



Institute on Religion and Public Policy Report: Religious Freedom in Turkey

Executive Summary

(1) The Republic of Turkey was founded in 1921 as a constitutionally ordained secular state under the leadership of Kemal Ataturk. As part of his nationalist ideology, Ataturk believed religion was a primary social force preventing Turkey from becoming a modern state. Therefore, he helped create a constitution that recognizes individual religious freedoms, but provides for significant government control over religious organizations. Today, the government and people of Turkey are seeing a resurgence in the desire for a more religiously tolerant government. After the elections in 2002, the Justice and Development Part (AKP) gained a plurality of the vote on a platform of accession to the European Union and greater religious tolerance. The most recent elections in 2007 solidified the AKP's power in the government and it is trying to use this increased power to enact legislation aimed at loosening government regulation and increasing government tolerance of religion. This move towards greater religious freedom has been met with staunch resistance and adherence to the secularist nationalism that founded the country. Many religious groups in Turkey continue to suffer from their inability to freely practice their religion. In addition, the AKP's political standing is being challenged because of their stance on religious freedom issues. Although the individual practice of religion is alive and well in Turkey, group, institutional, and public practice is heavily restricted, and the modern political currents are testing Turkey's growth and development in this area.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Status

(3) Article 5 of Turkey's Constitution declares that the nation's purpose is "to provide the conditions required for the development of the individual's material and spiritual existence." The Constitution establishes firm protection for individual religious rights; Article 10 prohibits discrimination based on religious affiliation and Article 24 emphatically establishes the freedom of religion. Citizens are free, under the Constitution, to adhere to any religious belief of their choosing. Despite this affirmed support for spiritual development and stated protections of religious freedom, the Constitution creates a web of provisions restricting religion. The Preamble explicitly prohibits religious groups from interfering with government and political affairs. Additionally, the state may interfere in religious practice. No religious practice can in any way violate the Constitution or threaten the inviolability of the state. Furthermore, Article 24 also provides for government control over religious education. State control over religion is further provided for in various laws, regulations, and policies.

(4) In addition to the Constitution, the 1923 Treaty of Lausanne provides protections for non-Muslim religious minorities. However, the government interpreted this treaty as recognizing only three minority religious groups: Greek Orthodox Christians, Armenian Orthodox Christians and Jews. These groups were given special legal minority status, but the protections they gained under this title do not reach to their leadership. Other minority religious groups do not even receive these minimal protections.

(5) Turkey requires religious organizations to register with the state, thereby allowing the state to oversee religious affairs. As the official state sanctioned version of Islam, the Sunni majority in Turkey is not bothered by this regulation. However, minority Muslim sects and other religious groups must navigate a maze of policies and regulations that do not always allow for a completely free practice of religion. The Alevis, a secular branch of Islam that is considered "heretical" by mainstream Muslims, is not allowed to register as a separate religious group and is considered a de-facto portion of the Sunni community. As a result they are often unable to establish their own houses of worship and are subject to the laws applicable to the Sunni population. The Shi'a community also cannot register as a separate entity and is forced to fall under the umbrella of the Sunni community. The Armenian Orthodox, Greek Orthodox, and Jewish communities are recognized as having special legal minority status, which means that individuals within these communities can practice freely, but their religious institutions cannot function fully in Turkish society. The remaining religions in Turkey are forced to register under a different set of regulations, which limits their legal standing even further. Lack of full legal standing for many religious groups has been problematic over the years, generating disputes over property, religious education, and training clergy.

(6) Religious groups that are not registered through the Directorate for Religious Affairs, the Diyanet, which includes all non-Muslim religious organizations, must register either as an association or foundation. Technically both types of

organizations are equal under the law, but operating as a foundation gives a religious group more financial flexibility. Associations must be non-profit and can only generate income through donations. A foundation, on the other hand, can create companies to provide financial support and assistance. Associations are beneficial because it takes less time and money to complete the registration process, which is why many small religious groups in Turkey choose this option. Foundations have greater legal protections and are the only way a religious organization can own property. All religious organizations in Turkey that are not governed by the Diyanet, are governed by the General Directorate for Foundations (GDF). The GDF monitors religious organizations to ensure they are operating in accordance with their founding objectives, and that they are not “promoting a religion”, which is illegal under the foundation law.

(7) The foundation law was amended in 2008 to facilitate the return of property that was expropriated from religious organizations in 1974. The government required all religious organizations to declare their sources of income in 1936. These declarations were then used in 1974 as a cut-off point for property ownership. In 1974, The High Court of Appeals ruled that religious foundations do not have the right to acquire property. Subsequently, any property that was not in their 1936 declaration was seized by the state. The 2008 changes to the foundation law overturn this ruling and religious minority foundations now have the right to acquire property. However, they cannot reclaim their seized property if it was sold to a third party. Unfortunately, this includes most of the property confiscated by the government.

(8) The ruling AK Party (AKP) has attempted to make significant legal changes that would allow for greater public expression of religion. One of the most prominent issues of debate about public displays of religion is religious dress, particularly the headscarf, or hijab, that many pious Muslim women wear. Since 1980, Turkish law prohibited women from wearing the hijab while teaching in a university, studying in a university, holding state employment, working as lawyers, holding seats in parliament, or even entering some government property. Thus, these laws forced women to choose between adhering to their religious beliefs or living a life devoid of educational or political opportunity. It is not only the Muslim women who suffered under these laws, advocates for headscarf laws and members of the military whose wives wear headscarves were also been punished. The AK Party introduced constitutional reforms that would lift the ban on the hijab in universities, but were met with strong resistance. In March 2008, a public prosecutor who viewed these changes as violating Turkish secularism and nationalism filed a law suit with the Constitutional Court to shut down the AK Party and ban AK officials from politics for five years; some have called this a judicial coup d'etat. In an astonishing decision the court agreed to hear the case, and ruled 6-5 against AKP. However, the Constitutional Court needed a seven-vote majority to ban AKP and ended up depriving AKP of public funding for a year, thus, sending the message that the AKP is threatening

Turkish secularism. In early July 2008, the Constitutional Court overturned the AKP's law that lifted the ban on hijabs.

Official Instances of Discrimination and Abuse

(9) The impact of the registration requirements on different religious organizations varies based on the group's interests. Despite the fact that they constitute 20 percent of the Muslim population, the Alevis are not allowed to register as an independent Muslim group and are forced to act, legally, as members of the larger Turkish Muslim community, which is dominated by the Sunni sect. They are forced to use state-approved Sunni Imams, who are often ignorant or hostile to the Alevis' unique religious tenets. Some Alevi groups have had difficulty building or accessing their own meeting houses. In fact, the government refuses to call them mosques and instead refers to them as "cultural centers," denying them many of the protections and benefits afforded to the "mainline" mosques. The Diyanet refuses to fund Alevi groups, which means that all of the money for Islam in Turkey goes to the Sunni community. Additionally, Alevi children must attend Sunni religious education classes run by the state. In October 2007, the European Court of Human Rights declared that this mandatory state-sponsored religious education denied "the right of parents to ensure education in conformity with their own religious convictions." The Alevis are now waiting for the Turkish courts to implement this ruling.

(10) Some of Turkey's discrimination against religious minorities is not simply a religious dispute. One of the core elements of Turkish nationalism is the inviolability of the state. Thus, anything that could challenge Turkey's sovereignty, particularly ethnic minorities living in Turkey, is considered suspect. At the beginning of the Republic there were over 200,000 Greek Orthodox Christians living in Turkey. Anti-Greek sentiment throughout the country led to riots in 1955 cutting the community's population in half. Continuing discrimination has pushed the Greek Orthodox to near extinction in Turkey. One regulation that has severely restricted the church's ability to grow is the requirement that all candidates for the position of Patriarch, the head of the Greek Orthodox Church in Turkey who is also known as the Patriarch of Constantinople or the Ecumenical Patriarch, and for all positions in the Church's Holy Synod, be Turkish Citizens. Furthermore, Turkey will not allow the Patriarch to use the title "Ecumenical Patriarch" because this title implies that the Patriarch serves constituencies around the globe, and Turkey only recognizes the Patriarch's authority as the head of the small and dwindling Turkish Greek Orthodox Church. The Greek Orthodox Church in Turkey attempted to force the government to recognize the Patriarch's full worldwide standing in the Orthodox community, but the High Court of Appeals ruled in the government's favor.

(11) In 1971, the Turkish government nationalized all private universities, including religious education institutions. This resulted in the closure of many religious schools including the Halki School of Theology on Heybeli Island, which

was a prominent world-wide training facility for Greek Orthodox religious leaders and laypeople since the 19th century. The government conditioned the schools' reopening upon a number of regulations including a requirement that all students be Turkish citizens. The government argues that these restrictions are necessary to prevent radical Islamic groups from opening their own religious schools that could spread a violent and extremist form of Islam among the Turkish people. However, these restrictions disproportionately burden the nation's religious minorities, particularly the Greek Orthodox Church. Because the Greek Orthodox population in Turkey has fallen below 3,000, they do not have a large enough population to maintain and support the Halki School. In approximately one generation, the Greek Orthodox population will no longer have the capacity to train new theological leaders, meaning that within a few years there will be no one eligible to fill the position of Patriarch of Constantinople. Without a leader, Turkey's ancient Greek Orthodox minority faces extinction and may become a victim of a silent genocide as their population, religion, and culture are eroded by the Turkish government's hard-line position against religious expression and suspicion of all ethnic minorities.

(12) The anti-religion facet of Turkey's extreme form of nationalism is not only affecting religious groups. Hanat Dink, a well respected Armenian journalist in Turkey, was convicted under Article 301 of the Penal Code for using the term Armenian genocide because the government considered this phrase offensive to "Turkishness". His sentence was suspended due to external pressure, but other Turks were not satisfied with this result and in January 2007 Dink was murdered. A closed trial for Hink's alleged murderers began in July of 2007 and there is also an investigation into possible collusion by local police. Amnesty International claims that Dink repeatedly reported threats on his life to the prosecutor, but that no steps were taken to protect him.

(13) Dink is not the only person convicted under the laws prohibiting "insulting Turkishness." This law has been a primary method of forcing Turkish intellectuals, such as Nobel laureate Orhan Pamuk, and religious leaders, to follow the party line. Several Christians were recently prosecuted for "insulting Turkishness" by converting from Islam to Christianity, allegedly inciting hatred against Islam, and discussing their faith with others. Street evangelists have repeatedly been jailed for either insulting Islam or Turkishness during the course of their activities.

(14) Dink also is not the only victim of religious-based violence. In January 2007, a protestant church in Samsun was vandalized, and in April three workers at a Bible house in Malatya were murdered. A fourth worker at the Bible house was severely injured when he jumped out of a window to avoid being killed. Persons choosing to convert from Islam have been derided and harassed by neighbors and other community members. The increase in religiously based attacks is creating an atmosphere of suspicion and diminished religious freedom.

Conclusion

(15) Despite ongoing religious freedom issues in Turkey, most religious individuals and groups claim that significant progress has been made due, in part, to government reforms within the process of becoming a full EU member. Many problems do persist including issues with property, the right to train clergy, the right to provide religious education, and the right to publicly display religious belief. Additionally, Turkey's ruling party, the AKP, is fighting a cultural war against more secular critics who claim the AKP is trying to install *sharia* law. Turkey has taken a number of important steps towards reducing infringements upon religious liberty but more needs to be done to ensure Turkey's compliance with international human rights standards. By fostering an environment of dialogue and cooperation, the AK Party can take additional steps towards securing religious freedom in Turkey and enhancing Turkey's standing on the world stage.