

16 January 2014

TURKEY: Religious freedom survey, January 2014

By Mine Yildirim, @inancozgurlugu (<https://x.com/inancozgurlugu>)

Turkey continues long-standing interferences in the right to freedom of religion or belief, Forum 18 News Service notes in its religious freedom survey. Issues include: the ban on any religious or belief community having legal personality (stopping them owning places of worship); some aspects of the Diyanet's activities obstruct the exercise of freedom of religion or belief by some Muslim and non-Muslim individuals and groups; barriers to using and acquiring places of worship; serious restrictions on conscientious objection to military service; discrimination related to public service posts and activities; the right to teach a religion or belief including to train clergy being severely restricted; compulsory school instruction in Islam with limited exemption possibilities; being forced to declare a religion or belief on identity cards; atheists being prosecuted for exercising the linked rights of freedom of religion or belief and of expression; and interference in some religious communities' choice of leaders. Piecemeal and selective changes have proved inadequate to protect freedom of religion or belief effectively.

The Turkish government continues long-standing practices incompatible with its international obligations on freedom of religion or belief, despite opportunities for positive change, Forum 18 News Service notes in its religious freedom survey. For example, a long-standing crucial issue is that Turkey permits no religious or belief community to exist in its own right with full legal status - such as the right to own places of worship and the legal protection religious communities normally have in states under the rule of law. Turkish human rights defenders have expressed disappointment at the government's failure to fully implement its international obligations to defend freedom of religion and belief, as well as related human rights such as freedom of expression.

Political background

Demands for an effective legislative and practical framework for the protection of freedom of religion or belief for all remain unmet. Missed opportunities to achieve this have included the new Constitution-making process and the government's various democratisation initiatives. Turkish civil society initiatives on human rights issues, as well as statements and judgments by international human rights monitoring bodies such as the European Court of Human Rights (ECtHR) in Strasbourg, have all provided further opportunities for positive change. But the ruling Justice and Development Party (AKP) has not used these opportunities.

The AKP may have reached its limits in implementing effective protection of the right to freedom of religion or belief. This has been demonstrated in its failure to observe "the State's duty of neutrality and impartiality", as the ECtHR phrases it in judgments under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) in a number of cases. The AKP's approach has also prevented the state from protecting the pluralism that exists in Turkish society. The unrest following the government's dismissal of 2013's Gezi Park protests in Istanbul (which demanded among other things greater protection of human rights), as well as claims of corruption in the state administration, have led to instability. This offers little hope that further democratisation reforms will follow in the near future, including in the field of freedom of religion or belief.

Constitution drafting

The Constitution drafting process, which started in 2011, failed to produce a text that could be submitted to the Grand National Assembly for the adoption of a new and democratic constitution. This process was supposed to see the various political parties seek consensus. But the Constitutional Reconciliation Commission (AUK), which was tasked with the drafting, stopped functioning following the statements of AUK head Cemil Cicek in November 2013 that he had no hopes that the AUK would be able to draft the new Constitution.

Under the proposed new Constitution's section entitled Fundamental Rights and Freedoms, key issues the various political parties have strongly disagreed about have included: the definition of citizenship, the right to freedom of religion or belief, equality, and education in a person's mother tongue.

All parties have agreed on the protection of the right to have, not to have, and to change one's religion or belief. Some proposals from various parties would have taken the new Constitution closer to Article 9 ("Freedom of thought, conscience and religion") of the ECHR in allowing the right to manifest a religion or belief in worship, teaching, practice and observance.

But the main opposition Republican People's Party (CHP) did not change its historic position restricting the right to manifest a religion or belief in teaching, and requiring the state to provide religious instruction. However, the CHP and the Peace and Democracy Party (BDP) proposed the inclusion of a statement that the state will maintain equal distance to beliefs and take into account the religious pluralism in society in its dealings concerning religion or belief. But the AKP and the Nationalist Movement Party (MHP) opposed this.

The controversial compulsory secondary school Religious Culture and Knowledge of Ethics (RCKE) courses (which instruct pupils in Sunni Islam and which the ECtHR has required Turkey to change and provide real exemptions from) were opposed by the CHP and BDP. But the AKP and MHP wanted to keep RCKE lessons. The right to conscientious objection to compulsory military service was proposed by the BDP. But no other party accepted this.

The BDP also proposed abolishing the Diyanet, or Presidency of Religious Affairs (which reports to the Prime Minister and is funded by the state). But no other parties backed this proposal. The CHP argued that the Diyanet should serve the population while taking into account religious pluralism.

Despite the BDP putting forward proposals to bring the Constitution into line with international human rights standards, freedom of religion or belief in the new Constitution is unlikely to include a provision that is in line with international law.

Indeed, in April 2012 the Constitutional Court (AYM) established a new jurisprudence on "Turkish secularism" (laiklik), which ignored international human rights obligations. The AYM did this by attributing to the state a positive obligation to provide Islamic religious teaching, and so in practice to continue to restrict the rights of others to teach their religion or belief. This has wide and possibly unforeseeable implications, not least as the AYM's perception of Turkish society is strikingly at odds with the reality of today's diverse society. But the AYM decision does match the observable AKP approach to freedom of religion or belief.

Legal personality

No religious or belief community has legal personality – whether Muslim, Jewish, Armenian Apostolic, Greek Orthodox, Syriac Orthodox, Catholic, Protestant, Baha'i, Jehovah's Witness, atheist, or any other. This is directly contrary to Turkey's international human rights obligations.

Religious or belief communities' representative bodies - such as the Greek Orthodox and Armenian Apostolic Patriarchates or the Jewish Chief Rabbinate - also have no legal personality. The communities are therefore deprived of rights, such as the right to own or hire property (for example as a place of worship), to establish charitable organisations, to open a bank account, or to sign contracts.

Other kinds of legal vehicles – whether associations or foundations – are not suitable to the nature of belief communities and do not correspond to independent legal personality. Both associations and foundations also face sometimes formidable bureaucratic obstacles.

It is possible for members of religious communities to gain legal status as associations, a route followed by some Protestants and Jehovah's Witnesses. In theory such associations have legal personality and can own property in their own name, though this does not mean that religious communities as such own the property. Nevertheless, at the absence of a proper legal entity status for belief communities, the association model has breathed life into the functioning of religious communities vis a vis the state- public authorities.

The other legal entity status available is the foundation, but Civil Code Article 102 prevents such entities being designated to support a particular religious community. The only exceptions are the community foundations of the non-Muslim religious communities protected under the 1923 Lausanne Treaty (such as the Armenian Apostolic, Greek Orthodox, and Jews). They cannot establish new community foundations and are restricted to institutions founded under the Ottoman Empire. The 2008 Foundations Law enables these foundations to undertake activities such as selling property, which they could not do before. Yet all these foundations are run by individuals, who may not be clergy, and the foundations cannot be run by a church or synagogue community as such.

Alevi and other Sunni Islamic groups cannot have legal personality under the 1925 Law No. 677 ("Closure of Dervish Convents and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles"). This Law also, among other things, closed Alevi places of worship and prevents their leaders from using their religious titles. This Law is protected under the Constitution and cannot be amended. It is unlikely that the issue of legal personality can be resolved without addressing this very sensitive issue for the modern Republic's relationship with religious communities.

Belief communities- since they do not have legal personality - cannot as themselves seek legal remedies. This denies them the chance to as themselves take legal action to defend their freedom of religion or belief. This is a fundamental problem which, if rectified, would offer the possibility of addressing the many other problems affecting freedom of religion or belief in Turkey.

Achieving legal status for all would not solve all problems, but the changes in official and social attitudes necessary would help resolve the other problems.

Legal personality, property, and places of worship

The right to establish, own, and maintain places of worship is an integral part of the right to manifest religion or belief set out in the international human rights standards Turkey is a party to. Yet religious communities face serious obstacles – both formal and informal – preventing this right being effectively protected.

The right to acquire legal personality and the right to property are closely connected. For example, the Catholic Church continues to lose property as a result of lack of legal personality. The land and property of Santa Maria church in Izmir was transferred to the State Treasury in June 2013, as noted in the Norwegian Helsinki Committee: Turkey Freedom of Belief Initiative's (NHC:İÖG) January – June 2013 monitoring report. As it is not allowed by the state to have legal personality, the Church could not legally establish its ownership of the property.

An adequate form of legal personality for religious communities themselves is a requirement under Turkey's international human rights obligations. Its absence leads to situations such as the many Armenian church buildings in Anatolia being owned by individuals, not the community itself, as Istanbul-based Armenian weekly Agos noted in August 2013. Many of these individuals want to transfer or sell these buildings (which are often in serious need of restoration) to the Armenian Patriarchate. Yet this is not possible, as the Patriarchate has no legal personality and therefore cannot own property. The future of these buildings is thus uncertain.

The other option available is to transfer them to the Culture and Tourism Ministry, which could restore them. The Ministry does not open the church buildings for worship, however, but turns them into museums. This has been the case with the Cathedral of the Holy Cross on Akhtamar Island near Van, where Armenian church services have been permitted only once a year.

Some steps have been taken to return some of the property confiscated from some non-Muslim communities during the Republic's existence since 1924. But no steps have been taken to return property confiscated from, for example, Alevis and Catholics. The August 2011 Legislative Decree on the return of property to non-Muslim community foundations, and the 7 October 2013 decision to return land wrongfully confiscated by the state to the Syriac Orthodox Mor Gabriel Monastery (which predates by centuries the arrival of the Turks in Turkey) were positive. But legal cases continue against the Monastery and its employees.

An opening for Alevis?

The AKP government's "Alevi opening", which started in 2010, has failed to produce any concrete result to protect the freedom of religion or belief of Turkey's Alevi community – which may be as large as one third of the population. The Alevis' basic demands have remained the same for decades. They include: recognition of Alevi cem houses (cemevi) as place of worship; abolishing compulsory school RKE courses (also required by the ECtHR in Strasbourg); and elimination of discrimination and freedom of religion or belief violations caused by the Diyanet. This is a community whose freedom of religion or belief problems the government has repeatedly claimed it will resolve.

Provincial governors justify the rejection of applications for place of worship status for cem houses by reference to the 2004 Diyanet Communication that the places of worship of Muslims are mosques. A request to the Grand National Assembly, by Alevi CHP parliamentary deputy Hüseyin Aygün, for a cem house to be established in the Grand National Assembly building was denied in July 2012 by the Head of the Assembly, due to the same non-legally binding Diyanet Communication.

According to March 2013 official figures from the Interior Ministry, 937 cem houses exist, but none has place of worship status.

The lack of any solution to the Alevis' problems in the Government's October 2013 Democratisation Package disappointed both Alevis and those who want to see the right to freedom of religion or belief for all protected. Following criticism, the government claimed that it is working on a separate "Alevi package". But the content of this package is unknown, and there has been no dialogue on it with Alevi representatives.

The Diyanet

The Diyanet or Presidency of Religious Affairs, which reports to the Prime Minister, exerts a large influence on the extent to which freedom of religion or belief can be enjoyed in Turkey. Only the Diyanet can administer mosques (which must all be Sunni), and like all other religious communities the Islamic community and groups within it do not have independent legal personality. Massive state financial and institutional support for the Diyanet along with its activities - including its biases against some Muslim and non-Muslim groups - make it difficult for individuals or belief communities outside the Diyanet's structures to exercise freedom of religion or belief.

For example, non-recognition of Alevi cem houses (cemevi) as places of worship is based on an opinion by the Diyanet – which

does not in Turkish law have binding legal force. A Communication (No. 1773), sent by the Diyanet to the Interior Ministry on 17 December 2004, states that: "It is not possible to consider cemevi and other places as places of worship because Alevism, which is a sub-group within Islam, cannot have a place of worship other than mosques or mescit that are common places of worship within Islam".

In a case relating to the establishment of an Alevi association which referred to cemevi as a place of worship in its statute, the Associations Directorate of the Ministry of Interior on 30 March 2005 sent a letter (No. 1277) to the Ankara Governorship, referring to this Diyanet opinion. The Interior Ministry asked an Alevi association, the Cankaya Cemevi Building Association (CCBA), to remove references to cemevi as a place of worship from its statute. The CCBA refused to do this when the Ankara Governorship wrote to them requesting this, stating that for all Alevis cemevi are accepted as places of worship. The Governorship then initiated a court case via the Ankara Prosecutor's Office to close the CCBA down.

The Alevis have protested strongly against this, not least as the Diyanet opinion has no legal force and they object to their religious community being made subject to the opinions of another religious community. The state's interference in Alevi internal religious affairs by attempting to dictate whether or not cemevi are places of worship, as well as its subjugation of one religious community to the dictates of a public religious institution, seems indeed incompatible with international law. Were a case to reach the ECtHR in Strasbourg, Turkey would very likely lose.

The AKP has increased the Diyanet's influence, without addressing its current incompatibility with Turkey's human rights obligations. Despite the need for change in the Diyanet-state relationship, the government has dismissed civil society proposals for change as "unjust" and "too assertive for such a sensitive issue".

Problems faced by de facto places of worship

It is in fact, if not in law, possible for Alevis and other communities, such as Protestants, to worship in a building not having legal place of worship status. But there are legal, financial and social consequences.

Legally, gathering for worship in a building that is not legally recognised, or calling it a cem house (cemevi), church or similar name may - albeit seldom - result in prosecution. In Istanbul a Protestant was prosecuted on 25 May 2010 for calling his association (established for running seminars on Christianity) a church. He was acquitted when he stated that his poor Turkish as a foreigner led him to wrongly describe his legal association as a church. On occasion, local police have formally warned a number of self-described churches without legal place of worship status, but with a link to legal status as associations, that worship in their buildings is unlawful. The reason given is that the buildings are association buildings and not appropriate for worship purposes.

Financially, legally recognised places of worship enjoy certain exemptions from a number of taxes, for instance, property tax, and electricity and water charges. Belief communities whose buildings do not have legal place of worship status cannot enjoy these benefits.

Having a legally-recognised place of worship gives a religious community a high social standing. This helps its followers not to be seen by state officials and the general public as being on the margins of society and public life. This is important in Turkish society – not least for those communities whose followers may be at risk of violent attack (see below).

Planning regulations

Local planning regulations, prepared by municipalities, have detailed Implementation Guidelines for what are referred to as "religious facilities". These guidelines also contain detailed structural and construction requirements. For example, the Greater Izmir Municipality's Guidelines require a place of worship to have an at least 2,500 square metre [27,000 square foot] plot of land in newly developing areas. This is beyond the means of small religious communities, and they normally do not want such large buildings.

Religious communities have also found that municipalities allocate no space for places of worship other than mosques. For example, Protestants and Jehovah's Witnesses are normally unsuccessful in securing the designation of land they acquire as being for places of worship. When they ask local municipalities for suitable plots to build new places of worship they are normally refused, as it is claimed that no suitable plot exists.

In Ankara the Association of Kurtulus Churches (a Turkish Protestant denomination) in 2010 told Forum 18 that it had for a long time been applying to the municipality for a plot or building to use for a place of worship. They were repeatedly told until 2013 that no land or building was available. Then the local Cankaya Municipality offered the Association a number of suitable places. Yet the Association's first choice was allocated for the construction of a mosque. The Association made a second choice, and the municipality is now waiting for a response from the state National Property Institution which owns the land.

None of the applications of Jehovah's Witnesses for their Kingdom Halls have been successful. In 2013 they have filed a case to the ECtHR on this, and no admissibility decision has been made. If accepted, this will be the first such ECtHR case on places of worship in Turkey and so is important for all religious and belief communities.

Conscientious objection

The right to conscientious objection to military service is part of the freedom of religion or belief, but this right is not protected in Turkey. This has led to numerous judgments against Turkey following the ECtHR's July 2011 *Bayatyan v. Armenia* decision (Application no. 23459/03). In addition, in June 2012 the United Nations Human Rights Committee (UN HRC) ruled against Turkey in the cases of Jehovah's Witnesses *Cenk Atasoy and Arda Sarkut* (CCPR/C/104/D/1853-1854/2008). The UN HRC found that Turkey violates Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights by not recognising the right to conscientious objection.

The recognition in 2012 by two Turkish military courts of the right to conscientious objection under Article 9 ("Freedom of thought, conscience and religion") of the ECHR was important – although the judgments were both flawed and limited. The request of Barış Görmez, a Jehovah's Witness, for conscientious objection was accepted and he was acquitted of any criminal offence because his religious community is committed to conscientious objection. But that of Muhammed Serdar Delice, a Muslim, was rejected as the state-run Diyanet claimed that conscientious objection has no place in Islam.

In violation of the ECHR's Article 9, the judgments only recognised objectors who are members of groups that object to military service on intellectual, religious or political grounds. Also in violation of Article 9, they used selective theological arguments from the state-run Diyanet to exclude other objectors. As Muslim conscientious objector Delice commented, "regardless of one's religion, conscientious objection is everyone's right".

Turkey has not established a domestic legal framework to recognise this right in line with international human rights standards. ECtHR judgments require this, for example asking Turkey to establish an "effective and accessible procedure" to establish entitlement to conscientious objector status (*Savda v. Turkey* - Application no. 42730/05, June 2012). In addition, the UN HRCtee in the *Atasoy and Sarkut* communication asked Turkey to "suspend all proceedings against conscientious objectors and suspend all sentences already imposed". This has not happened to date [January 2014].

Equality in relation to the public sector?

In recent years restrictions on women wearing a headscarf have been lifted. A 2011 instruction from the Higher Education Council lifted the headscarf ban for university students. In November 2012 the Council of State suspended Bar rules restricting the use of the headscarf by lawyer interns. And in October 2013 the AKP's Democratisation Package lifted the ban on the headscarf for civil servants, except for those working in the judiciary, the military and police- as they wear uniforms it was explained.

Some AKP spokespeople justified this on equality grounds, and women's rights organisations were divided on the issue. Relatively little attention was paid to the contradiction of men wanting women to be able to wear the headscarf, and the same men also not taking steps to further women's participation in society and the public service as well as political processes. For example, the BDP and the main opposition CHP put forward a provision for the new Constitution that "in the formation of administrative organs the principle of gender equality will be observed". But the AKP and the opposition MHP opposed this.

Other areas of discrimination related to the public service have also not been addressed. The rights of those whom public servants - in education and the judiciary for example – are supposed to serve were barely discussed.

Non-Muslims continue to be under-represented in all areas of public service, and are unknown in senior positions in the military, judiciary, police and bureaucracy. Followers of non-Muslim beliefs would like to see members of their communities working in all parts and levels of the public sector. For them the accomplishment of this will mean real equality. Although no formal obstacles to the employment of non-Muslims in the public sector exist, the current situation indicates that informal obstacles persist.

Education

The right to teach a religion or belief is not protected in the Constitution, and is by far the most restricted part of freedom of religion or belief in Turkey. Instead, the Constitution regulates religious instruction and education saying that "Education and instruction in religion and ethics shall be conducted under state supervision and control." The state has the monopoly on both opening religious schools and determining obligatory or optional courses regarding religious education.

Private institutions cannot open Institutions to provide religious education. Under Article 3 of Law No. 5580 on Private Educational Institutions, "education institutions identical or similar to ones which provide religious education cannot be opened".

Despite declarations by senior officials and AKP members that the Greek Orthodox theological seminary on the island of Heybeliada (Halki) – closed by the state in 1971 - should be re-opened, the government has failed to enable this. The similar 1969 closure of the Armenian Apostolic Church's theological college in Üsküdar has been far less publicised, but its continued closure highlights the long-denied right of all religious or belief communities to run their own training establishments.

The compulsory Religious Culture and Knowledge of Ethics (RCKE) school course continues, including Sunni Islamic religious instruction, even though the ECtHR in Strasbourg and Turkey's Court of Cassation have held that RCKE lessons are incompatible with the country's human rights obligations. In the October 2007 ruling on the Hasan and Eylem Zengin v. Turkey case (Application no. 1448/04), the ECtHR ruled that Turkey should either change the course curriculum or introduce a real possibility of exemptions for all who wanted this.

In 2010 the Education Ministry introduced some changes to the RCKE curriculum and textbooks. But in June 2012 the Reform in Education Initiative found in a report that it is still incompatible with Turkey's human rights obligation to allow parents or legal guardians to raise their children in line with their religious or philosophical views.

Exemptions from the RCKE course are available only for those who can prove – by showing a copy of their identity card - that they are Christian or Jewish. No exemptions are allowed for atheists, agnostics, Islamic minorities, or followers of other faiths such as the Baha'is, Yezidis or Alevis. Choosing exemption from RCKE classes can be difficult even for those who are formally entitled to this, as in practice some children who do gain exemption have experienced ostracism and bullying from other children and discrimination from teachers - particularly in small towns and cities.

In the 2012-13 school year, the AKP introduced additional optional religion courses on the Koran, Basic Religious Knowledge (Islam), and the life of the Muslim Prophet Mohammed. In this first year of these courses some school administrations made them effectively compulsory by not offering other optional lessons due to a lack of teaching staff. Many parents did not feel that they could publicly protest at this, as they did not want their children to be discriminated against. The Education Ministry has taken some action to correct this, but whether these formally optional lessons will become truly optional nationwide remains to be seen.

But the inclusion of the possibility to establish schools to teach in a child's mother tongue in the October 2013 Democratisation Package was a positive step. Before 2013 only the so-called Lausanne minorities (recognised in the 1923 Lausanne Treaty) could open such schools. This development was particularly welcomed by the Syriac Orthodox community which has long suffered from being unable to teach its language to younger generations in school. The language is important for the continuation of their religious practices, as ancient Aramaic is used in this community's worship.

Discrimination and violence

The long-running trial in Malatya of those accused of murdering three Protestants from the local Zirve Publishing House in April 2007 continues to draw attention to the question of what causes such intolerance and violence. The length of this trial, and of the trials of those accused of murdering Armenian journalist Hrant Dink in January 2007, has cast doubt on their fairness and the determination of the state to see justice done.

During both trials, information has been uncovered linking the murders to elements within the military and civil bureaucracy. Such information has also been uncovered in the Ergenekon and Balyoz investigations of alleged "deep state" coup plotters. These elements of the "deep state" appear to have been involved in the planning and facilitation of the murders.

Whether the judiciary and other state officials are willing to bring such "deep state" elements to justice, and ensure all parts of the state obey the law remains to be seen. A number of state officials could not be investigated because their superiors did not give permission for investigations to be initiated related to the Dink case. Currently, following the mutual recriminations involving the AKP, the movement of the Muslim cleric Fethullah Gülen, and police corruption investigations, the retrial of earlier cases tried by specialised security courts is being discussed. If this happens, the Ergenekon, Balyoz and Zirve trials will also be retried – further delaying the possibility of justice for the victims, their families and their communities.

Unless all elements of the state are, when necessary, brought to legal responsibility, guaranteeing the safe and free existence of diverse belief groups in Turkey, including atheists and agnostics, will be impossible.

Sporadic violence against members of religious communities continues. According to the NHC:İÖG monitoring report, in 2013 attacks targeting places of worship took place against the New Hope Protestant Church in Atasehir, Ayois Ionis Orthodox Church in Burgazada, and the Gedikpasa Surp Hovhannes Armenian Church in Istanbul. This caused apprehension among smaller belief communities, including those not directly targeted.

An assassination plot against the Izmit Protestant Church's Pastor was foiled when police arrested the 20 people involved in the plot in January 2013. (Attacks by others, including an also-failed assassination plot, have also taken place.) But the Pastor has not been provided with police protection, church lawyers have not been given access to case files, and the church has been left to put security measures in place.

Media hostility against various religious groups is still a problem and limits their followers' ability to effectively enjoy the right to freedom of religion or belief. The Hrant Dink Foundation's Media Watch on Hate Speech report, covering the period May-August 2013, found that as has been the case previously, ethnic Armenians, Jews and Christians were in that order the subject of most religious hate discourse.

Fear of discrimination based on religious affiliation is widespread, the January 2014 NHC: IÖG monitoring report notes. But religious believers, atheists and agnostics are highly reluctant to use the existing weak legal remedies. To avoid discrimination, many people keep their religious affiliation secret and do not change the designation of "Islam" on their identity cards. Those of non-Turkish ethnic background use ethnic Turkish names, and many choose employment or social relations where their non-Sunni Muslim background would not be a problem.

Religion on identity cards

On identity cards citizens must either declare themselves as following one of a limited number of religions – atheism is not a possible choice - or leave the religion part of identity cards and the corresponding part of the Public Registry blank. This is despite a February 2010 ECtHR decision urging Turkish authorities to eliminate this section entirely (*Sinan Isik v. Turkey* - Application No. 21924/05).

Such a public declaration of religious identity makes people vulnerable to discrimination. This is because of the very many situations in daily life requiring identification to be shown, including: entry into certain buildings; dealings with the police; enrolling at school and university; voting in elections; applying for a mobile phone line; enlisting for compulsory military service; getting married; starting a new job; and withdrawing money in person from a bank. This means that many people can access this information, and in the Turkish context it therefore risks coercing people into declaring a religion or belief. There is an absolute prohibition on such coercion in international human rights law.

Although individuals may leave the religion section in their identity cards blank, this does not solve the problem as the overwhelming majority of Turkish people do not do this. This leads to people who are not Muslim thinking that they must declare themselves as Muslim to avoid discrimination based on their religious or non-religious beliefs. For example, this is happening in the families of ethnic Armenians in eastern Turkey who were during and after 1915 forced to become Muslims. Many of their descendants have now converted back to Christianity, yet prefer to leave the designation of Islam in their identity cards for fear of experiencing social exclusion and ostracism.

Atheists

Article 216 (3) of the Criminal Code criminalises "the denigration of the religious values of a certain group of the society where this act is conducive to disrupt public peace". This vague terminology is left to the judiciary to interpret and apply.

So far, Article 216 (3) has only been used against Turkish atheist critics of Islam. In 2013 Nisan Sevanyan (who criticised the Islamic prophet Mohammed) and Fazil Say (who announced on Twitter that he is an atheist) were sentenced to 10 month and 13 and a half month jail terms respectively. Both sentences were suspended. Trials of the Metis Publishing House for in 2010 publishing the *Illallah Diary* and of cartoonist Bahadır Baruter have been postponed. But in January 2014, 27 contributors (out of 40 who are being prosecuted) to the *EksiSözlük* (Sour Dictionary) were brought to trial under Article 216 (3) for denigrating Islam. The outcome of the legal process remains to be seen, but such prosecutions strongly encourage people to censor themselves. These proceedings send a message that atheists exercising the linked rights of freedom of religion or belief and freedom of expression are liable to prosecution and punishment.

Interference in some communities' choice of leaders

Turkey continues to interfere in the choices made by the Jewish, Greek Orthodox and Armenian Apostolic communities when they elect new leaders. These are, in the government's interpretation of the 1923 Lausanne Treaty, the only three recognised ethnic/religious communities. The election process is to a great extent outside of the control of the religious communities themselves, and is subject to arbitrary state decisions. As one person who has a leading role in one of the three communities told Forum 18 in 2010, "the procedure is defined throughout the process, with changes in criteria as well as reciprocal negotiations [with the state]". Commenting on the uncertainties within the process, they noted that "each election is different".

The future?

Contrary to Turkey's international human rights obligations, the country does not fully protect freedom of religion or belief. This would require drastic changes to both domestic law and official actions. Piecemeal and selective changes have proved inadequate as a way of protecting freedom of religion or belief.

With local elections due at the end of March and a presidential election due in August in an unstable political context, it appears unlikely that the AKP will prioritise advancing human rights including freedom of religion or belief. So it remains crucial that civil society initiatives to advance human rights are supported, in particular those advancing freedom of religion or belief. (END)

The Norwegian Helsinki Committee: Turkey Freedom of Belief Initiative's (NHC:IÖG) January – June 2013 monitoring report can be found at http://nhc.no/content/uploads/2018/11/Report_3_13_eng_web-1.pdf.

More analyses and commentaries on freedom of thought, conscience and belief in Turkey can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=68>.

Forum 18's previous November 2009 Forum 18 Turkey religious freedom survey can be found at http://www.forum18.org/archive.php?article_id=1379.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<http://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY