and Jews, as well as heterodox Muslims, experience "societal abuses and discrimination based on religious affiliation, belief, or practice." The United States promotes policies to protect freedom of religion, including to allow the free functioning of non-Muslim religious institutions and the return of expropriated minority properties.

Since President Carter, every U.S. president has called consistently for Turkey to reopen the Greek Orthodox Theological School of Halki under the auspices of the Ecumenical Patriarchate and to take specific steps to address concerns of the ethnic Kurdish population and other minority communities. The U.S. government also cooperates with Turkey to assist in the advancement of freedom of expression, respect for individual human rights, civil society, and promotion of ethnic diversity. In February 2011, one day after police raided a news Web site and detained four journalists on the claim of alleged links to the anti-government Ergenekon conspiracy, U.S. Ambassador Francis Ricciardone said that the United States was trying to "make sense" of Turkey's stated support for press freedoms on the one hand and the detention of journalists on the other. The next day, some AK Party members accused the ambassador of interfering in Turkey's internal affairs.

The United States does not officially recognize the "Turkish Republic of Northern Cyprus." However, the United States government does discuss religious freedom with Turkish Cypriot authorities and supports international efforts to reunify the island. In the context of reconciliation between the Republic of Cyprus and northern Cyprus, the United States provides funds for programs, such as the Bicomunal Support Program and the Cyprus Partnership for Economic Growth program. These programs promote civil engagement, business, and trade between the Republic of Cyprus and northern Cyprus, and seek to preserve cultural heritage sites on the island, including those USCIRF visited.

Recommendations

USCIRF's trip to Turkey and northern Cyprus in February 2011 highlighted the ongoing

religious freedom restrictions imposed on religious minorities in both Turkey and northern Cyprus by the Turkish government and military. USCIRF recommends that the U.S. government, in its bilateral relations with Turkey, urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief.

I. Pressing for Immediate Improvements to End Religious Freedom Violations

On the legal status of minority religious communities and governance of their internal affairs, the United States should urge Turkey to:

- grant full legal recognition for all religious communities in Turkey, such as the Alevi; Greek, Armenian, Georgian and Syriac Orthodox; Roman Catholics; Protestants; Jews; and others, by:
 - fully implementing the 1923 Lausanne Treaty and the Universal Declaration of Human Rights and providing all non-Muslim communities with legal status that affords them full property rights including the right to inherit, purchase, possess, maintain, and sell property; or
 - amending the Law on Associations so that it provides religious communities with legal status that affords them the right to inherit, purchase, possess, maintain, and sell property; and
 - fully respecting articles 18 and 27 of the International Covenant on Civil and Political Rights and withdrawing the reservation that limits its application to the three Lausanne minorities;
- permit religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs, according to Turkey's international obligations, end Turkish citizenship requirements for the Ecumenical Patriarchate and Holy Synod of the Greek Orthodox Church, and grant official recognition to the Ecumenical status of the Greek Orthodox Patriarch, in line with the 2010 opinion by the Council of Europe's Venice Commission;
- encourage the Prime Minister's office and the *Diyanet* to work with the Alevi community regarding the recognition of that community in Turkey, and grant legal status to Alevi *cem* houses of worship as places of worship; and
- allow for the independent and peaceful practice of Islam outside of the *Diyanet* and end the legal prohibitions on Shi'a Islam and on Sufi spiritual orders.

Regarding restrictions on religious expression, the United States should urge Turkey to:

- abolish Article 301 of the Turkish Penal Code, which restricts the freedoms of thought and expression and negatively affects the freedom of religion or belief;
- remove restrictions on all clergy and members of religious minority communities to wear religious garb in public areas, state institutions, and public and private universities, and remove additional restrictions on leaders of the minority Christian, Jewish, or other religious communities from wearing clerical garb in the public space;
- allow women the freedom to express their religious or non-religious views through dress so as to respect their beliefs, as well as the secular status of the Turkish republic, while ensuring a lack of coercion for those choosing not to wear headscarves and protecting the rights and freedoms of others, and providing access to public education and to public sector employment for those choosing to wear a headscarf;

- draft legislation to provide alternative service to military service, on the grounds of conscientious objection and release imprisoned conscientious objectors; and
- omit the legal requirement to list religious affiliation on official identification cards, in line with the March 2010 ruling by the European Court of Human Rights, including the adoption of specific steps to implement this new requirement.

Regarding property and education rights for religious minorities, the United States should urge Turkey to:

- expand the process to regain clear title or fair compensation for expropriated holdings to include properties sold to third parties or held by the government, end the authority of the *Vakıflar* or any government agency to seize the property of any religious community, and submit the recent Supreme Court decision on the land property case of the Mor Gabriel Syrian Orthodox monastery to Turkey's constitutional court or to the European Court of Human Rights;
- permit all religious minorities, including those not covered by the Lausanne Treaty, to train religious clergy, including by:
 - permitting the reopening of the Halki Theological Seminary, according to Turkey's international obligations, and allowing for religious training to occur;
 - organizing a technical committee comprised of representatives from the Ecumenical Patriarchate and Turkish government representatives, to review all technical details relevant to expeditious opening of the Halki seminary;
 - returning the Greek Orthodox school on the island of Imvros to the Ecumenical Patriarchate and approving the Patriarchate's application for the operation of the school; and
 - encouraging the Ministry of Education to respond favorably to the official request of the Armenian Patriarch to permit his community to establish a theological faculty on Christian theology that incorporates instruction from the Patriarch, as required under Turkey's international obligations;
- encourage the Ministry of Education to respond favorably to requests from the Armenian community to allow children of migrant workers to attend Armenian minority schools in Turkey; and
- amend public school curricula on religion in line with the 2010 European Court of Human Rights ruling in the case brought by an Alevi.

Regarding combating intolerance, the United States should urge Turkey to:

- continue to undertake practical initiatives to establish and enhance trust among the country's diverse religious and ethnic communities, including: convening public roundtables on the local and national levels; at a high political level, publicly expressing commitments to a democratic and diverse Turkish society; and developing civic education programs that reflect the religious and ethnic diversity of Turkish society, past and present;
- continue to condemn violent hate crimes against members of religious and ethnic communities and ensure prompt investigation and prosecutions of such crimes;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including condemnation of such acts, and, while vigorously protecting freedom of

expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities; and

- act in accordance with international human rights obligations to protect and punish discrimination against Alevis.

II. Advancing Religious Freedom through Multilateral Efforts

The U.S. government should:

- encourage the Turkish government, in view of its invitation to UN human rights special rapporteurs, to actively schedule such visits, including by the UN Special Rapporteur on Freedom of Religion or Belief and the UN Independent Expert on Minority Issues;
- encourage the Turkish government to remove its reservation to Article 27 of the ICCPR to ensure full respect for the protection of freedom of religion or belief to minority communities;
- speak out publicly at Organization for Security and Cooperation in Europe (OSCE) meetings and events about violations by the government of Turkey of OSCE human rights commitments, including those concerning respect for freedom of religion or belief;
- urge the Turkish government to request that the OSCE Office of Democratic Institutions and Human Rights (ODIHR) Panel of Experts on Freedom of Religion or Belief to:
 - provide an assessment of Turkey's legislation relating to that issue;
 - conduct conferences with relevant government officials, leaders of religious communities, and members of civil society on teaching about religion in public schools from a human rights perspective; and
 - provide training sessions for members of the Turkish judiciary and law enforcement on how to combat hate crimes, including those motivated by religious prejudice; and
- urge the Turkish government to interpret the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as Article 18 of the ICCPR and OSCE commitments on freedom of religion or belief.

III. Recommendations concerning northern Cyprus

The U.S. government should:

- urge the Turkish government to allow religious communities living in the Republic of Cyprus and religious minority communities living in northern Cyprus access to (including rights to restore, maintain, and utilize) religious sites, places of worship, and cemeteries that are located within the borders of Turkish military bases and zones in northern Cyprus;
- urge the Turkish government and/or Turkish Cypriot authorities to abandon all restrictions on the access and use of churches and other places of worship, including requiring applications for permission to hold religious services;
- urge the Turkish Cypriot authorities and Turkish military to return all religious places of worship and cemeteries to their rightful owners; cease any ongoing desecration and destruction of Greek Orthodox, Maronite, Armenian Orthodox,

and Jewish religious properties; and cease using any such religious sites as stables, military storage sites, vehicle repair shops, and public entertainment venues or any other non-religious purpose;

- urge the Turkish government and/or the Turkish Cypriot authorities to permit the restoration of St. Andreas monastery and other churches located in northern Cyprus;
- urge the Turkish government and/or the Turkish Cypriot authorities to return Christian religious iconography and other religious art that is in the hands of Turkish Cypriot authorities and that remain in churches to their rightful owners; and
- urge the Turkish Cypriot authorities to provide a full list of catalogued religious artifacts and to allow access by UNESCO authorities, if UNESCO deems it appropriate and necessary to review such materials under possession of the Turkish Cypriot authorities and/or Turkish military.

Statement of Commissioner William J. Shaw:

I have voted against the report on Turkey, not on the merits or lack thereof of its analyses and recommendations, but because the report attempts to cover in one document issues of religious freedom both in Turkey and that part of the Republic of Cyprus referenced as northern Cyprus.

In 1983, the local Turkish Cypriot Administration in the north declared unilaterally its independence as the "Turkish Republic of Northern Cyprus."

Turkey recognizes that area as "The Turkish Republic of Northern Cyprus." The U.S. government does not recognize "The Turkish Republic of Northern Cyprus." The Republic of Cyprus does not recognize "The Turkish Republic of Northern Cyprus." The United Nations Security Council does not recognize "The Turkish Republic of Northern Cyprus." Any examination of issues of religious freedom in any part of Cyprus by USCIRF, an independent agency of the U.S. government, should be done in a report separate from one on the Republic of Turkey, though Turkey may be referenced. Even if Turkey's influence in northern Cyprus is considerable, USCIRF's own report states that the degree of autonomy of the Turkish Cypriot authority is very unclear. Conclusions regarding Turkey may be inherently compromised by that lack of clarity.

Further, because the examination of matters of religious freedom in northern Cyprus involves evaluating the movement of people between southern and northern Cyprus, that examination, in fairness, should include both territories and not just a part.
