

Institute on Religion and Public Policy Report:

Religious Freedom in the Republic of Turkey

Executive Summary

(1) The 1982 Constitution provides for the freedom of religion. However, the Turkish government has laws requiring it to be completely secular, and therefore limits some free exercise of religion in the public sphere. Headscarves have been banned in state universities and public buildings. Only the religious groups recognized by the government are allowed to operate schools. Minority religions occasionally face abuse and discrimination for trying to practice their religion. Although the practice of religion in Turkey is generally free, the secularism of the government has restricted this right.

Institute on Religion and Public Policy

(2) 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. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

History of Religious Freedom and Politics in Turkey

(3) The Republic of Turkey was founded by Mustafa Kemal Ataturk in 1923, after the fall of the Ottoman Empire. Under what is called Kemalism, Turkey adopted a completely secular form of government. Under Kemalism, the government is to have absolutely no role in religion, and vice versa. Currently, the Turkish government estimates that 99 percent of the population is Muslim, the majority of which is Hanafi Sunni. As part of the 1923 Lausanne Treaty, which settled the partitioning of the Ottoman Empire, the Turkish Government officially recognizes only three minority religious communities: Greek Orthodox Christians, Armenian Orthodox Christians, and Jews. However, other non-Muslim minority religions do exist in Turkey.

(4) In addition to the Sunni Muslim majority, there are between 10 million and 20 million Alevi, followers of a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religious groups indigenous

to Anatolia as well. The Government considers Alevism a heterodox Muslim sect, but some Alevis and Sunnis maintain that Alevis are not Muslims.

Current Legal Status

(5) The 1982 Constitution guarantees freedom of religion, and other laws and policies allow for the generally free exercise of religion. The Constitution guarantees the freedom of belief, worship, and the private dissemination of religious ideas. The Constitution also prohibits discrimination on religious grounds. There are legal restrictions against insulting any religion recognized by the government, interfering with a religious group's services, or defacing its property.

(6) In Turkey, any organization can register as an association or a foundation. Registering as an association is much easier and more affordable than registering as a foundation, and the law on foundations prohibits the establishment of a foundation with the objective of promoting a religion. Associations can include the support of religion in their bylaws, but not the promotion of one. The only way that a religious group can hold real estate is if it registers as a foundation. A government agency called the General Directorate for Foundations (GDF) regulates activities of all religious groups and their property. In 1936, the Turkish government required all foundations to declare their sources of income. In 1974, the High Court of Appeals ruled that the minority foundations had no right to acquire properties beyond those listed in the 1936 declarations. The court's ruling launched a process under which the state seized control of properties acquired after 1936. In February 2008, Parliament passed a law that returned property taken away as a result of the 1974 court decision. However, this law did not account for property that was sold to third parties or expropriated under the authority of the GDF. However, this 2008 law does allow for minority foundations to apply for property ownership.

(7) The Turkish Constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities find it difficult to obtain exemptions, particularly if their identification cards do not list a religion other than Islam. The Government claims that the religion courses cover the range of world religions, but religious minorities say that the courses reflect Hanafi Sunni Islamic doctrine. Alevi children receive the same compulsory religious education as all Muslims, and many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes in public schools.

(8) The three officially recognized religious minorities may operate schools under the supervision of the Ministry of Education. The curriculum of these schools includes Greek Orthodox, Armenian Orthodox, and Jewish instruction. Additionally, regulations have made it somewhat difficult for non-Muslims to register and attend these schools. The Ministry of National Education reportedly

checks to make sure that the child's father or mother is from that minority community before the child may enroll. Moreover, non-Muslim minorities that are not officially recognized do not have schools of their own. Since non-recognized, non-Muslim minorities cannot be admitted to non-Muslim schools and cannot have schools of their own; they must attend state schools that teach Hanafi Sunni Islamic doctrine. Although these students are exempt from religion class, there is influence of Hanafi Sunni beliefs in other classes as well. Further, these minority religion children face the stigma of not attending religion class in an almost entirely Muslim country.

Specific Instances of Religious Discrimination

(9) Laws establishing Turkey as a secular state can inhibit the free exercise of religion in public or social life. The military, judiciary, and other branches of government bureaucracy are entrusted with maintaining secularism. This has led to several instances where an individual has been unable to practice his religion in the name of the secular state. Civil servants who are suspected of anti-state or Islamist activities have been fired or barred from promotion. Religiously observant Muslims have been dismissed from military service. Soldiers have been charged with lack of discipline by the military for performing religious activities, such as Islamic prayers or for being married to women who wore headscarves.

(10) Although Jehovah's Witnesses were certified as an association, they still face difficulties as a result of their status as conscientious objectors to military service. They report that their members have faced abuse, including arrests, court hearings, verbal and physical abuse, sleep deprivation, strip searches, and psychiatric evaluations. Further, their worship has been restricted due to zoning laws. Many religious minorities reported difficulties opening, maintaining, and operating houses of worship. Under zoning laws, religious worship may only occur in designated areas. Only religions that have legal standing in the country are allowed to have a site designated for them. Non-Muslim religious services, especially for religious groups that do not own property recognized by the GDF, often take place on diplomatic property or in private apartments. Police occasionally barred Christians from holding services in private apartments, and prosecutors have opened cases against Christians for holding unauthorized gatherings. Alevis have had greater success than other minority religions in being able to practice their beliefs. Alevi places of worship, called cem houses, have been built, although they do not have legal status as places of worship. However, Alevis claim that they face difficulty building more cem houses, and the currently existing ones are not sufficient to meet their needs.

(11) The Turkish government has placed significant restrictions on the administration of Eastern Orthodox churches. The government does not recognize the ecumenical status of the Greek Orthodox Patriarch, but only acknowledges him as the head of the country's Greek Orthodox community.

The Caferis, the country's Shi'a community of Azeri-Iranian origin, concentrated mostly in the eastern part of the country and Istanbul, do not face restrictions on their religious freedoms. They build and operate their own mosques and appoint their own imams, but as with the Alevi, their places of worship have no legal status and receive no support from the government.

(12) The state provides training for Sunni Islamic clergy. Other religious communities cannot legally train their clergy in the country. All religious community leaders, including patriarchs and chief rabbis, must be citizens. This means that clergy from outside the country must obtain Turkish citizenship to lead a community, or that Turks must leave the country to train to become clergy.

(13) Only the Presidency of Religious Affairs, called the Diyanet, is authorized to provide religion courses outside of school, although clandestine private courses exist. It has been reported that law enforcement often raid private classes illegally taught without authorization from the Diyanet.

(14) No law prohibits religious speech or religious conversions. However, police occasionally prevented Christians from handing out religious literature. Further, proselytizing is often considered socially unacceptable. Christians engaged in religious advocacy were occasionally beaten and insulted. If the advocates were foreigners, they might have been deported, but generally they were able to reenter the country. Police officers may report students who meet with Christian missionaries to their families or to university authorities. Moreover, the Penal Code prohibits imams, priests, rabbis, or other religious leaders from "reproaching or vilifying" the Government or the laws of the state while performing their duties. Violations are punishable by prison terms of 1 month to 1 year, or 3 months to 2 years if the crime involves inciting others to disobey the law.

(15) University students are not allowed to wear headscarves in state universities. In February 2008, the government enacted an amendment that was intended to lift this ban. However, this amendment was appealed to the Constitutional Court, which annulled the amendment and reinstated the ban. In addition to university students, civil servants are also banned from wearing headscarves in public buildings. Women who defy this ban have been disciplined or have lost their jobs.

(16) Even though the 1982 Constitution provides that no one should be made to reveal their religious beliefs, religious affiliation is listed on national identity cards. Only a select few religions are listed as an option during registration. Moreover, it has been reported that local officials harassed persons who tried to change their registration from Islam to some other religion.

(17) In April 2007, three Christians were killed in the Malatya province of Turkey. One of these victims was denied a Christian burial and given an Islamic burial instead. Another victim, a German, was buried in a private Armenian cemetery in Malatya after the Governor of Malatya initially refused to allow the burial, saying that no Christian should be buried in the country's soil.

(18) In July 2009, WWRN reported that a German citizen was killed after exiting St. Anthony Catholic Church in Istanbul. According to the source, Gregor Kerkeling was killed by a mentally ill Turkish man with anti-Christian sentiments.

(19) In September 2009, Asian News reported that 90 Christian tombstones were desecrated at the Valukli monastery in Istanbul. No local press reported the incident and authorities did not seek to apprehend the perpetrators.

(20) In October 2009, Forum 18 summarized significant religious freedom developments in Turkey. Alevi Muslims have sought redress for past discriminations and property disputes. However, they ended dialogue with the government when no substantive changes occurred. Likewise, meetings between the government and Orthodox leadership, including the Ecumenical Patriarch Bartholomew, have not resolved any of the longstanding issues such as the

United States Foreign Policy

(21) The U.S. Government discusses religious freedom with the Government and state institutions as part of its overall policy to promote human rights. The U.S. Embassy has met with leaders of both the Muslim majority and other religious groups. The Ambassador has discussed religious freedom issues with members of the cabinet. These conversations regarded the government policy in regards to Islam and other religious groups, as well as specific instances of religious discrimination.

Conclusion

(22) Turkey's government is founded on the principle of secularism. At times, this is used to justify laws that inhibit the free exercise of religion. Although the Constitution of 1982 provides for the free exercise of religion, non-Muslim minority religions still face difficulty in exercising their beliefs. Religious groups have trouble gaining the recognition required to own real property. Even Muslims have their free exercise of religion restricted, as they cannot wear headscarves in universities or public buildings. Civil servants who are devout face discipline or losing their jobs if they practice their religion. Even though the Turkish Constitution seems to guarantee the free exercise of religion, in reality, that right is severely restricted.